

THE WEEK IN WASHINGTON

Attorney General Robert H. Jackson announced that the Justice Department would bring criminal procedure under the anti-trust law against ASCAP, BMI, NBC and CBS. Next day, at a press conference, Thurman Arnold indicated that others might be indicted, too. (p. 1)

The Wage and Hour Division says that weekly salaries can be stabilized by prepayment of overtime when salaried employees work less than their regular work week. (p. 5)

Paul Peter, NAB Research Director, told the American Marketing Association convention that advertisers should "put more in radio". (p. 6)

A new plan for associate membership in the NAB has been approved by the Board of Directors. The country now has 50,100,000 receiving sets. (p. 7)

Radio engineers throughout the country are getting ready for the Ohio State University Engineering Conference starting February 10. (p. 8)

Neville Miller tells the country, in a broadcast, that the American System of Broadcasting is coming through the emergency period with flying colors. (p. 9)

The FCC has been asked to follow last year's procedure with regard to financial reports. The Commission sent its annual report to Congress without any recommendations for major broadcasting legislation. (p. 9)

Colonel Charles H. March has been elected chairman of the Federal Trade Commission for the coming year. The Commission discussed advertising at length in its report to Congress. (p. 11)

All proposed legislation affecting broadcasting dies with the adjournment of Congress January 3. Many of the bills listed in this issue will be reintroduced. (p. 13)

Starting with this issue, the page numbers of the NAB REPORTS will start with "one" with the start of each volume each January 1. This is to facilitate back reference.

BMI Developments

JUSTICE DEPARTMENT STEPS IN

Attorney General Robert H. Jackson announced December 26 that he had authorized Thurman Arnold, As-

sistant Attorney General in charge of the Antitrust Division, to institute criminal proceedings under the Sherman Act against the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., the National Broadcasting Company, and the Columbia Broadcasting System. The proceedings, he said, will be brought in Milwaukee, Wisconsin, immediately after the first of January, and will be based on the following charges:

1. The illegal pooling of most of the desirable copyright music available for radio broadcasting in order to eliminate competition and to monopolize the supply.
2. Illegal discrimination against users of copyright music.
3. Illegal discrimination against composers who are not members of ASCAP or Broadcast Music, Inc.
4. Withholding music from publication in order to exact fees not permitted by the copyright laws.
5. Illegal price fixing.
6. Restraining composers in their right to bargain for the sale of their own music.
7. Requiring users of music to pay for tunes on programs in which no music is played.
8. Mutual boycotts by ASCAP and by the broadcasting chains (through Broadcast Music, Inc.) in an attempt by each of these conflicting groups to obtain for themselves control over the supply of music by depriving the others of control, which boycotts threaten to restrain and obstruct the rendition over the radio of about ninety percent of the desirable modern copyright music.

Explaining the Department's decision to institute criminal proceedings, Assistant Attorney General Arnold said:

"For a number of years the Antitrust Division has received constant complaints against the activities of ASCAP. The original purpose of ASCAP was one which the Department recognizes to be legitimate, i.e., collective action to protect its members from piracy of their copyrights. Activities which further this purpose have not been questioned by the Department, and are not attacked in these proceedings. However, the Department for many years past has frequently called to the attention of ASCAP practices which went far beyond the necessity of protecting its members in their copyright privileges,—practices which were designed solely for the purpose of eliminating competition in the furnishing of music, and securing a monopoly control over the supply.

"Recently, through Broadcast Music, Inc. (an association controlled by the major broadcasting chains), the National Broadcasting Company and the Columbia Broadcasting System have engaged in, and threaten to continue on a larger and larger scale, restrictive practices similar to those which the Department charges were illegally instituted by ASCAP. It is claimed that these activities were necessary to protect the broadcasting chains from the illegal activities of ASCAP. The Department is not concerned with the

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BMI DEVELOPMENTS

(Continued from page 1)

question as to which organization was the aggressor. Each of these groups today is charged with using illegal methods to wrest the control of copyright music from the other. The threatened conflict is already in its first stage. The mutual boycotts already begun will hamper and obstruct the rendition of all copyrighted music over the radio and deprive the public of the privilege of hearing that music except on terms dictated by the victor in the contest. In such a struggle the public is in the position of a neutral caught between two aggressive belligerents.

"This Department cannot sit by and see ASCAP and the broadcasters engage in a private war at the expense of the public, using violations of law as their weapons in order to fight fire with fire. We have tried to obtain voluntary agreement to form the basis of a working peace which would eliminate the illegal activities and allow the associations of composers to continue their legitimate function of protecting their members from piracy. Those efforts, which a few days ago appeared to be on the verge of success, have failed. Now we have no choice but to proceed with a criminal prosecution to protect the interests of the public in orderly competition in the distribution of music.

"It should be added that complaints have also been received against the Society of European Stage Authors and Composers, commonly called SESAC. These complaints are now being investigated."

Neville Miller that night made the following comment on the Justice Department's statement:

"The Department of Justice is on the right track in bringing criminal charges against the American Society of Composers, Authors and Publishers. For many years broadcasters have sought relief from the grip of this illegal monopoly. It is a fact that the Department has had pending an anti-trust suit against ASCAP for more than six years and it is also true that for many weeks now the Department has been dickering with ASCAP for a consent decree which would have eliminated the monopolistic practices of which the broadcasters complain. This consent decree would have established an open and competitive market for music which once more would give broadcasters access to the great supplies of music controlled by the Society in a monopolistic pool.

"It is significant of the justice of the broadcasters' complaints against the Society and of the propriety of the Department of Justice's pressing for a consent decree on the part of ASCAP that only two days ago three justices of the Federal Court in Washington unanimously held that ASCAP was an illegal monopoly in the restraint of trade.

"It is most unfortunate that the Department appears to have confused the illegal practices of ASCAP with the perfectly legitimate effort of broadcasters to create an alternative competitive supply of music. Broadcast Music, Inc., is not the creature of

NBC and CBS. It was formed by mandate of the National Association of Broadcasters in open convention, and more than 600 stations are the owners of its stock and the users of its music. It was at the urging of many of these stations and of myself that the networks cooperated in the formation of BMI, of which they together own less than 20% of the stock. Broadcasters throughout the country set up BMI after they had found it impossible to deal with ASCAP on any basis other than paying a tax on all programs whether they used music or not. In forming BMI, we had competent legal advice and are confident that it is in no sense violative of the law.

"The statement issued by the Department of Justice shows that the Department does not understand the set-up of Broadcast Music, Inc. This is not surprising in view of the fact that the Department of Justice has made no attempt to discuss this set-up with broadcasters, nor has it pointed out to us any ways in which it believed we were violating the law. Certainly if it believes that broadcasters are attempting a boycott, it is completely misinformed. For weeks the Department of Justice discussed a consent decree with ASCAP and, when it failed to get one, it suddenly accuses practically the whole broadcasting industry, represented in BMI, of criminal practices without giving us any opportunity at all for a similar discussion. The reason for this unusual behavior is not at all clear to me, and I hope that before the Department carries out its announced plan, it will be willing to give at least as much consideration to the broadcasters as it has given to a society which it has itself branded as a law violator over an extended period of years."

BMI FEATURE TUNES

January 6-13

1. I GIVE YOU MY WORD
2. SO YOU'RE THE ONE
3. THERE I GO
4. I HEAR A RHAPSODY
5. ACCIDENT'LY ON PURPOSE
6. HIGH ON A WINDY HILL
7. YOU WALK BY
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. IT ALL COMES BACK TO ME NOW

The way BMI music continues to mount in the public favor is indicated by the fact that the week ended December 28 was the biggest in BMI's history, so far as sheet music sales are concerned, in spite of the fact that this is ordinarily a dull season of the year in the music business and that last week included the Christmas holiday. BMI chalked up a record of 39,043 regular sheet music copies sold and 3,323 orchestrations. *There I Go* has now sold about 106,000 regular copies and 9,300 orchestrations. *I Give You My Word*, *I Hear A Rhapsody*, and *So You're The One* account for nearly 90,000 more. All four of these numbers appear on the Enquirer's list of sheet music best sellers—*twice as many as the number shown by any other publishing house*. This record is the complete answer to the ASCAP claim that BMI music

cannot stand comparison with the music of ASCAP houses in public favor.

In the column next to their list of sheet music best sellers, the Enquirer carries news items on two new songs which are now being featured—*Until Tomorrow, Good Night*, composition by Sammy Kaye which the composer is featuring with his own band, and *Monday's Wash*, a new boogie-woogie instrumental by Erskine Butterfield, WOR entertainer and Decca recording artist. The Enquirer says, "Plans of recording managers indicate that record companies will go after these numbers in a big way."

Both of these promising numbers come under the BMI license. Sammy Kaye's music is published by the Republic Music Corporation and *Monday's Wash* is a publication of Joe Davis's Beacon Music Company. BMI has recently concluded agreements for the performing rights in music of both of these companies and also in the catalogue of Mayo Music Corporation, another Joe Davis company. Mr. Davis has been well known for many years in the music business and his catalogues are valuable additions to BMI.

As the old year ends, BMI has become practically identical with the radio industry in the United States. As we go to press, 658 stations (672 including non-commercials) are in the BMI membership list. We welcome to the BMI ranks the following:

WLAJ—Lakeland, Fla.	WQBC—Vicksburg, Miss.
WFBG—Altoona, Penna.	WOLS—Florence, S. C.
WBAB—Atlantic City, N. J.	WJJD—Chicago, Ill.
WBCM—Bay City, Mich.	KADA—Ada, Oklahoma
KOOS—Marshfield, Ore.	WINX—Washington, D. C.
WAIM—Anderson, S. C.	KBKR—Baker, Oregon
WCBA-WSAN—Allentown, Pa.	KHUB—Watsonville, Calif.
KHBG—Okmulgee, Okla.	KODL—The Dalles, Ore.
WING—Dayton, Ohio	KBTM—Jonesboro, Ark.
WIZE—Springfield, Ohio	WLW—Cincinnati, Ohio
WJPF—Herrin, Illinois	KVOX—Moorhead, Minn.
WCNW—Brooklyn, N. Y.	WGNY—Newburgh, N. Y.
KGHL—Billings, Mont.	WAAT—Jersey City, N. J.
	WWRL—Woodside, N. Y.

BMI receives many letters which contain expressions of support. One recently received by Mr. Tompkins sums up the substance of so many that it merits quotation. It is from Bob Nolan of Miami, Florida:

"BMI, in my humble opinion, is destined to become the most powerful musical organization in the country. Any thinking person can reach this decision by simple deduction.

"You have an excellent staff of arrangers and composers. The printing layout is simple, clean cut and, therefore, perfectly legible.

"Your professional department is quick, courteous and never too busy to personally correspond.

"Taking all these attributes and topping them with executives who are thoroughly familiar with the trials and tribulations of broadcasting and musicians, you have the fundamental requisites of a top flight organization that will bring a smile to the countenance of the musical world.

". . . I have been in radio for twenty-one years and have spent a great many of those years in and out of this territory.

. . . All of us down here are with you one hundred per cent. "Having spent so many years in the profession I have innumerable friends in ASCAP and, as you and I both know, there are amongst them many brilliant, intelligent men who, upon hearing similar reports to mine from all over the country (as they are bound to do), there can be little doubt will 'see the light.'" . . .

The following wire was sent December 31st to all member stations:

THIS IS LAST MINUTE REMINDER TO BE VIGILANT IN AVOIDING COPYRIGHT INFRINGEMENT BUT NOT TO BE PANICKED BY BRINGING OF INFRINGEMENT ACTIONS AGAINST YOU BY ASCAP. THESE ACTIONS ARE USUALLY HARD TO PROVE, SUBJECT TO MANY DEFENSES, AND TAKE CONSIDERABLE TIME TO REACH COURT. IF CLAIM IS MADE ON WORK WHICH IS IN OUR CATALOGUE, PLEASE NOTIFY YOUR LOCAL COUNSEL SO THAT THERE WILL NOT BE A DEFAULT PENDING ADVICE FROM US AND SEND US COPIES OF COMPLAINTS OR WRITTEN CLAIMS OF COPYRIGHT INFRINGEMENT IMMEDIATELY. WE HAVE TAKEN OUT ONE MILLION DOLLARS OF COPYRIGHT INSURANCE COVERING OUR CATALOGUE AND PROTECTING OUR BROADCASTING STATIONS AND THEIR ADVERTISERS, ADVERTISING AGENCIES AND PERFORMING ARTISTS. DETAILS OF THIS COVERAGE WILL BE FURNISHED YOU LATER.

BROADCAST MUSIC, INC.

Tacoma Decision

Here is the text of the three-judge Federal District Court decision in Tacoma, Washington, denying ASCAP an injunction against enforcement of the Washington state copyright law:

HANEY, Circuit Judge

This is a suit to enjoin enforcement of a Washington Statute on the ground of its unconstitutionality. The cause has been submitted on an application for a permanent injunction.

Briefly stated, the Statute attacked declares it to be unlawful for separate copyright owners to pool the copyrights in order to fix prices, collect fees, or issue blanket licenses for the use of such copyrights, except where the licenses are issued assessing rates on a "per piece" system of usage. The detailed provisions of the Statute need not be discussed.

The Bill prayed for a permanent injunction restraining defendants from taking any act or proceeding under the Statute, and for a decree declaring such Statute unconstitutional. It is alleged in the Bill that on February 13, 1914, a small group of composers, authors and publishers organized a voluntary unincorporated nonprofit association under the laws of New York, which they designated as the American Society of Composers, Authors and Publishers, hereafter called the Society, for the purpose of licensing to users of music throughout the country the right to publicly perform for profit the works of its members. It was further alleged that there are approximately 123 publisher members of the Society and about 1000 writer and composer members of the Society. . . . That such members assign their respective exclusive right of public performance for profit in their respective musical compositions . . . that similar organizations exist in foreign countries, and the Society has the exclusive right to and does license within the United States, the public performance for profit of the musical compositions copyrighted by all members of such foreign

societies . . . and that the Society's blanket license permits the licensee to use many hundreds of thousands of compositions composed and written by more than 44,000 members of such foreign societies.

It appears that the members assign to the Society the exclusive right of public performance, and the Society then has the exclusive right to permit by licenses, licensees to use or not to use the compositions of the Society's members, to fix the prices for licenses, to sue for infringement, and in general, to manage the right of public performance in the same manner as the owner of the copyright.

The motion to dismiss on behalf of the defendants, was based on several grounds, one of which was "That mere unconstitutionality, even assuming it to exist, does not warrant injunctive relief, but that the facts alleged must bring the case within the recognized rules of equity relating to injunctions, and that complainants have not done so." The motion to dismiss filed by intervener KMO, Inc., states a number of grounds, one being that the plaintiffs are not entitled to equity because they were a monopoly. Although no answers have been filed, we may treat the motions to dismiss as answers. Intervener Lockhart argues the monopoly question, but his motion to dismiss does not present such question. We treat his motion as an answer and amended so as to present the question.

Regarding the completeness of the monopoly of the Society, it is said in *Buck v. Swanson*, D. C., Neb. . . . J. 33 F. Supp. 377, 386. . . .

"Of the popular music necessary for the successful operation of radio stations, dance halls, hotels and theaters, the Society has control of about 85 per cent or 90 per cent and also has control of from 50 per cent to 75 per cent of the standard or older music that is played occasionally. All of the large and more influential publishers of music in the United States are members of the Society. The users of music in Nebraska can not successfully carry on their business except they deal with the plaintiff Society because there is no place where nor person or agency to whom users of music in Nebraska may go in order to deal for public performance rights and negotiate for music in any substantial amount sufficient to meet the ordinary needs of music users in the State, except the Society."

Mr. Justice Black in *Gibbs v. Buck*, 307 U. S. 66, 81, says:

"This combination apparently includes practically all—probably 95 per cent—American and foreign copyright owners controlling rendition of copyrighted music for profit in the United States. Not only does this combination fix prices through a self-perpetuating board of twenty-four directors, but its power over the business of musical rendition is so great that it can refuse to sell rights to single compositions, and can, and does, require purchasers to take, at a monopolistically fixed annual fee, the entire repertory of all members controlled by the combination."

In the instant case the testimony of the operators of two of the largest radio broadcasting stations in Washington was that it would be impossible to operate such stations without the music controlled by the Society. The Society has neither submitted evidence, nor made argument to the contrary.

On the hearing for an injunction pendente lite, we dismissed the cause for lack of jurisdiction. *Buck v. Case*, 24 F. Supp. 541. On appeal our decree was reversed with directions to take evidence on the jurisdictional question. *Buck v. Gallagher*, 307 U. S. 95. Subsequently, we referred the cause to a special master for the taking of evidence on the question, and directed him to make findings. The special master found facts disclosing jurisdiction in the court below. Believing that the evidence supports such findings, we sustain them as not being clearly erroneous.

Plaintiffs contend that the Washington Statute is unconstitutional for a number of reasons, and rely on *Buck v. Swanson*. . . . D. C. Neb. . . ., 33 F. Supp. 377, *Buck v. Harton*. . . . D. C. Tenn. 33 F. Supp. 1014, and *Buck v. Gibbs*. . . . D. C. Fla. . . . 34 F. Supp. 510, holding somewhat similar statutes unconstitutional. Before passing on that question, it is necessary to determine whether or not plaintiffs may invoke the aid of a court of equity. If a party "has been engaged in an illegal business and has been cheated, equity will not help him." *Wheeler v. Sage*, 68 U. S. . . . 1 Wall. . . . 518, 529.

In other words, before plaintiffs may invoke the aid of a court of equity, they must come into court with clean hands. *Keystone Co. v. Excavator Co.*, 290 U. S. 240, 244. If the Society exists in violation of the Sherman Anti-Trust Act, it and the members composing it, are not entitled to a decree for its benefit. Section 1 . . . 15 USCA Sec. 1 . . . of the Sherman Anti-Trust Act provides in part . . .

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states, or with foreign nations, is declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor." . . .

Section 2 . . . 15 USCA Sec. 2 . . . of such Act provides in part:

"Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor. . . .

Whatever the distinction between these two sections may be, the supreme court has recently said that Congress, by the act in question, "Extended the condemnation of the statute to restraints effected by any combination in the form of trust or otherwise, or conspiracy, as well as by contract or agreement, having those effects on the competitive system and on purchasers and consumers of goods or services which were characteristic of restraints deemed illegal at common law."

Apex Hosiery Co. v. Leader, 310 U. S. 469, 498. The "Effects" mentioned were "business and commercial transactions which tended to restrict production, raise prices or otherwise control the market to the detriment of purchasers or consumers of goods and services." *Id.*, p. 493.

Such effects were brought about by "Contracts for the restriction or suppression of competition in the market, agreements to fix prices, divide marketing territories, apportion customers, restrict production and the like practices, which tend to raise prices or otherwise take from buyers or consumers the advantages which accrue to them from free competition in the market." *Id.*, p. 497.

There can be little question here that the Society has the power to fix prices for the right to publicly perform compositions for profit. Likewise, it has restricted substantially all competition in the sale of such rights, because it has all such rights. Since the Interstate Commerce feature is conceded to be present, the Society clearly violates the Act in question . . . *United States v. Socony Vacuum Oil Co.*, 310 U. S. 150, 223 . . . unless the right to publicly perform for profit is not embraced within the Act. Upon that point the Act says nothing expressly about rights or commodities. The statute is aimed at "Restraints" of trade and commerce, and not at the "subjects" of the trade or commerce. Rights may be and often are the subject of trade or commerce, and the Sherman law limits restraints of trade in "rights" as well as commodities. *Standard Sanitary Mfg. Co. v. United States* 226 U. S. 20, 49.

The restraint here is the power acquired by the assignments of the Society's members, to deal in a right acquired by copyrights and thus we have a contract or combination in restraint of trade. *Straus v. Am. Publishers Assn.*, 231 U. S. 222, 234. Plaintiffs contend that if the activity of the Society "Affects trade or commerce, it promotes rather than restrains it." Here, we are not concerned with such questions. Congress has decided that if such a combination has acquired power to fix prices, it is an illegal combination in restraint of trade. Plaintiffs further contend that the power to fix prices, as here, is not the odious "price fixing" condemned by the Act in question. They say that while a gallon of oil is the same no matter who sells it, musical compositions are not gallons of oil, but each of them is different. All we have said before, it is immaterial what the subject of the trade or commerce may be. The fact is that the Society has acquired the power to fix the prices at which rights of a particular nature may be purchased by prospective users. We think that is sufficient under the statute.

Buck v. Swanson. . . D. C. Neb. . . . *Supra*, *Buck v. Horton*. . . . D. C. Tenn. . . . *Supra*, and *Buck v. Gibbs*. . . . D. C. Fla. . . . *Supra*, do not involve the point herein taken.
Let the bill be dismissed.

Labor

OVERTIME PRE-PAYMENT

A great many broadcasters are failing to take advantage of the money-saving overtime prepayment plan that can be used to avoid extra cost under the Wage and Hour Act.

The plan is simple. Take the case of an announcer who regularly works 40 hours a week for \$40. You need him only 36 hours one week. Pay him his usual \$40, and credit yourself *on your books* with \$4 overtime prepayment. Three weeks later (or at any later date) he works 44 hours. He is entitled to his regular \$40, plus \$6 overtime. However, he has been prepaid \$4 of the \$6, and so his payment that week will be only \$42.

Time off for fishing trips, funerals, and the like can be used to the same advantage, *provided that it is understood between the employer and employee that the regular salary is for a full week's work, and that any time off will be used to establish credit against future overtime.*

Vacations, holidays, and sick leave could be used for the same purpose if it were similarly understood between the employer and employee. However, the NAB is of the opinion that it would be of doubtful wisdom, in the long run, to compel employees to make up time off for vacations, holidays and sick leave when this has not been the practice in the past.

Any broadcaster contemplating the use of the prepayment plan should notify in writing each employee involved how he will be affected. A copy of this notice should be retained in case it is requested by the Wage and Hour inspector.

The prepayment plan cannot be used in the cases of employees who customarily work an irregular number of hours. Their regular hourly rate for the purpose of determining overtime, must be determined week by week.

Here is the Wage and Hour Division's official statement on the prepayment plan:

Salaried Employees

Let us take the example of a salaried employee who earns \$20.00 a week for a regular workweek of 42 hours and whose regular rate of pay is therefore 50 cents an hour. ($\$20 \div 40$ hours.)

Weeks	1	2	3	4	5	6	7	8
Hours	36	40	40	40	40	40	40	48

For the first week the employee will receive \$20.00 although he earned and is entitled to only \$18.00 (36 hours \times 50 cents). The employer will credit himself with \$2.00 as a prepayment of compensation for overtime to be subsequently worked. The employee will receive \$20.00 during each of the next six weeks. For the eighth week the employee is entitled to \$26.00. ([40 hours \times 50 cents] + [8 hours \times 75 cents]). He will thus have worked off the entire credit of \$2.00 accumulated by the employer and will receive \$24.00 in cash.

The validity of the plan as outlined depends upon the assumption that the employee is overpaid when he received \$21.00 for the first week of 36 hours and that therefore the employer has loaned or advanced him \$3.00. In addition to the criteria set forth under case I to determine whether the "loan" or "advance" is real or only a bookkeeping device an additional consideration comes into play with respect to the salaried employee who works a regular number of hours. If the employer, who contemplates adopting a "prepayment" plan is presently required by contract or agreement with the employee, express or implied, to pay him the fixed wage or salary even when the employee works less than the regular number of hours in some week or weeks, it cannot be said that the employee is paid in excess of what he earns or is entitled to when he receives the fixed wage or salary in such weeks.* He has received no "loan" or "advance" and no amount therefore may be credited to the employer as a prepayment of compensation for overtime to be subsequently worked.

For the same reason a prepayment plan cannot be applied to a salaried employee who works a fluctuating number of hours.

* It cannot be emphasized too strongly that the validity of the plan depends upon the assumption that when the employee receives \$20.00 in the weeks when he works less than 40 hours, he is being paid in excess of what he earns or is entitled to and is therefore given a loan or advance which he may work out by subsequent overtime. . . . The determination of this question may depend upon what the parties understand will happen when an employee severs his relationship with the employer. If the employer still has some accumulated credits at that time, will some attempt be made to get back the amount of the "loan" or "advance" from the employee since there is no further possibility that it will be worked out by subsequent overtime? The fact that no attempt will be made by the employer to collect the amount due him either by deducting such amount from the employee's last check or by some other way, is some indication that the "loan" or "advance" is simply a fictitious bookkeeping device.

Similarly the fact that at the end of the year or at the end of some shorter period credits accumulated by the employer are simply wiped off the slate and a new start is made, is some indication that there is no "loan" or "advance" in fact but simply a bookkeeping device. If there is no "prepayment" in fact and the plan is nothing but a bookkeeping device, the Act will have been violated. No one criteria may be sufficient to determine this question but all the criteria set forth herein will be given weight in deciding this question.

Since the nature of such an employee's employment is that he will receive the fixed basic salary regardless of the number of hours worked it cannot be said that such an employee is paid in excess of what he earns or is entitled to in any week in which he receives the fixed salary even though such weeks may have been short weeks.

We have considered above the question of the conversion of a salaried employee working a fluctuating number of hours into an hourly rate employee.

The amounts paid to an employee while absent from work on a vacation, holiday, sick leave or other miscellaneous periods of leave, may not be considered by the employer as prepaid overtime compensation just as the time off during such periods may not be used to balance overtime worked within the pay period. Payment during holidays, vacations, etc., is not payment for overtime and may not be considered by the employer as compensation for the employee's overtime work under the Act.

In two respects a prepayment plan, if it may be properly applied to salaried employees, is not subject to the same restrictions as a "time off" plan. It is not confined, in its operation, to the pay period. Credits to the employer, i. e., amounts paid by him in excess of the amounts earned by the employee or to which the employee is entitled, may be carried over beyond the pay period until they are consumed by the overtime work of the employee. Secondly, a prepayment plan may be applied to employees who are paid weekly.

It need not be restricted in its application, as is the "time off" plan, to employees paid on a bi-weekly, semi-monthly, or monthly basis. Under a prepayment plan the employee is being paid the overtime compensation due him, either in advance or, at the latest, at the time of the regular pay period.

Where applicable, a "time off" and "prepayment" plan may be applied in conjunction with each other.

Sales

PAUL PETER ADDRESSES MARKETING ASSOCIATION

Paul Peter, NAB Director of Research, spoke Thursday, December 26, before the American Marketing Association in convention at Chicago. The convention session, at which Mr. Peter spoke, was titled "Advertising, 1941 Model—How to Get More For Your Advertising Dollar". Mr. Vernon D. Beatty, Advertising Manager of Swift & Company, was chairman of the session and introduced the speakers as follows:

"Put More in Newspapers"—Fred Dickinson, Bureau of Advertising, American Newspaper Publishers Association.

"Put More in Magazines"—Frank Braucher, Periodical Publishers Association.

"Put More in Outdoor"—F. N. McGehee, Outdoor Advertising, Inc.

"Put More in Radio"—Paul F. Peter, Director of Research, National Association of Broadcasters.

Mr. Peter summarized his discussion as follows:

"Why Put More in Radio? Because broadcasting faces 1941 with the largest circulation of any advertising medium . . . 9 out of 10 homes with radio . . . more than a third of passenger cars are radio-equipped . . . 50 million radios in the country.

"Because the use of these sets is increasing . . . a greater percentage of families use their sets daily . . . use them for more

hours per day . . . use them more in the summer as well as the winter . . . use them more in the daytime; morning, afternoon and evening.

"Because the use of sets in upper, middle, and lower income families is increasing . . . average program ratings are rising giving advertisers lower cost per thousand results . . . lower than any other advertising medium.

"Because the nation's largest advertisers are giving a greater share of their advertising appropriations to radio . . . greater than any other advertising medium.

"Because the 'super-advertisers', those spending a million dollars or more in the three major media, put the major share of their budgets in radio . . . more of them 'major' in radio than any other medium.

"Because the average American family is spending more money annually for radio listening (operations, ownership and upkeep) than for purchases of newspapers and magazines combined. Etc. . . . Etc. . . ."

NRDGA ASSOCIATE MEMBERSHIP

As a result of a conference with Joseph E. Hanson, manager of the Promotion Department of NRDGA, the solicitation of radio stations to take out associate membership in that organization will be held in abeyance. We are endeavoring to work out a plan with Mr. Hanson which we feel will be mutually beneficial to his organization, to the broadcasters and to NAB. Any contemplating membership in NRDGA are asked to communicate with us before taking any action.

VOORHIS BILL

The Voorhis Bill (H. R. 10720) to tax advertising expenditures in excess of \$100,000 annually, has died with the close of this Congress. Presumably, however, it will be introduced again early in the new Congress.

If enacted, it would operate to prevent advertisers from deducting advertising expense,—over and above a basic exemption of \$100,000 to each business,—from gross income in computing taxable net income under the Federal income tax and excess-profits tax laws. The effect of such enactment would be widespread, as there are several hundred advertisers whose expenditures for advertising in major media annually exceed \$100,000.

The Voorhis Bill (Voorhis, D.—Cal.):

A BILL

To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control un-economic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Advertising Tax Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) Congress hereby finds (1) that some taxpayers are and for many years have been avoiding income taxes by making extravagant investments in good-will advertising; (2) that the graduated levies of the new defense taxes will be largely nullified if unlimited deductions for advertising expense are permitted in computing taxable net income; (3) that much of the advertising sponsored by the liquor, tobacco, and luxury trades is an economic waste not permitted in other countries; and (4) that advertising

on the public highways is a partial use of the public domain and advertisers are fairly chargeable therefor.

(b) It is hereby declared to be the policy of this Act that the conditions hereinbefore referred to shall be corrected.

DEFINITIONS

SEC. 3. When used in this Act—

(a) "Advertising" means and shall include all expense incurred which publicizes within the boundaries of the United States a business or its products and is for the purpose of promoting the business enterprise. It shall include all radio programs, publications, posters, and notices except items of office stationery and expense. It shall also include all legislative and lobbying expense and all attorney's fees directed toward the influencing of legislation.

(b) "Taxpayer" means and shall include any person, individual, trust, estate, corporation, or organization who files a return under the income-tax or excess-profits-tax laws of the United States.

(c) "Billboard" means and shall include all billboards, signs, posters, or posted advertisements fronting on and visible from a public highway. Each variation or change in subject matter shall constitute a different billing or billboard. "Billboard" within the meaning of this Act shall not include signs or posters which advertise a business conducted or a product sold on the premises and such signs or posters shall be exempt from the special license fee or tax imposed by section 4 of this Act.

(d) "License" means a suitable tag or label to be devised by the Commissioner and appended by the taxpayer to the lower left corner of each billboard to indicate payment of the tax.

(e) The "Secretary" means the Secretary of the Treasury of the United States.

(f) The "Commissioner" means the Commissioner of internal Revenue of the United States.

(g) The "United States", when used in a geographical sense, means and includes the several States, the District of Columbia, the Territories, and all possessions.

EXCISE, TAX, OR DUTY

SEC. 4. (a) There is hereby levied an excise, tax, or duty of \$1 for each calendar year or part thereof on each billboard in the United States.

(b) Failure to pay the said excise, tax, or duty and affix a license to a billboard within ten days following the erection thereof shall subject both the advertiser and the erector to a fine of \$100 for each such offense and the billboard shall be subject to destruction or sale at the discretion of the Commissioner.

(c) The revenue raised under this section shall be paid into the special fund established by title III of the Revenue Act of 1940 for the national defense.

DEDUCTIONS FOR ADVERTISING

SEC. 5. (a) All advertising expense of any taxpayer shall be taxed as net income under the income-tax and excess-profits-tax laws of the United States (titles I and II of the Revenue Acts of 1940). No deduction of advertising expense from gross income shall be allowed in computing taxable net income thereunder.

(b) A basic exemption of \$100,000 a year shall be permitted each business. If two or more taxpayers constitute the ownership of a single business, they shall be entitled to only a single exemption to be shared between them. What constitutes a single business shall be governed by regulations to be issued by the Commissioner.

(c) The Secretary, the Commissioner and taxpayers shall have the same rights and duties hereunder as they have in regard to the income-tax law.

CONFLICTING LAWS

SEC. 6. All Federal Acts or parts of Acts in conflict with any of the terms of this Act are hereby expressly repealed to the extent of such conflict.

DATE

SEC. 7. This Act shall take effect upon its enactment.

Miscellaneous

NAB ASSOCIATE MEMBERSHIP

At its meeting last month, the Board of Directors approved a plan of Associate Membership submitted by the

Board committee consisting of Messrs. John J. Gillin, Jr., Earl Gammons, and Eugene P. O'Fallon. The plan opens Associate Membership in NAB to Transcription Companies, Equipment Manufacturers, Station Representatives and News Services. Dues are based upon a classified schedule and have been worked out on a fair and equitable basis.

The new plan accords to Associate Members all rights of membership except voting and gives them official recognition at the NAB convention. Only those who are Associate Members in good standing will be permitted to conduct exhibits or establish their headquarters rooms in the hotel where the convention is being held. An official list of exhibitors will be published and the Association will stand a certain portion of the Associate Members' exhibiting expense. The members of NAB are asked to assist in securing associate memberships from those companies which are eligible. Before the next copy of the REPORTS reaches you, the number one mailing piece in the associate membership campaign will have been gotten out to all prospects. Any assistance which any of the members can render us in rounding up these associate memberships will be greatly appreciated.

50,100,000 RADIO SETS

MEMO TO STATION EXECUTIVES:

It is suggested that the information below be included in an appropriate news show over your station and be used additionally where it will do the most good.

ARTHUR STRINGER.

The number of radio sets in use in the United States is estimated by the National Association of Broadcasters to be 50,100,000 as of January 1, 1941. This is a net increase of 6,100,000 receivers in use over the year previous.

Included are consoles of all types, portable sets, new "personal" radios and auto radios.

The figures of set ownership in the United States indicate that the country is well along on a program of a set in every room and in every automobile. This increasing availability to the instrument of program reception points to far more radio listening than was considered possible two or three years ago.

"50,000,000 Radio Sets by Christmas", the radio industry's special promotion, during the past December, played an important part in lifting set ownership to the new high figure.

NEW YORK TAX

The NAB-New York Tax Committee, appointed last week by Neville Miller to resist the proposed assessment of station operating equipment by the City of New York, met in New York last Friday. Decision was reached to employ local tax counsel at once and to urge New York City stations to give the committee their support. The City of New York Tax Department proposes to tax as real estate under the state law all radio, television and facsimile equipment. The committee contends such equipment is personal property and not taxable as real estate. The next meeting will be held in New York on January 3.

Those in attendance were: Emanuel Dannett, WOR; Howard Hausmann, CBS; Henry Ladner, NBC; E. C. Sanger, WQXR; and Russell P. Place, NAB.

FEATURE SPORTS SHOW

Ellis Atteberry, manager of KCKN, Kansas City, had an outstanding feature sports show on Christmas Day. His effort was ably supported by a four column spread in the *Kansas City Kansan*.

Greetings from members of the Kansas City Blues baseball team, 1939 American Association pennant winners, received from all parts of the United States, were read over the air. The program also featured interviews with:

Roy Hamey, secretary of the pennant-winning blues, and Walt Lochman, winner of the Minor League's "most popular announcer" award; and included Christmas messages from the Mayor and City Manager, from five sports writers of Kansas City newspapers, from Ed Barrow, president of the Yankees, from Gabriel Paul of the World's Champions Cincinnati Reds; and from Frank Collety of the American Association.

Engineering

OHIO STATE CONFERENCE

The announcement of the full program for the Fourth Ohio State Broadcast Engineering Conference shows that an unusually interesting number of talks and lectures are to be given. Talks and lectures previously announced in the NAB REPORTS (p. 4819) are to be by E. K. Jett, Chief Engineer of the FCC; A. D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting; Harvey Fletcher, Bell Telephone Laboratories; Major Armstrong of Columbia University; W. R. G. Baker, Director of Engineering for the Radio Manufacturers Association and Peter Goldmark of the Columbia Broadcasting System.

Recent discussions on high fidelity in connection with FM have produced considerable interest in quality. Sev-

eral sessions such as "Speech Input Systems" by C. M. Lewis and J. D. Colvin, "Studio Acoustics" by Paul J. Washburn, "Sound Reproduction from Recordings" by V. F. Hunt, "Loud Speakers" by H. F. Olson and "Hearing The Determining Factor For High Fidelity" by Harvey Fletcher will deal with the subject of faithful reproduction.

Kenneth A. Norton from the FCC, long noted for his scientific work on radio will deliver a lecture on transmission in the Ultra High Frequencies. Mr. Norton has done some outstanding work on UHF transmission and his talk should be of unusual interest. Andrew Alford, well known for his antenna work in connection with blind landing, has recently turned his attention to the application of some of his developments for other UHF services. His talk will be entitled "UHF Antennas and Transmission Lines." Raymond F. Guy of the National Broadcasting Company, one of the keenest students on FM will deliver a talk entitled "FM Field Tests". Mr. Guy's talk will deal with the evaluation of the merits of AM and FM with various deviations. The talk will be illustrated with a set of test records recorded to demonstrate the various effects encountered under different conditions.

There will be a Round Table on FM problems under the Chairmanship of Paul deMars of the Yankee Network with E. J. Content of WOR and Dan Gallerup of WTMJ at the table. Those who have particular questions on FM that they would like to hear discussed at the Round Table, are requested to send the questions to the Director of Engineering of NAB.

Lynne C. Smeby, Director of Engineering for NAB will be Chairman of the "General Discussion and Question Box", conducted by Andrew Ring of the FCC. Those who have questions on FCC engineering matters that they would like to have discussed during this session, are requested to send their questions to the Director.

Following is the complete schedule:

Speech Input Systems, C. M. Lewis, J. D. Colvin, RCA; Studio Acoustics, Paul J. Washburn, Johns-Manville; Polyphase Broadcasting, Paul Loyet, Central Broadcasting Company; Round Table on Receivers, J. Kelly Johnson, Hazeltine Corp., E. B. Passow, Zenith Radio Corp., W. L. Dunn, Belmont Radio Corp.; Sound Reproduction from Recordings, F. V. Hunt, Harvard University; General Discussion and Question Box, Andrew D. Ring, FCC, Lynne C. Smeby, NAB; Loud Speakers, H. F. Olson, Radio Corporation of America; Television Standards, W. R. G. Baker, General Electric Company; Color Television, Peter C. Goldmark, Columbia Broadcasting System; The Status of Television, Harry Sadenwater, Radio Corporation of America; Television Station Operation, Robert M. Morris, National Broadcasting Company; Television Field Pickups, Harold P. See, National Broadcasting Corp.; The Status of Frequency Modulation, Edwin M. Armstrong, Columbia University; FM Receivers, M. L. Levy, Stromberg-Carlson; FM Field Tests, Raymond F. Guy, National Broadcasting Company; Operating Problems in FM Transmitters, I. R. Weir, General Electric Company; FM Broadcast Transmitter Circuit Design, John F. Morrison, Bell Telephone Laboratories; FM Allocation and Coverage, Stuart Bailey, Jansky & Bailey; UHF Antennas and Transmission Lines, Andrew Alford, Mackay Radio and Telegraph Company; Round Table on FM Problems, E. J. Content, WOR, Paul deMars, Yankee Network, Dan Gallerup, WTMJ; Hearing the Determining Factor for High Fidelity, Harvey

Fletcher, Bell Telephone Laboratories; UHF Transmission, Kenneth A. Norton, Federal Communications Commission; UHF Tubes, E. D. McArthur, General Electric Company.

Special Features—E. K. Jett, "Communications in National Defense"; Dinner, Ft. Hayes Hotel; Basketball Game—Ohio State vs. Purdue; G. C. Southworth, "Wave Guides"; and Banquet, Ft. Hayes Hotel.

The Conference is to be held at Columbus, Ohio, between February 10 and 21. Full details may be obtained by addressing Dr. W. L. Everitt, Director of the Conference, Ohio State University, Columbus, Ohio.

Outlook for Radio

Remarks of Neville Miller, President, National Association of Broadcasters—America's Outlook for 1941, MBS, Sunday, December 29, 1940.

Available reports indicate that you, the American radio listeners, have purchased ten million additional radios in the past year, increasing the total number of sets in use to more than fifty million. It is safe to say that in 1941 there will be more listening to radio than in any previous year. What this means in terms of national unity; what it means in maintaining the morale of the nation will be well illustrated later in this evening when the President speaks to the nation. Through radio, his voice is within the hearing of every man, woman and child in the nation. If there be a threat to our home security our leaders now may sound the warning to all within the matter of seconds where before the days of broadcasting, hours, weeks and even months were required. It is of the greatest importance that this system of mass communication stand up in times of need.

In the past year the American system of privately operated, competitive radio was given its greatest test. Both a presidential campaign and a world war were upon us. Both combined to create problems of programming and operation without precedent in broadcasting experience. I believe that the record turned in is another tribute to American enterprise and to the sincerity of the American broadcaster in serving the public interest. Candidates of the contending parties were given equal opportunity before the microphone. Debates and challenges filled the air in typical American style. As we listened to the candidates we heard the issues explained. We made up our minds and went to the polls and voted as free men and women are privileged to do. And having made our choices we now forget our differences and rally behind our leaders in the common defense of our homes and of our liberties. This is the essence of democracy and American Radio is proud to be its voice.

In the year ahead, radio's responsibility to the home and to the nation will be greatly enlarged. The reporting of our national defenses, day by day, and hour by hour if needs be, is a prime responsibility. The cooperation of radio with government, with the Army and Navy is growing as new situations arise. The religious, the educational and the cultural contributions of radio must and will go on. And none the less important will be the programs of entertainment and amusement to bring us moments of diversion and relaxation in the trying days ahead. We will need, as well, the inspiration of great music, of great drama and of great artists. These radio will bring us. The service of radio to agriculture, to commerce and to the consumer will not be diminished. Also it is with confidence that we can look forward to further progress in the radio art, technical and otherwise. All in all radio enters 1941 proud of its past and come what may in this new year our microphones are ready and prepared for the task.

FEDERAL COMMUNICATIONS COMMISSION

FCC FINANCIAL QUESTIONNAIRE

Several points have arisen in connection with the filing of the Financial Report required by the FCC. FCC Rules and Regulations require this Report to be filed on or before March 1. It will be recalled that last year the Commission granted an extension of time, to April 15, to those stations which requested it and set forth justifiable reasons for the delay (NAB REPORTS January 12, 1940, p. 3951).

The matter has been again presented to the Commission and there is every hope the same procedure will be followed this year. It is suggested to those stations finding an extension necessary file application therefor with the Commission at a reasonable time before March 1.

In addition to this final report, it will be noted that the Commission also requests the submission by January 15 of an "Analysis of Station Broadcast Revenue". Such report is for the purpose of aiding the accounting department of FCC to determine the financial position of the industry in advance of the availability of final data. Broadcasters are requested, wherever possible, to cooperate. This request of the Commission is not a demand order, but merely asks for advance information from those stations which can supply such income information in advance. It should be further noted that the Commission requires all financial information on an accrual basis, which means that all business performed in the year 1940 would be included in the revenue schedule regardless of when the service is billed or finally paid for. Most stations will have such information readily available in the form of sales reports.

NAB feels that there is value in the advance filing of the revenue schedule and, therefore, urges those stations who can supply the information required by January 15th, to make every effort to do so. Those stations not finding it possible to complete the schedule should so advise the Commission and set forth the reasons for their failure to comply.

FCC ANNUAL REPORT

Following is the FCC's summary of its annual report to Congress, covering the year ended last June 30:

In an annual report which incorporates important developments since the close of the fiscal year, the FCC chronicles new milestones in the advancement of broadcasting, and cites augmented duties in supervising radio, telephone, telegraph, and cable in connection with the national defense program.

This streamlined report is almost half the size of the one last year. To summarize some of its highlights:

NATIONAL DEFENSE—The Commission's particular role in the preparedness program is to "police" radio communications. In

consequence, it has added to its monitoring and other field facilities. Also, it must keep tab on the many persons who operate electrical apparatus capable of farflung and almost instantaneous communication. So it is requiring all radio operators (about 100,000 licensees—including commercial and amateur) to prove their citizenship. Common carriers are compiling similar data with respect to employees who engage in international communication. The Commission has banned amateur communication with foreign countries, and, further, prohibits the use of portable long-distance transmitters by amateurs. Such steps are precautionary rather than disciplinary. The Commission does not want to interfere with radio and wire communications any more than is necessary for the national protection. Individuals and industries concerned are collaborating in this common contribution toward the national security. The relationship of radio, wire, and cable facilities to the preparedness picture is being further coordinated in planning by the Defense Communications Board, created by Executive order in September.

BROADCASTING (FM)—Last year, which marked the 20th anniversary of broadcasting, was notable because of Commission recognition of a new type of public service in frequency modulation, popularly known as "FM." The ensuing year will offer practical demonstration of FM's claimed clarity and staticless qualities. Also, by utilizing the high frequencies, FM promises to relieve the long congested standard broadcast band. Business will benefit by the new equipment, sets, and servicing which FM requires. And, by being generally limited to local coverage, this new service should have a stimulating effect on local programming. Distinctive call letters have been assigned. To date the Commission has authorized 25 FM stations to engage in full commercial operation.

BROADCASTING (Standard)—This older type of broadcast (which uses amplitude modulation) should experience a marked improvement in service by reason of the North American Regional Broadcasting Agreement, effective March 29th next. Mutual interference problems are expected to be eliminated or minimized as a result of this compact between Canada, Cuba, Mexico, and the United States. To make agreement possible, the Commission is effecting an orderly shift of frequencies without disturbing the general broadcast structure. A total of 846 standard broadcast stations were operating or under construction during the fiscal year. There were 79 new authorizations and 10 deletions. Increased use of directional antennas is necessary in coping with the interference problem. During the calendar year 1939 a total of 705 standard broadcast stations (including networks) reported total time sales approaching \$130,000,000, making a net income of nearly \$24,000,000. They also listed a payroll of nearly \$52,000,000 for nearly 25,000 employees. The report of the Commission's special committee on chain broadcasting was the subject of oral argument in December in connection with its consideration by the full Commission. Commission inquiry revealed some 200 domestic stations broadcasting in about 30 foreign languages. Commission action in five broadcast cases was upheld by the United States Supreme Court.

BROADCAST (International)—Broadcast service to Latin America was improved by reason of the Commission requiring power of at least 50 kilowatts for international program service. In this country 13 international broadcast stations were operative.

TELEVISION—Television is now making substantial progress with the cooperative assistance of that industry and the Commission. More than a score of stations geographically distributed throughout the nation have been licensed to experiment with various types of transmission with a view to reaching early accord on uniform standards which will enable television to move forward on a full commercial basis. Participating stations have budgeted a total of \$8,000,000 for this practical experimental work. In conjunction with such effort, a National Television Systems Committee, jointly sponsored by the Radio Manufacturers Association and the Commission, has made a thorough study of the engineering phases of the situation which should be helpful in arriving at a general agreement. The continued rapid evolution of television is attested by developments in color reproduction, large-screen projection, and new service demonstrations.

MISCELLANEOUS RADIO SERVICES—Increased use of radio for miscellaneous services is noted. Police stations have increased to 6,300, aviation stations to nearly 2,000, and more than 1,000 stations are employed for forest conservation work. The Commission clarified its rules with respect to more than 450 special emergency stations. This class of station has demonstrated its ability to establish radio communication in time of emergency. The Commission completed its final report on a special study of

radio requirements for safety purposes on the Great Lakes and Inland Waters, and gathered information with respect to possible like need on the Mississippi River system. There are 56,300 amateur stations in operation. Some 40,000 commercial operator licenses were handled during the year. Inspection was made of radio installation on more than 14,000 ships and at some 8,600 land stations.

TELEGRAPH—As a remedy for many ills in the highly competitive telegraph industry, the Commission recommended merger of the domestic telegraph companies, and, further, urged consolidation of international communication carriers domiciled in the United States in the interests of defense and other national needs.

TELEPHONE—Savings to telephone users aggregating \$10,000,000 annually are indicated by tariff revisions filed with the Commission since its previous annual report. New construction amounting to more than \$9,000,000 was authorized.

CABLE—Some cable, as well as radio, circuits were disrupted as a result of the war, and the Commission speeded authorizations for new or temporary replacements.

ACCOUNTING—More than 23,000 tariff schedules were filed by common carriers. The Commission adopted a revised uniform system of accounts for telegraph and cable carriers, to become operative in 1942. The new system, which conforms to Government accounting principles, will supplant one in use since 1914.

RECOMMENDATIONS TO CONGRESS—None, other than those contained in the Great Lakes and telegraph merger reports.

FCC APPROPRIATIONS

FCC officials will go before a subcommittee of the House Committee on Appropriations within the next few days asking for an appropriation of \$2,315,229 for the 1942 fiscal year. The appropriation under which the Commission is now operating is for \$2,176,340.

The breakdown of the money being asked by the Commission for the coming fiscal year includes: for the Legal Division, \$281,952; Engineering Division, \$840,000; Accounting, \$379,227; Secretary's office, \$534,767; and "other obligations", \$271,296.

FCC DUTIES

FCC has announced that the work, business and functions of the Commission for the month of January have been assigned as follows:

Commissioner Case	Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
Commissioner Thompson	Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; <i>provided</i> , however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FROM THE FCC MAIL BAG

A Californian asked the Federal Communications Commission to do something about interference to his radio reception caused by a flasher used by a neighbor on his Christmas lights. The Commission advised that under the law it has no authority itself to interfere in such local matters, but suggested that a number of states and municipalities do have ordinances intended to curb radio interference of this type.

Another Californian, who complains of interference from Mexican stations, is told that the Commission has no jurisdiction over broadcast stations in other countries, but is reminded that reallocations of frequencies under the North American Regional Broadcasting Agreement, scheduled to go into effect March 29 next, promise a general improvement in radio reception.

Though the Commission cannot pass upon individual radio programs, it refers a Schenectady man direct to a station which he complains is using the national anthem as part of a commercial continuity. By the same token, it bids a Philadelphian write to networks which he feels are using programs that are "mob spirited" and "appeal to greed". However, the Commission can't oblige an Indianapolis music fan who would like to see a local station compelled to carry a certain concert program.

A Mount Vernon, N. Y., resident is informed that there is nothing in the Communications Act or regulations to prevent the solicitation of new bank accounts by radio. A Rhode Island woman is told that the Commission cannot undertake the collection of alleged over-due music royalties and that the matter is rather one of legal proceeding.

A North Carolinian, who is interested in recording programs as they come over the air for use in public schools, is advised that such practice is not contrary to Commission rules but may involve problems of copyright law.

The Commission is in receipt of a suggestion by a Californian that radio broadcast stations be equipped with sirens to warn listeners of air raids in event of war.

It is pointed out to a Philadelphia concern that broadcast is not a common carrier service like telephone and telegraph, hence the Commission has promulgated no accounting regulations for radio stations. However, it does require station licensees to file annual financial reports.

A Harvard law student who inquires about "res judicata" in Commission administrative proceedings is informed:

The doctrine of "res judicata" does not play a major part in the Commission's action in granting or denying an application for a license to operate a radio station. If a person desires a license, he files an application which the Commission is under a duty to grant if public interest, convenience or necessity will be served thereby. The proceeding does not partake of a controversy between the applicant and existing licensees, but is an application to the licensing agency for the grant of a written instrument of authorization permitting the operation of radio-transmitting equipment. Existing licensees, who will be competitors of the applicant, or who will suffer electrical interference, frequently do oppose the granting of a license. The basis of such opposition is that public interest, convenience or necessity will not be served by a grant of the application. The Commission will consider such information from any source. Since there is no element of private controversy in the granting of a license, the Commission has not deemed it necessary or appropriate to apply the doctrine of "res judicata" to the granting of licenses.

"Can a wavelength in a radio wave be changed after it has been broadcast?" and "Can a wave be superimposed on long carrier wave?" are questions from a Washington State resident. The answer is of the "yes" and "no" variety depending upon the medium through which the wave or waves travel. In other words, radio waves may be modulated or imposed one upon the other within the path between transmitter and receiver, but only under abnormal conditions. The Commission explains:

"The frequency or wavelength of an electromagnetic wave does not change when the wave travels through air, through a copper wire or through any medium which has linear transmission characteristics. The amplitude of the wave and the phase are altered but the wavelength remains constant. If a square law detector or a vacuum tube is included in a wire circuit, however, the output wave becomes a function of the square of the input wave and the frequency of the wave is doubled.

"Two carrier waves of different frequency, each modulated and carrying different signals, may be transmitted on the same pair of wires and they will not interfere with each other in

any way. At the output of the circuit both carrier frequencies and both signal frequencies will be the same as they were at the input and no additional waves or other frequencies which were not in the original waves will have appeared:

"Again, if a device with non-linear transmission characteristics, such as a square law detector, is inserted in the circuit, the situation is altered. The output wave is now the square of the sum of the two input waves and many additional waves of different frequency are produced. Among them will be the harmonics of the carriers, the beat note between the carriers and a large number of the so-called modulation products of the signals—not only those which were present in the original signals but others which were not, such as the sums and differences of the modulation frequencies, etc. With this phenomenon you are undoubtedly familiar from your experience with broadcast reception and your knowledge of radio receivers. The same principles apply in the case of radio waves of different frequency radiated to a receiver from two broadcast stations at different locations. Each wave reaches the receiver unaffected by the other unless there is some region of space through which both signals have passed which has non-linear transmission characteristics. While the conditions for such are not normal ones they do sometimes occur. Two examples will be given. The signals of one broadcast station may modulate the signals of another when under certain conditions—which are again unusual—both pass through portions of the ionosphere having non-linear transmission characteristics. A certain type of cross-talk interference is observed in broadcast reception caused by rectification of broadcast signals in the house wiring system. This may occur when the wiring leads are loose or in some cases broken. The signals of other broadcast stations beyond the tuning range of the receiver when rectified in these leads may then have components within the tuning range of the receiver, thus capable of causing interference."

Federal Trade Commission

MARCH HEADS FTC

Colonel Charles H. March, a member of the Federal Trade Commission since 1919, has been elected by the Commission to serve as Chairman during the calendar year 1941, succeeding Judge Ewin L. Davis.

Col. William H. England has been appointed Chief Economist of the Federal Trade Commission, succeeding Dr. Francis Walker, who retires January 1, 1941.

FTC REPORTS TO CONGRESS ON ADVERTISING

Advertising matter as published in newspapers, magazines, catalogs, and almanacs and as broadcast over the radio is surveyed and scrutinized for false and misleading representations by the Federal Trade Commission through its radio and periodical examining staff on a continuing current basis, says the Commission in its annual report. This work includes duties devolving on the Commission with the enactment of the Wheeler-Lea amendment to the Federal Trade Commission Act. Discussing the radio and newspaper advertising work the Commission in its report to Congress says:

The survey of magazine and newspaper advertising was inaugurated by the Commission in 1929, and the surveying of commercial advertising continuities broadcast by radio was started

in 1934. As expanded in 1939, this survey includes mail-order catalogs and domestic newspapers published in foreign languages.

Apparent and probable misrepresentations detected through this survey are carefully investigated, and where it appears from the facts developed that the advertising is false or misleading and circumstances warrant, the advertisers are extended the privilege of disposing of the matters through an informal procedure, more fully explained at page 123, which permits their executing stipulations in which they agree to cease and desist from the use of the acts and practices involved. A large majority of the cases are adjusted in this manner. In those cases where this informal procedure is not applicable or does not result in the elimination of the misleading claims, and the facts so warrant, formal procedure is instituted.

In cases of advertising involving food, drugs, devices, and cosmetics, the Commission has directed the negotiation of stipulations with the advertising agencies which have disseminated those advertisements as well as with the advertisers in whose behalf the agencies acted.

In its examination of advertising, the Commission's only purpose is to prevent false and misleading advertisements. It does not undertake to dictate what an advertiser shall say, but rather indicates what he may not say under the law.

The Commission believes that its work in this field contributes substantially to the improvement that has been evident in recent years in the character of all advertising.

Newspaper and magazine advertising.—In examining advertisements in current publications, it has been found advisable to call for some newspapers and magazines on a continuous basis, due to the persistently questionable character of the advertisements published. However, as to publications generally, of which there are some 20,000, it is physically impossible to survey continuously all advertisements of a doubtful nature; also, it has been found unnecessary to examine all the issues of publications of recognized high ethical standard whose publishers carefully censor all copy before acceptance.

Generally, copies of current magazines and newspapers are procured on a staggered monthly basis, at an average rate of three times yearly for each publication, the frequency of the calls for each publication depending upon its circulation and the character of its advertisements.

Through such systematic calls for magazines and newspapers during the fiscal year ended June 30, 1940, the Commission procured 1,631 editions of representative newspapers of established general circulation and 1,339 editions of magazines and farm journals of interstate distribution representing a combined circulation of 122,995,074. Among these periodicals were included representative foreign-language publications having a combined circulation of 1,417,587 copies.

The Commission examined 300,741 advertisements appearing in the aforementioned newspapers and magazines and noted 24,104 as containing representations that appeared to be false or misleading. The 24,104 questioned advertisements provided current specimens for check with existing advertising cases as to their compliance with orders of the Commission and stipulations accepted from advertisers, and also formed the bases of prospective cases not previously set aside for investigation.

Almanac advertising.—As an important supplement to its review of periodical advertising, the Commission examines almanacs of wide distribution which are used as advertising media for distributors of drugs, devices, and other commodities sold for the treatment of various ailments.

Mail-order advertising.—In January 1939, the Commission extended its examination of current published advertisements to include a continuous systematic survey of advertising matter appearing in mail-order catalogs and circulars. During the fiscal year ended June 30, 1940, the Commission procured mail-order catalogs and circulars containing an aggregate of 15,314 pages, being distributed periodically by mail-order companies. Of the 56 mail-order houses included in this survey, 5 represent combined annual net sales in excess of \$996,000,000 worth of merchandise.

In the subsequent examination of 15,208 pages of the mail-order advertising, 441 pages have been marked by the preliminary reviewing staff as containing possibly false, misleading, and deceptive material, and have been set aside for investigation. A wide variety of commodities (including food, drugs, devices, and cosmetics) is included in this questioned advertising.

Radio advertising.—The Commission, in its systematic review of advertising copy broadcast over the radio, issues calls to individual radio stations, generally at the rate of four times yearly for each station. However, the frequency of calls to such individual broadcasters is varied from time to time, dependent prin-

cipally upon transmittal power, the service radius or area of specific stations, and the advertising record of certain types of stations, as disclosed in analyses of previous advertising reviews.

National and regional networks respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.

Producers of electrical transcription recordings submit monthly returns of typed copies of the commercial portions of all recordings produced by them for radio broadcast. This material is supplemented by periodic reports from individual stations listing the programs of recorded commercial transcriptions and other essential data.

During the fiscal year ended June 30, 1940, the Commission received 759,595 copies of commercial radio broadcast continuities, amounting to 1,518,237 pages of typewritten script. These comprised 1,072,537 pages of individual station script and 445,700 pages of network script.

The staff read and marked 684,911 commercial radio broadcast continuities, amounting to 1,398,561 pages of typewritten script. These comprised 436,700 pages of network script and 961,861 pages of individual station script. An average of 4,570 pages of radio script were read each working day. From this material 22,556 commercial broadcasts were marked for further study as containing representations that might be false or misleading. The 22,556 questioned commercial continuities provided current specimens for check with existing advertising cases as to their compliance with orders of the Commission and stipulations accepted from advertisers, in addition to forming the bases for prospective cases which may not previously have been set aside for investigation.

Cooperation of radio and publishing industries.—In general, the Commission has received the helpful cooperation of nation-wide and regional networks and transcription producers, in addition to that of some 717 active commercial radio stations, 468 newspaper publishers, and 540 publishers of magazines and journals, and has observed an interested desire on the part of such broadcasters and publishers to aid in the elimination of false, misleading and deceptive advertising.

Source of radio and periodical cases.—Examination of current newspaper, magazine, radio, and direct mail-order house advertising, in the manner described, has provided the basis of 79 percent of the radio and periodical advertising cases handled by the Commission during the fiscal year ended June 30, 1940. Information received from other sources including information from other divisions of the Commission, and from other Government agencies, formed the basis of the remainder of this work.

Analysis of questioned advertising.—An analysis of the questioned advertising which was assembled by cases and given legal review discloses that it pertained to the following classification of 3,014 commodities in the proportions indicated:

Classification of Products

Commodity	Percent
Food, drugs, devices, and cosmetics:	
Food	11.2
Drugs	33.4
Cosmetics	12.8
Devices	2.3
	59.7
Other products:	
Specialty and novelty goods	11.2
Automobile, radio, refrigerator, and other equipment lines	4.9
Home study courses	2.8
Tobacco products	1.2
Gasoline and lubricants	1.6
Poultry and livestock supplies and equipment, including hatchery products, etc.	2.0
Miscellaneous, including apparel, coal and oil fuels, house furnishings and kitchen supplies, specialty building materials, etc.	16.6
	40.3
Total	100.0

In the item of drug preparations listed above, a substantial proportion of the related advertising contained positive misrepresentations or representations which encompassed possible injurious results to the public and for that reason were given preferred attention.

Number of cases handled.—During the fiscal year the Commission sent questionnaires to advertisers in 739 cases and to advertising agencies in 109 cases, and negotiated 190 stipulations, which were accepted and approved by the Commission.

A total of 532 cases were disposed of by the various methods of procedure. Of this number, 188 cases were considered settled upon receipt of reports showing compliance with previously negotiated stipulations. The remaining 344 cases were closed without prejudice to the right of the Commission to reopen if warranted by the facts: 333 of them for such reasons as no evidence of violation, lack of jurisdiction, and insufficient public interest; 2 because the Post Office Department had issued fraud orders against the advertisers, and 9 because the Post Office Department had accepted from the parties concerned affidavits of discontinuance of business.

In addition, the Commission, in 36 cases, ordered issuance of complaint: in 17 instances where advertisers failed to stipulate; in 1 case in which the advertiser was not given an opportunity to stipulate because of gross deception, and in 18 involving violation of the terms of existing stipulations previously accepted and approved. In 41 cases field investigations were ordered, including 13 wherein it appeared that application for injunction or criminal proceedings might be warranted. Also, 3 cases were referred to other governmental agencies as concerning matters more appropriately coming within their jurisdiction.

Seven hundred forty-three radio and periodical cases were pending on July 1, 1939, and 979 were pending on June 30, 1940.

Commission has access to scientific services.—Effective cooperation continued with other departments of the Government. The Commission has access to the laboratories, libraries, and other facilities of Federal Government agencies, including the National Bureau of Standards, United States Public Health Service, and the Food and Drug Administration, Bureau of Home Economics, and Bureau of Animal Industry of the Department of Agriculture, to any of which it may refer a matter for scientific opinion.

Since the passage of the Wheeler-Lea amendment to the Federal Trade Commission Act, the Commission has had the services of a medical staff under the supervision of an experienced and highly qualified physician assigned to it by the United States Public Health Service, so that the therapeutic claims of advertisers can be competently and carefully examined. (See Medical Advisory Service, p. 145.)

When necessary, the Commission obtains medical and other scientific information and opinions from nongovernmental hospitals, clinics, and laboratories. Such material and cooperation are often particularly helpful in enabling the Commission to reach sound and fair conclusions with respect to scientific and technical questions which come before it, and especially so in connection with much of the work of the Radio and Periodical Division.

Procedure in advertising cases.—If it appears that a published or broadcast advertisement coming to the Commission's attention may be misleading, a questionnaire is sent to the advertiser, and request is made for a sample of the product advertised, if this is practicable, and the quantitative formula, if the product is a compound. Copies of all advertisements published or commercial continuities broadcast during a specific period are also requested, together with copies of all booklets, folders, circulars, form letters, and other advertising literature used.

Upon receipt of these data, the claims, sample, and formula are referred to the Commission's Medical Advisory Division or to an appropriate technical agency of the Government for a scientific opinion. Upon receipt of the opinion, a list of such claims as then appear to be false or misleading is prepared and sent to the advertiser, along with pertinent portions of the opinion. The advertiser is extended the privilege of submitting such evidence as he may desire in support of his claims; he may answer by letter or, upon his request, may confer with the Commission's Radio and Periodical Division in person or through counsel.

If, after a consideration of all available evidence at hand including that furnished by the advertiser, the questioned claims appear to be true, the division reports the matter to the Commission with the recommendation that the case be closed.

If it appears from the weight of the evidence before it that the advertising is false or misleading, the division refers the matter to the Commission with recommendation either that complaint issue or the case be returned to the division for negotiation of a stipulation, provided it is one appropriate for stipulation procedure and the advertiser desires to dispose of it by such voluntary agreement to cease and desist from the use of the acts and practices involved.

If the Commission so authorizes, the division prepares a stipulation and forwards it to the advertiser for execution. Should he object to any of its provisions, he may discuss them by mail or

in person. If and when he agrees upon the terms of the stipulation and signs and returns it, the matter is again reported to the Commission with recommendation that the stipulation be accepted and the case closed without prejudice to the right of the Commission to reopen the matter at any time the facts so warrant. If the Commission accepts and approves the stipulation, the advertiser is required to submit within 60 days from the date of acceptance a report in writing showing the manner and form in which he has complied and is complying with the provisions of his agreement.

Stipulation provides simplified methods.—The object of all Commission procedure is to prevent unfair methods of competition and unfair and deceptive acts and practices in commerce, and experience has shown that this can be accomplished not only by cease and desist orders, but by the stipulation method, which is effective and speedy as well as inexpensive for both Government and advertiser.

RADIO LEGISLATION SLATE CLEAN AS CONGRESS ADJOURNS

The first session of the 77th Congress convenes Friday. The third session of the 76th Congress has just adjourned, the longest session in history outlasting the 345-day session in the war days of 1917-1918. The third session of the 76th Congress convened on January 3, 1940. A number of attempts were made to adjourn the last session but there were always enough members who insisted that Congress should stay in session during the present emergency.

Following is a complete list and status of bills of interest to the broadcasting industry when the last session adjourned. The slate is now clean as far as all pending bills and resolutions are concerned. All the old ones "die" when the session of Congress adjourns:

SENATE BILLS

S. 517 (SEN. JOHNSON, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee. Hearings held. Reported to Senate.

S. 517 (SEN. JOHNSON, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed. No action.

S. 517 (SEN. JOHNSON, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed. No action.

S. 547 (SEN. LODGE, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee. Passed by Senate. Reported to House.

S. 550 (SEN. SHEPPARD, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303 (1). A corrected bill will be introduced. No action.

S. 575 (SEN. CAPPER, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee. No action.

S. 594 (SEN. REYNOLDS, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee. No action.

S. 635 (SEN. SCHWELLENBACH, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on “non-profit basis of public, social, political and economic problems, and for educational purposes.” Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee. No action.

S. 636 (SEN. SCHWELLENBACH, Wash.) COMMUNICATIONS ACT—To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee. No action.

S. 637 (SEN. SCHWELLENBACH, Wash.) COMMUNICATIONS ACT—To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee. No action.

S. 1095 (SEN. SHEPPARD, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. No action.

S. 1268 (SEN. WHEELER, Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee. No action.

S. 1520 (SEN. WHITE, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. Referred to Committee on Interstate Commerce. No action.

S. 2058 (SEN. NYE, N. D.) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to Committee on Post Offices and Post Roads. No action.

S. 2251 (SEN. CHAVEZ, N. M.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency stations to broadcast programs to all nations in Western Hemisphere; to appropriate three million dollars for construction purposes and one hundred thousand dollars for operative expense during year ending June 30, 1940. To Committee on Foreign Relations. No action.

S. 2466 (SEN. SHEPPARD, Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce. No action.

S. 2611 (SEN. WHEELER, Mont.) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed \$30,000. To Committee on Interstate Commerce. Passed by Senate. Reported to House.

S. 2719 (SEN. O'MAHOONEY, Wyo.) ANTITRUST LAWS—Same as H. R. 7035. To Committee on Judiciary. No action.

S. 2846 (SEN. WHEELER, Mont.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. To Committee on Patents. No action.

S. 3043 (SEN. THOMAS, Idaho) COPYRIGHT—To amend and consolidate the Acts respecting copyright. Referred to Committee on Patents. No action.

S. 3512 (SEN. PEPPER, Fla.) COMMUNICATIONS ACT—To provide for public hearings on applications for licenses under the Communications Act of 1934. Referred to Committee on Interstate Commerce. No action.

S. 3515 (SEN. BAILEY, N. C.) TO AMEND THE COMMUNICATIONS ACT OF 1934 IN ORDER TO PRESERVE AND PROTECT LIBERTY OF EXPRESSION IN RADIO COMMUNICATION—Prohibits Federal Communications Commission's taking adverse action for alleged program offenses; establishes for broadcast stations minimum license period of 3 years and maximum of 10 years; requires hearing where the Commission's action would adversely affect the interest of any holder of a license or any applicant therefor; requires a hearing prior

to any order of revocation of license; limits powers of the President in time of peace and war. Referred to Committee on Interstate Commerce. No action.

S. 3745 (SEN. BARBOUR, N. J.) COMMUNICATIONS ACT—To limit the powers of the Federal Communications Commission in certain cases. Referred to Committee on Interstate Commerce. No action.

SENATE RESOLUTIONS

S. Res. 94 (SEN. WHITE, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the FCC with respect to censorship of communications, ownership of broadcasting stations and other matters. To Interstate Commerce Committee. No action.

S. Res. 251 (SEN. LUNDEEN, Minn.)—WHEREAS the Federal Communications Commission on Feb. 29, 1940, issued an order permitting limited commercial sponsorship of television beginning Sept. 1, 1940; and

WHEREAS television interests immediately launched a manufacturing, advertising and sales promotion campaign; and

WHEREAS the Federal Communications Commission on Mar. 22, 1940, rescinded its order of Feb. 29, 1940, with resultant confusion in the minds of the public and causing abandonment of manufacturing, advertising, and sales programs which had, in effect, been authorized by the Commission's earlier ruling: THEREFORE BE IT

RESOLVED, That the Senate Committee on Interstate Commerce is hereby requested to investigate the action of the Federal Communications Commission in connection with the development of television and, in particular, to ascertain whether the Commission has exceeded its authority, and whether it has interfered with the freedom of public and private enterprise. Referred to the Committee on Interstate Commerce. No action.

S. Res. 300 (SEN. TOBEY, N. H.)—RESOLVED, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation, engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation. Referred to the Committee on Interstate Commerce. No action.

HOUSE BILLS

H. R. 94 (MR. MALONEY, La.) PAID TESTIMONIALS—To require announcement of paid “recommendations” (testimonials), if any at time of broadcast. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 251 (MR. CULKIN, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 252 (MR. CULKIN, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines “alcoholic beverage” as including “beer, ale, wine, gin, whiskey, or brandy.” Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 253 (MR. CULKIN, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 924 (MR. CULKIN, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to “alcoholic beverages” and is not limited to “intoxicating liquor.” Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 926 (MR. DALY, Pa.) COPYRIGHTS—To amend and consolidate acts respecting copyright, including the creation of a copyright in recording artists for renditions reproduced on phonograph records, disks, sound tracks, or any other substances. Referred to Patents Committee. No action.

H. R. 1651 (MR. DICKSTEIN, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee. No action.

H. R. 1964 (MR. LUCY, Mass.) COPYRIGHTS—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted. Same as S. 547. Referred to Patents Committee. No action.

H. R. 2721 (MR. CELLER, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio broadcasting station in vicinity of Washington by Secretary of Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee. No action.

H. R. 2981 (MR. CELLER, N. Y.) LIBEL—SLANDER—Exempts station from liability for libel or slander when station proves the exercise of due care to prevent the utterance of such statements. Referred to Judiciary Committee. No action.

H. R. 3582 (MR. FLANNERY, Pa.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committee. Superseded by H. R. 5985. No action.

H. R. 3752 (MR. LEA, Calif.) COMMUNICATIONS ACT—To amend Section 303 (1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4224 (MR. LEA, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4433 (MR. LANHAM, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to Committee on Patents. Hearing held. Superseded by H. R. 5319. No action.

H. R. 4684 (MR. McLEOD, Mich) COMMUNICATIONS ACT—To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4871 (MR. DALY, Pa.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents. No action.

H. R. 5319 (MR. LANHAM, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents. No action.

H. R. 5435 (MRS. NORTON, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making \$200 or more a month, et al. Reported to House.

H. R. 5508 (MR. PETERSON, Fla.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 5791 (MR. SCHULTE, Ind.) COMMUNICATIONS—To prohibit recording for profit or gain any program without consent in writing of the performers. To Interstate and Foreign Commerce Committee. No action.

H. R. 5985 (MR. FLANNERY, Pa.) ADVERTISING—To require announcement of place origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6160 (MR. McGRANERY, Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents. No action.

H. R. 6219 (MR. DOUGHTON, N. C.) ALCOHOLIC BEVERAGES—To amend the Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means. No action.

H. R. 6243 (MR. MOSER, Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. To Committee on Patents. No action.

H. R. 6695 (MR. McGRANERY, Pa.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6973 (MR. LEA, Calif.) GOVERNMENT RADIO STATIONS—Authorizing the purchase of site and erection of building in Massachusetts for use as radio monitoring station at cost not to exceed \$30,000. Referred to Committee on Interstate and Foreign Commerce. Same as S. 2611. No action.

H. R. 7035 (MR. HOBBS, Ala.) ANTITRUST LAWS—To amend Sec. 8 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and to provide additional civil remedies against violations. Referred to Judiciary Committee. No action.

H. R. 7188 (MR. COCHRAN, Mo.) COMMUNICATIONS ACT—To abrogate FCC Rule 42.03(a), adopted by FCC May 23, 1939, requiring international broadcast stations to limit programs to those which reflect the culture of the United States and promote international goodwill, understanding and cooperation, and to prohibit FCC adopting any similar rule. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 7192 (MR. FAY, N. Y.) PATENTS—To provide for the compulsory granting of licenses under patents which are brought by competitors within a single control in order to dominate an industry. Referred to Patents Committee. No action.

H. R. 7456 (MR. KENNEDY, N. Y.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents. No action.

H. R. 8263 (MR. O'BRIEN, N. Y.) TO AMEND THE COPYRIGHT ACT—Provides that the damages for infringement of copyright of musical compositions played in hotels or restaurants when no entrance fee is charged, or cover or its equivalent charge made, shall not exceed \$10 for each performance, unless greater damages are shown. Referred to the Committee on Patents.

H. R. 8509 (MR. DITTER, Pa.) TO AMEND THE COMMUNICATIONS ACT OF 1934 IN ORDER TO PRESERVE AND PROTECT LIBERTY OF EXPRESSION IN RADIO COMMUNICATION—Prohibits Federal Communications Commission's taking adverse action for alleged program offenses; establishes for broadcast stations minimum license period of 3 years and maximum of 5 years; requires hearing where the Commission's action would adversely effect the interest of any holder or a license of any applicant therefor; requires a hearing prior to any order of revocation of license; limits powers of the President in time of peace and war. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 9665 (MR. CLASON, Mass.) COPYRIGHT—To reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Referred to the Committee on Patents. No action.

H. R. 9703 (MR. McGRANERY, Pa.) COPYRIGHT—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March 4, 1909, as amended, and for other purposes. Referred to the Committee on Patents. No action.

H. R. 10205 (MR. BLAND, Va.) COMMUNICATIONS ACT—To amend section 4(f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to the Committee on Merchant Marine and Fisheries. Reported to House.

H. R. 10720 (MR. VOORHIS, Calif.) ADVERTISING—To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes. Referred to the Committee on Ways and Means.

HOUSE RESOLUTIONS

H. Res. 70 (MR. CONNERY, Mass.) FCC INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee. No action.

H. Res. 72 (MR. WIGGLESWORTH, Mass.) BROADCASTING AND FCC INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Rules Committee. No action.

H. Res. 234 (MR. LARRABEE, Ind.) FCC—To authorize the FCC to take steps to provide an adequate method to obtain data and other factual information and material necessary to determine the effects of power in excess of fifty kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than fifty kilowatts for such experimental operation as may be necessary. Referred to Committee on Interstate and Foreign Commerce. No action.

H. Res. 462 (MR. CONNERY, Mass.) MONOPOLY INVESTIGATION—A resolution to investigate radio broadcasting monopoly. Referred to Committee on Rules. No action.

HOUSE JOINT RESOLUTIONS

H. J. Res. 149 (MR. SIROVICH, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee. No action.

H. J. Res. 585 (MR. DINGELL, Mich.) NATIONAL RADIO DAY—Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and directed to issue a proclamation designating August 26 of each year as National Radio Day, calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies. Referred to the Committee on the Judiciary. No action.

February 4

To Be Held in the U. S. Court Building, San Juan, Puerto Rico

NEW—Puerto Rico Advertising Co., Inc., Arecibo, P. R.—C. P., 1200 kc., 250 watts, unlimited.

NEW—Puerto Rico Advertising Co., Inc., San Juan, P. R.—C. P., 1500 kc., 250 watts, unlimited.

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., 1500 kc., 250 watts, unlimited.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Renewal of license, 780 kc., 1 KW night, 2½ KW day, unlimited.

February 17

WGNY—WGNY Broadcasting Company, Inc., Newburgh, N. Y.—C. P., 1370 kc., 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., 1370 kc., 250 watts, unlimited.

February 19

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—C. P., 600 kc., 500 watts night, 1 KW LS.

February 21

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of license, 1350 kc., 5 KW, unlimited, DA day and night. Present assignment: 1350 kc., 1 KW night, 5 KW day, unlimited, DA night and day.

February 24

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., 1500 kc., 250 watts, unlimited.

February 26

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit, 1340 kc., 5 KW, unlimited, DA night. Present assignment: 1340 kc., 1 KW, unlimited, DA night.

KGNO—The Dodge City Broadcasting Company, Inc., Dodge City, Kans.—Modification of license, 1340 kc., 500 watts night, 1 KW day, unlimited. Present assignment: 1340 kc., 250 watts night, 1 KW day, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments will be held before the Commission during the week beginning Monday, January 6. They are subject to change.

Wednesday, January 8

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., 1370 kc., 250 watts night, 250 watts day, unlimited.

Thursday, January 9

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

Friday, January 10

KRMC—Roberts Mac Nab Company (Assignor) (Arthur L. Roberts, R. B. Mac Nab and A. J. Breitbach, General Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. D.—Voluntary assignment of license, 1370 kc., 250 watts night, 250 watts day, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following dates for future broadcast hearings. They are subject to change.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Because of the holiday there was no meeting of the Commission this week. The next regular meeting of the Commission is scheduled for January 7.

MISCELLANEOUS

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent on December 25, 1940, and January 1, 1941, in order to observe the holidays.

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted special temporary authority to remain silent December 25, 1940, due to closing Federal Marketing Offices.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted special temporary authority to operate from 1 a. m. to 2 a. m., EST, on December 25, 1940, in order to broadcast Midnight Mass only.

W1XK—Westinghouse Electric & Mig. Co., Hull, Mass.—Granted special temporary authority to operate a high frequency experimental broadcast station on 42600 kc., 1000 watts power, special emission for frequency modulation, with transmitter located at Hull, Mass., and described as: Westinghouse, Type HE, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W1XK on a commercial basis.

- W1XSN—Westinghouse Electric & Mfg. Co., E. Springfield, Mass.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at E. Springfield, Mass., and described as: Westinghouse, Type HE, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W1XSN on a commercial basis.
- W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Avon, Conn., and described as: Composite, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941.
- W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Milwaukee, Wis., and described as: REL, Type 519, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W9XAO subsequent to January 1, 1941, and until the new high frequency broadcast station now being constructed is ready for operation; denied authority to operate station W9XAO under the new call letters assigned new construction permit; denied authority to operate station W9XAO on frequency **45500 kc.**
- William G. H. Finch, New York, N. Y.—Denied authority to operate Western Electric transmitter commercially, using 1000 watts, **45500 kc.**, at 1819 Broadway, New York City (File No. B1-PH-42).
- W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation with transmitter located at Rochester, N. Y., and described as: R.E.L. Type Cat. No. 519, maximum rated carrier power 2000 watts, for the period January 1, 1941, to not later than March 1, 1941.
- W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted special temporary authority to operate a high frequency experimental broadcast station on **44800 kc.**, 50000 watts power, special emission for frequency modulation, with transmitter located at Paxton, Mass., and described as: Radio Engineering Laboratories, Type 521, maximum rated carrier power 50 KW, for period January 1, 1941, to not later than March 1, 1941.
- W3XO—Jansky & Bailey, Washington, D. C.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Georgetown, D. C., and described as: Composite, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941.
- W8XVH—WBNS, Inc., Columbus, Ohio.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts power, special emission for frequency modulation, with transmitter located at Columbus, Ohio, and described as: GE, Type 4GF1A1, maximum rated carrier power 250 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W8XVH on a commercial basis.
- W8XAD—WHEC, Inc., Rochester, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at Rochester, N. Y., and described as: R.E.L., Type 519, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W8XAD on a commercial basis.
- W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43900 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at 350 Fifth Ave., New York City, and described as: RCA Modified, Type 100 FA exciter with an MI-7151 RF amplifier, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate Station W2XWG on **45100 kc.** with 1000 watts power for period of three months.
- W1XPW—WDRG, Inc., Hartford, Conn.—Granted special temporary authority to operate a high frequency experimental broadcast station on **41100 kc.**, in order to continue experiment in rebroadcasting high frequency broadcast station W2XMN emissions which are to be rebroadcast by W1XOJ, 1000 watts power, special emission for frequency modulation, with transmitter located at Meriden, Conn., and described as: Composite, Type FM1, maximum rated carrier power 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority of Station W1XPW to operate on **46500** instead of **41100 kc.**
- WBNS, Inc., Columbus, Ohio.—Denied authority to operate a 3 KW GE transmitter on frequency **44500 kc.** at 1035 Barnet Road, Columbus, Ohio, and a quarter-wave antenna on top of the present 382 foot WBNS antenna tower for the period December 26, 1940, to not later than January 24, 1941, in order to render FM broadcast service in the Columbus area pending completion of Station W45CM.
- W9XZR—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 5000 watts, special emission for frequency modulation with transmitter located at 505 N. Michigan Ave., Chicago, and described as: Zenith & REL (using REL Modulation Unit), Type ZR-11 (494-B), maximum rated carrier power output 5000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate on **45100 kc.**, 5000 watts, at 135 S. LaSalle St., Chicago, with present transmitter; denied authority to operate for 90 days from December 20 with power of 5000 watts on **45100 kc.** at 505 N. Michigan Ave., Chicago.
- W2XMN—Edwin H. Armstrong, N. of Alpine, N. J.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 4000 watts power, special emission for frequency modulation, with transmitter located at North of Alpine, N. J., and described as: Composite, Type RCA, maximum rated carrier power 40000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate Station W2XMN on a commercial basis.
- W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with transmitter located at Long Island City, N. Y., and described as: Composite, maximum rated carrier power output 1000 watts; facsimile modulation may be employed in connection with the program of research and experimentation (no authority is contained herein to conduct a facsimile broadcast service); authority granted for period January 1, 1941, to not later than March 1, 1941; denied authority to operate Station W2XQR on **48300 kc.**
- WBCM—Bay Broadcasting Company, Inc., Bay City, Mich.—Granted petition for dismissal without prejudice of application for modification of license to increase nighttime power from 500 watts to 1 KW.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted petition for dismissal without prejudice of application for modification of license to increase nighttime power from 500 watts to 1 KW.
- WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted motion to dismiss without prejudice application for construction permit to install new equipment, increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day.
- WTNJ—WOAX, Inc., Camden, N. J.—Dismissed petition to intervene in the hearing on the application for renewal of license for WCAM.
- WTNJ—WOAX, Inc., Camden, N. J.—Same except in re application of WCAP.
- WTNJ—WOAX, Inc., Camden, N. J.—Dismissed petition to intervene in the hearing in re application of Trent Broadcast Corp., for a new station in Trenton, N. J., to operate on **1230 kc.**, 1 KW, unlimited time, DA. and on its own motion the Commission consolidated the hearings on Trent Broadcast Corp., application and renewal for WTNJ.
- The Gazette Co., Cedar Rapids, Iowa.—Granted motion for leave to amend application for new station so as to request frequency **1550** instead of **1420 kc.**, and 5 KW power instead of 100 watts, unlimited time.

- WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted motion to accept amendments to application to increase power from 500 watts to 5 KW, to include engineering affidavit which proposes a new directional antenna (which protects station CKGB, Timmons, Ontario).
- WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted motion to accept amendments to application to increase power from 500 watts to 5 KW, to include engineering affidavit which proposes a new directional antenna (which protects station CKGB, Timmons, Ontario).
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 5:15 p. m. to 5:45 p. m., CST, December 25, 1940, in order to broadcast NBC nation-wide salute to affiliation of WEAU with NBC network, only.
- T. B. Gillespie, Palatka, Fla.—Denied as in case of default application for construction permit for new broadcast station to operate on 1310 kc., 250 watts, unlimited time. (B3-P-2941)
- WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Granted modification of construction permit (B3-P-2893), which authorized increase in power, move of transmitter and studio, etc., for new transmitter and extension of commencement and completion dates to one day after grant and 150 days thereafter respectively.
- KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted license to cover construction permit (B5-P-1339), which authorized a new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited time. Also granted authority to determine operating power by direct measurement of antenna power.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-3013), which authorized installation of new transmitter.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted special temporary authority to operate from 12 midnight, December 31, to 3 a. m. CST, January 1, in order to broadcast New Years Celebration only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 4:30 to 8 p. m. CST, December 27, and from 4:30 to 11 p. m. CST, December 28, in order to broadcast sectional basketball tournament games only.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (January, 5:30 p. m. CST), to completion of Rose Bowl football game on January 1st, in order to broadcast said game only.
- WNYE—Board of Education, City of New York, New York, N. Y.—Granted special temporary authority to continue to operate noncommercial educational broadcast station WNYE after January 1, 1941, on 41100 kc., for a period of 30 days pending action on application to change frequency 42100 kc.
- WNAD—Univ. of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m. CST, January 7, 8, 9, 14, 15, 16, 21 and 22, and from 2 to 3:15 p. m. CST, on January 6, 13, 20 and 27, in order to broadcast educational programs; and to remain silent from 8:15 to 9:15 p. m. CST, on January 1 and 29, and from 7:15 to 9:15 p. m. CST, on January 2, 23, 28 and 30, during Christmas vacation and semester examinations.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—To remain silent from 2 to 3 p. m. CST, on January 7, 8, 9, 14, 15, 16, 21 and 22, and from 2 to 3:15 p. m., CST, on January 6, 13, 20 and 27, in order to permit WNAD to broadcast educational programs; to operate from 8:15 to 9:15 p. m. CST, on January 1 and 29, and from 7:15 to 9:15 p. m. CST, on January 2, 23, 28 and 30, in order to fill WNAD's time during Christmas vacation and semester exams.
- WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate International Broadcast Station on frequencies 11730 and 6040 kc., with power of 50 KW on Sunday, December 29, in order to broadcast speech of the President.
- WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Denied special temporary authority to operate simultaneously with WSAJ from 5 to 5:30 p. m. EST, on January 5, 12, 19 and 26, in order to broadcast Mutual Broadcasting System program entitled "Wheeling Steel Makers".
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8:30 p. m., CST, to conclusion of President's speech on December 29th, for purpose of broadcasting said speech only.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 6:30 p. m. to 10:30 p. m., January 16, 7 to 10 p. m., January 17, 4 to 5 p. m., and 7:30 to 9:30 p. m. CST, January 18, 1941, in order to broadcast basketball games only.
- WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Granted license to cover construction permit (B2-P-2871) which authorized a new station to operate on 1200 kc., 250 watts, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit (B5-P-2783) which authorized changes in equipment and increase in power, for extension of completion date from January 7 to March 8, 1941.
- WNAL—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-2475) authorizing installation of new transmitter, increase in power, etc., for extension of completion date from 1-27-41 to 3-27-41.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-P-2980) which authorized move of old Composite transmitter from Flushing, L. I., to site of new main transmitter, Bellesville Turnpike, N. J., use power of 1 KW, emergency use only, employing directional antenna day and night.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.
- WIBM—WIBM, Inc., Jackson, Mich.—Granted authority to determine operating power by direct measurement of antenna input.
- W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted modification of construction permit (B4-PVB-50) which authorized a new television station, for approval of antenna system and transmitter location at 190 No. State St., Chicago, Ill.
- W9XYN—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted special temporary authority to operate a high frequency experimental broadcast station on 43000 kc., 1 KW power, special emission for FM, with transmitter at 39th St. and Tower Ave., Superior, for period January 1 to March 1, 1941.
- W3XMC—McNary & Chambers, Washington, D. C.—Granted special temporary authority to operate a high frequency experimental broadcast station on 42600 kc., 100 watts, special emission for FM, with transmitter at 2701 14th St., N. W., for the period January 1 to March 1, 1941.
- WRCA-WNBI—National Broadcasting Co., Inc., New York City.—Suspended the effective date of modification of license B1-MLIB-45 and special temporary authority granted under B1-MLIB-44 until January 31, in order to permit the simultaneous utilization of 9670 and 17780 kc. while changes in equipment are being made in accordance with outstanding construction permits.
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Dec. 4:45 p. m., PST), December 31, 1940, to January 1, at 1 a. m., 1941, in order to broadcast New Year's Eve celebrations, and from local sunset (Kan. 5:15 p. m., PST) to 9 p. m., PST, January 1, in order to broadcast football program from Hawaiian Islands.
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously with KFAB from 6 a. m., CST, to local sunrise (Dec. 7:45 a. m.; Jan. 7:45 a. m., CST), for the period December 30 and ending January 28, pending action on formal application for such authority.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously with WBBM.
- WJOB—O. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 7:30 to 8 p. m., CST, on December 28, in order to broadcast basketball game tournament only, in addition to authority granted Dec. 16.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 9:30 p. m., EST, to conclusion of President's speech on December 29, in order to broadcast the speech only.

The Commission has granted further extension of relay broadcast stations, upon a temporary basis only, pending receipt and deter-

mination of renewal applications, for the period January 1 to February 1, 1941:

KAOU, Tucson, Ariz.; WEGZ, New Haven; WEIC, Schenectady; KEIM, Phoenix, Ariz.; KEIN, Walla Walla, Wash.; KEGN, San Francisco; KFAS, Fairbanks, Alaska; WEOM, Aurora, Ill.; WEOC, Charleston, S. C.; WEKW, Hartford, Conn., and WENK, Erie, Pa.

W2XOR—Bamberger Broadcasting Service Corp., New York, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on 43500 kc., with 1000 watts power, special emission for frequency modulation, with transmitter located at 444 Madison Ave., New York City, and described as Western Electric, Type D-151182, maximum rated carrier power output 1000 watts, for period January 1, 1941, to not later than March 1, 1941; denied authority to operate station W2XOR on the frequency of 47100 kc. (which frequency was granted for new high frequency broadcast construction permit).

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted modification of construction permit (B3-P-2497) which authorized new transmitter, increase in power, etc., for move of transmitter from northeast of Fort Worth to ½ mile northwest of Birdville, Tex.; extend commencement and completion dates from 11-17-40 and 5-17-41 to date of grant and 120 days thereafter.

APPLICATIONS FILED AT FCC

560 Kilocycles

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to transfer 50 per cent of interest in corporation from Strawbridge & Clothier to Lit Brothers, 7100 shares common stock.

600 Kilocycles

WCAO—Monumental Radio Co., Baltimore, Md.—Construction permit to change power from 500 watts night, 1 KW day, to 5 KW day and night, install new transmitter, install directional antenna for day and night use, and move transmitter. Amended to make changes in directional antenna for day and night use.

930 Kilocycles

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of construction permit (B2-P-2522) for installation of directional antenna for night use, increase in power, requesting approval of transmitter location at present licensed site and approval of directional antenna as specified under construction permit (B2-P-2522).

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2886) for change of hours of operation, power, move of transmitter, and installation of directional antenna day and night, requesting installation of new transmitter, increase power from 1 KW to 1 KW night, 5 KW day, using directional antenna night only, and extend commencement and completion dates. Amended to make changes in directional antenna for night use and move transmitter.

1200 Kilocycles

KFXD—Frank E. Hurt, Nampa, Idaho.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WGRM—P. K. Ewing, Greenwood, Miss.—License to cover construction permit (B3-P-3009) for new transmitter.

1220 Kilocycles

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day. Amended to request 1 KW day and night (using directional antenna night).

1280 Kilocycles

WORC—Alfred Frank Kleindienst, Worcester, Mass.—License to cover construction permit (B1-P-2563) for changes in equipment and increase in power.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KRJF—Star Printing Co., Miles City, Mont.—Modification of construction permit (B5-P-2533) for a new station, requesting approval of studio and transmitter sites at U. S. Highway No. 212, south near intersection of road to Miles City Country Club, Miles City, Mont., approval of antenna and change type of requested transmitting equipment.

WINX—Lawrence J. Heller, Washington, D. C.—License to cover construction permit (B1-P-2546) as modified for a new 50-watt amplifier.

1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Modification of construction permit (B4-ML-386) to change power and install directional antenna for day and night use, requesting approval of directional antenna for day and night use.

1370 Kilocycles

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to change frequency from 1370 to 1020 kc. (1060 kc. under North American Regional Broadcasting Agreement), increase power from 250 watts to 10 KW, install a new transmitter, install directional antenna for day and night use, and move transmitter. Amended: To change type of requested transmitting equipment.

1500 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—Modification of construction permit (B3-P-2725) to install new transmitter, change frequency, and increase power, further requesting authority to change type of transmitter, and extend commencement and completion dates.

FM APPLICATIONS

NEW—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc., coverage, 2240 square miles; population, 543,000.

NEW—FM Radio Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 48300 kc., coverage, 8600 square miles; population, 9,800,000.

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on 44100 kc., coverage, 16230 square miles; population, 5,972,246.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new high frequency broadcast station to be operated on 44100 kc., coverage, 69400 square miles; population, 4,125,000.

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc., coverage, 7400 square miles; population, 282,000.

MISCELLANEOUS

KLX—Tribune Building Co., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power. (Not signed or verified by an officer.)

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Copinol Company—Robert E. Overell, trading under the firm name of Copinol Company, 7th and Main Sts., Los Angeles, engaged in the distribution of a medicinal preparation designated "Copinol" and sometimes "Copinol Nasal Medicine," is charged in a complaint with false advertising.

The complaint charges that in advertisements distributed through the United States mails and other means in commerce, the respondent has represented among other things: "Secret Formula for Nose Catarrh Revealed at Last!" "Special ingredient retains medication longer in nose—speeds relief in catarrh-choked nasal congestion, shrinks swollen membranes," and " * * * New laws require that Copinol reveal its treasured formula and now the whole world knows that LANOLIN, blended with six other scientific ingredients, is the amazingly effective medication that insures such lasting relief from stuffy head colds, catarrh-choked nose and throat, nasal catarrh, and sinus congestions. * * *"

These representations, the complaint continues, are false and misleading; the preparation has no therapeutic value in the treatment of head colds, nasal catarrh, or sinus congestion in excess of furnishing temporary relief to congested nasal mucous membranes, and is nothing more than a mild antiseptic emollient and constrictor of the arterioles.

The complaint charges further that respondent's preparation contains ephedrine, and the preparation may be harmful to those suffering from heart trouble, high blood pressure, diabetes or thyroid trouble, and that use of the preparation over a long period of time is likely to produce such prolonged nasal constriction as to cause tissue damage from anoxemia with secondary inflammatory reaction.

The advertisements disseminated by the respondent, the complaint continues, contain no cautionary statements to the effect that this preparation should not be used by persons having heart trouble, high blood pressure, diabetes or thyroid trouble, and constitute false advertising in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to health. (4431)

Ethel Bellamy, Inc., 30 Elm St., Nutley, N. J., engaged in the sale and distribution of a cosmetic and drug preparation designated "Ethel Bellamy Eyelash Luxuriant," is charged, in a complaint with misrepresentation of the product.

In advertisements circulated in commerce, the complaint charges, the respondent has represented that the product is of substantial therapeutic value in the treatment of granulated eyelids; that its use promotes the growth of eyelashes, and that it supplies pigment to eyelashes and darkens eyelashes permanently.

These representations, the complaint continues, are exaggerated, misleading and untrue. (4424)

Food Service Equipment Industry, Inc.—Charging various members of the food service equipment industry with combinations and agreements to unlawfully restrict competition in the sale of their products and create monopolies, a complaint has been issued against Food Service Equipment Industry, Inc., Chicago. Its officers, directors, and member companies who are representative of the some 75 or 80 of the country's leading dealers in food service equipment; corporations manufacturing such equipment, who are representative of concerns holding "Honor Roll Certificates" from the industry association; Illinois Brass Mfg. Co., Chicago; Columbia Stamping and Enameling Company, Long Island City, N. Y.; American Vitrified China Manufacturers' Association, New Castle, Pa., two of its officers, and its member manufacturing companies.

The complaint alleges that each of the various respondents, in cooperation with one or more other respondents, either directly, or through Food Service Equipment Industry, Inc., or its officers or directors, or American Vitrified China Manufacturers' Association, or its officers, or by other means, entered into agreements, combinations, policies and practices which had the effect, among other things, of monopolizing in the respondent food service equipment dealers the resale and distribution of food service equipment to hotels, clubs, restaurants and other users, and in monopolizing in the respondent manufacturers the manufacture of such equipment.

The complaint alleges that by means of agreements and under-

standings; (1) the distributors comprising the industry association membership, through the association required all manufacturers of food service equipment to sell their products through the industry association members and not directly to ultimate users, and pursued a general policy of reducing competition throughout the United States which tended to maintain a monopoly in the respondent dealers and manufacturers, such policies and practices having been accomplished through national and local association meetings, special committees, publications and by other means; (2) the industry association issued to respondent manufacturers "Honor Roll Certificates" signifying that they had agreed, and abided by their agreement, not to sell through any but "recognized" dealers and to discontinue selling directly to hotels, restaurants, chain stores and similar users, the tendency and effect being to set up the respondent manufacturers Honor Roll Certificate recipients, as a "White List" of manufacturers to receive exclusively the industry members' business; and (3) the industry association members entered into and carried out agreements with manufacturers of stainless steel and enamel cooking equipment, the china manufacturers' association member and three of the largest commercial gas range manufacturers, all respondents in the proceeding, to monopolize in the respondent industry association members the resale, and in the respondent manufacturers all purchases of these manufacturers' products by industry members.

The complaint alleges that Illinois Brass Mfg. Co. and Columbia Stamping and Enameling Co., although not recipients of Honor Roll Certificates, cooperated as manufacturers with the other respondents in effectuating the industry corporation members' policies and practices.

The respondents officers of Food Service Equipment Industry, Inc. are: I. S. Anoff, Chicago, chairman; M. P. Duke, St. Louis, vice-chairman; Miss L. E. Iwert, Chicago, secretary, and S. R. Spearans, New York, treasurer; directors: A. H. Beadle, St. Paul, Minn.; S. J. Carson, Denver, Colo.; H. C. Davis, Baltimore; W. F. Dougherty, Philadelphia; B. Dohrmann, San Francisco; P. L. Ezekiel, Richmond, Va.; A. W. Forbriger, Cincinnati; W. Friedman, New York; C. A. Winchester, Boston; and C. Winkler, Seattle.

The respondent member companies, named as being representative of some 75 or 80 corporations, firms or individuals engaged in the purchase and resale of food service equipment, are: A. L. Cahn & Sons, New York; Duke Manufacturing Co., St. Louis; Ezekiel & Weilman Co., Inc., Richmond, Va.; Alex Janows & Company, Chicago; Albert Pick Co., Inc., Chicago; The Stearnes Company, Chicago; and Straus-Duparquet, Inc., New York.

The respondent manufacturers, named as being representative of some 40 or 45 manufacturers, all recipients of Honor Roll Certificates, are: American Stove Co., St. Louis; Josiah Anstice & Co., Inc., Rochester, N. Y.; G. S. Blakeslee & Co., Cicero, Ill.; G. S. Blodgett Co., Inc., Burlington, Vt.; Carrollton Metal Products Co., Carrollton, Ohio; Colt's Patent Fire Arms Manufacturing Co., Hartford, Conn.; Detroit-Michigan Stove Co., Detroit; Hobart Manufacturing Co., Troy, Ohio; Lalance-Grosjean Manufacturing Co., Woodhaven, Long Island, N. Y.; McGraw Electric Co., Chicago; Polar Ware Co., Sheboygan, Wis.; Standard Gas Equipment Corporation, New York; United States Stamping Co., Moundsville, W. Va.; and Vollrath Co., Sheboygan, Wis.

Active officers of the respondent American Vitrified China Manufacturer Association named respondents are: Albert M. Walker, Bedford, Ohio, president, and James K. Love, New Castle, Pa., secretary-treasurer. Respondent members of the china association are: Bailey-Walker China Co., Bedford, Ohio; Buffalo Pottery Co., Inc., Buffalo, N. Y.; Carr China Company, Grafton, W. Va.; Iroquois China Co., Syracuse, N. Y.; Jackson Vitrified China Co., Falls Creek, Penna.; D. E. McNichol Co. of W. Va., Clarksburg, W. Va.; Mayer China Company, Beaver Falls, Penna.; Onondaga Pottery Co., Syracuse, N. Y.; Scammell China Company, Trenton, N. J.; Shenango Pottery Co., New Castle, Penna.; Sterling China Company, Wellsville, Ohio; and Wellsville China Co., Wellsville, Ohio. The respondents Buffalo Pottery Co., Inc., and D. E. McNichol Co. of W. Va., according to the complaint, received Honor Roll Certificates. (4433)

National Distillers Products Corporation, 120 Broadway, New York, which conducts a distillery and factory in Cincinnati in which it prepares and from which it ships into various States a poultry feed supplement variously designated as "Produlac Brand Semi-Solid Distillers Grains Mash", "Semi-Solid Produlac" and "Produlac", is charged, in a complaint with misrepresentation of its product.

The complaint charges that the respondent corporation, in letters and circulars transmitted by mail and otherwise through the various States of the United States (except into and in certain States where the respondent has been compelled by requirement of statutes relating to poultry feeds to modify its representations), has represented and implied that poultry rations generally are inadequate and must be supplemented by the vitamins and nutritional factors represented and implied as being contained in sufficient quantities or percentages in its product. The complaint also alleges that the respondent also represents and implies that the addition of its product as a supplement to a diet or ration already containing the necessary food elements and vitamins results in substantially increased egg production, better health, hatchability of eggs, decreased mortality and other advantages set forth in its representations.

The complaint alleges that these representations are unwarranted, grossly exaggerated and misleading, and that the respondent's product is merely one of a class of dried grain after-distillation remnants and does not have the qualities and efficacy claimed for it. (4425).

Powerine Company, Denver, Colo., engaged in the sale and distribution of petroleum products to retail dealers and jobbers, is charged, in a complaint with the use of lottery methods in the sale of its products, designated "Powerine" and "Powerlube".

The complaint charges that in connection with the sale of these products the respondent has distributed to dealers a so-called "Right in the Palm of Your Hand" device for use in the sale and distribution of the products to the consuming public in a manner involving the operation of a game of chance, gift enterprise or lottery scheme. The device consists of a booklet, the complaint continues, together with a number of sales receipts or coupons. The petroleum products, services or cash awards to be awarded purchasers vary in value in accordance with each individual booklet, the complaint alleges, and are effectively concealed from purchasers until certain seals are broken and removed from the booklets, thus the prizes or awards are distributed to the purchasing public wholly by lot or chance.

The aforesaid acts and practices of the respondent, the complaint alleges, constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the meaning of the Federal Trade Commission Act. (4423).

Rosse Products Company—Edward C. Rose, trading under the firm name of Rosse Products Company, 2708 West Farwell Ave., Chicago, engaged in the advertising, sale and distribution of a medicinal preparation designated as "Rosse Rheuma Tabs", is charged, in a complaint with misrepresentation.

By the dissemination of advertisements concerning his preparation circulated by United States mails and other means in commerce, the complaint charges, the respondent has represented that his product is a cure or remedy for rheumatism, rheumatic pains, and sensitive joints, and constitutes a competent and effective treatment therefor, and that it will relieve the pain attendant upon which such conditions for a longer period of time than any other preparation.

The complaint charges that the product is nothing more than a laxative and diuretic having mild analgesic properties; has no curative action on the underlying factors that cause rheumatic pains; and has no therapeutic value in the treatment of rheumatism, rheumatic pains or sensitive joints, in excess of furnishing temporary relief from the symptoms of pain. (4428).

Ruth Gowns, Inc., 498 Seventh Ave., New York, engaged in manufacturing, selling and distributing various grades and types of dresses and other wearing apparel for women, is charged, in a complaint with falsely representing the constituent fiber or material of which its products are made. Such representations, according to the complaint, are made by means of tags, labels, price lists and invoices, as well as in various advertising material circulated in commerce, through statements made to purchasers, and by the respondent's failure to disclose the rayon content of certain of its products.

The complaint alleges that an example of the respondent's representations is its placing on price lists and invoices and in various advertising circulars of the term "Tie Silk Taffeta Dress", or other terms indicative of silk, thus representing that the fabrics so described are composed of silk, when in fact they consist in whole or in part of rayon.

In a large portion of the respondent's sales, the complaint alleges, no indication of the fabric content of its products is made by tag,

label or invoice, in advertising, or by any other means, and a large portion of the respondent's products which have the appearance and feel of silk but are composed entirely of rayon, are therefore sold through wholesalers, jobbers and retail dealers to the purchasing public without any disclosure being made of their rayon content. (4426).

Siegel & Alenikoff—Joseph Henschel, Jacob Siegel and Philip Alenikoff, copartners trading as Siegel & Alenikoff, 520 Eighth Ave., New York; H. M. Thorman and Alfred Schuster, trading under the name H. M. Thorman, 2101 Superior Ave., Cleveland; Joseph Bloomfield, trading as Bloomfield Company, 75 Kneeland St., Boston; Lou Littman, 153 East Grand River Ave., Detroit, and Sugar, Feinberg & Frankel, 318 West Adams St., Chicago, are charged in a complaint with unfair and deceptive acts and practices in commerce.

Respondents Joseph Henschel, Jacob Siegel and Philip Alenikoff, trading as Siegel & Alenikoff, have been engaged in the manufacture and sale of women's textile fabric coats and other garments, some made of fabrics composed of wool and cotton, and some of rayon, wool and cotton. The other respondents are engaged in selling and distributing women's textile fabric coats and other garments manufactured for and shipped to them by Henschel, Siegel and Alenikoff.

The complaint charges that the respondents, in connection with the offering for sale and sale of their textile fabric garments, refer to and designate such textile garments through use of the word "Persian" and by the trade names "Galykurl" and "BABELAMM," and advertise the garments by means of trade journals, window display cards and other advertising matter which describe and refer to the garments as "Persian," "Genuine BABELAMM," and "Persian Fur Fabrics," together with the word "Imported," and other words of like import and meaning, accompanied by pictorial designs of sheep or lambs, and showing a woman wearing a coat having the appearance of fur.

The respondents also, the complaint continues, attach to the textile fabric garments certain tags and labels, some of which bear upon their faces pictorial designs of sheep or lambs and the trade names "Galykurl" and "BABELAMM." These garments, the complaint continues, are constructed so as to have the appearance of silky, tightly-curved and highly prized fur of the young of the Karakul breed of sheep, and convey the impression and induce the belief from their appearance that they are in fact made of the peltries of "Persian" lambs, the young of such Karakul sheep, or are made from silky hair or wool of peltries coming from such lambs.

The respondents also, the complaint charges, by use of labels and tags and other advertising matter, have created the impression in the minds of purchasers and prospective purchasers that the garments are made in whole or in part from the peltries of the young of the Karakul breed of sheep or from the wool taken from such sheep, and that the materials of which they are made are imported from Persia.

In truth, the complaint alleges, the garments are made in the United States of fabrics composed of wool and cotton, or of rayon, wool and cotton. The labels, tags and other advertising material employed by the respondents, the complaint continues, to describe, designate or refer to their products, do not disclose or indicate the presence of rayon or cotton in the garments, and the respondents, by furnishing such deceptive and misleading labels and tags and other advertising material to customers, and causing such labels and tags to be placed upon the garments for resale to the purchasing public, have placed in the hands of retail dealers a means and instrumentality whereby they might deceive or mislead members of the purchasing public. (4427).

Snap-On-Tools Corporation, Kenosha, Wis., engaged in the manufacture and distribution of tools, is charged, in a complaint with the use of lottery methods in the sale and distribution of its products.

In the conduct of its business, the complaint charges, the respondent has sold its merchandise to members of the public in accordance with a sales plan involving a game of chance, gift enterprise or lottery scheme, and has supplied the managers of its branch offices with sales posters and circular letters outlining the sales plans or methods by which its merchandise was to be and has been sold and distributed to the purchasing public. (4429).

Worthmore Sales Promotion Service, Inc., 221 East 20th St., Chicago, engaged in the manufacture and sale of a device

called "Rap-A-Pak," a novelty holder for cigarette packages, is charged, in a complaint with misrepresentation.

In magazines and periodicals having an interstate circulation, the complaint alleges, and to potential representatives, the respondent has represented that "A man should make \$75 to \$100 commission weekly," and Earn \$75 to \$100 commission weekly." Through use of the foregoing statements and others of similar import, the complaint continues, the respondent represented that agents and salesmen selling the respondent's device customarily earn from \$75 to \$100 per week in the usual and normal course of business.

The complaint alleges that these representations are grossly exaggerated, false and misleading, and that it is impossible for agents and salesmen selling the device to earn, in the usual and normal course of business, \$75 to \$100 per week or any amount approximating either of such figures. (4430).

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Allred Brothers Candy Company—Two North Carolina candy distributors have been served with orders directing them to cease and desist from the use of lottery methods in the sale of candy. The respondents are Jesse W. and Robert A. Allred, trading as Allred Brothers Candy Co., Charlotte, N. C., and J. T. Tarlton, trading as J. T. Tarlton Candy Co., Marshville, N. C.

The orders prohibit the respondents from selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with assortments of merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which devices may be used in selling or distributing such merchandise to the public by means of a game of chance; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4244-4256).

Augusta Knitting Corporation, manufacturer and distributor of knitted garments, with its place of business in Utica, N. Y., and sales office at 180 Madison Ave., New York, has been ordered to cease and desist from certain misrepresentations concerning its products.

The Commission finds that the respondent has falsely represented the constituent fiber or material of which the various products sold and distributed are made, by means of false representations on labels attached to its products. Typical of such acts and practices, the Commission finds, is that the respondent represents that certain ladies' knitted undergarments manufactured and distributed by it are composed of a mixture of silk and wool, by means of labels, tags and markers attached to the garments which designate and describe the products. One of such labels reads:

"50%
SILK AND WOOL"

Another label reads:

"50%
SILK AND WOOL
27% 27%"

The word "and" on the above labels is printed in minute type and in such a manner as to be illegible to all practical intents and purposes. On the second label the notation "27%" appearing underneath the words "silk and wool" is in much smaller type than the "50%" appearing above the words "silk and wool." By means of the above labels, the Commission finds, the purchasing public are misled into believing that the undergarments so labeled are composed entirely of silk and wool in the proportion of 50 per cent silk and 50 per cent wool. The use on certain labels of "27%" in fine print is according to findings, contradictory to the label itself and would not be noticeable to the purchasing public or understood by them.

In fact, the Commission findings continue, the knitted undergarments so labeled are not composed entirely of silk and wool, but contain a cotton content ranging from 45 per cent to 57 per cent.

In addition, the Commission finds, the respondent fails to disclose by appropriate labels all the fiber constituents from which

its garments are made, and fails to disclose the existence of cotton as a substantial constituent of the garments.

The respondent is ordered to cease and desist from representing, in any manner or by any means, that its products are composed of fibers or materials other than those of which such products are actually composed; from using the term "silk" or the term "wool" or any other terms indicative of either silk or wool to describe or designate any fabric or product which is not composed entirely of silk or entirely of wool, provided that in the case of a fabric or product composed in part of silk or wool and in part of materials other than silk or wool, such terms or similar terms may be used as descriptive of the silk or wool content, as the case may be, when immediately accompanied by a word or words accurately describing and designating each constituent fiber or material thereof in letters of equal size or conspicuousness in the order of its predominance by weight, beginning with the largest single constituent.

The order further directs the respondent to cease representing in any manner or by any means that the fabrics or products offered for sale or sold by the respondent contain wool or silk in greater quantity or percentage than is actually the case and to discontinue representing that the respondent's products have longer wearing qualities than garments of equivalent price and quality ordinarily and customarily sold in the usual course of business; or that the quality, grade, material or character of the respondent's products are superior to or different from the actual quality, grade, material or character of such products. (4162)

Minetree Brokerage Company—T. A. Ward, Carr Ward and Wilma Ward, trading as Minetree Brokerage Company, Poplar Bluff, Mo., have been ordered to cease and desist from violation of the brokerage provision of the Robinson-Patman Act in the sale of merchandise, particularly foodstuffs.

Commission findings are that the Poplar Bluff Wholesale Grocery Company, Poplar Bluff, Mo., in which the respondents, T. A. and Wilma Ward own 88 per cent of the outstanding capital stock and of which they are officers, places orders for a substantial portion of its merchandise requirements, particularly foodstuffs, with sellers through the respondent brokerage firm of T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company.

Sellers delivering the goods ordered by Poplar Bluff Wholesale Grocery Company, the findings continue, transmit and pay to the respondent brokerage firm substantial brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent, of the sales price of the grocery company's purchases. In all of these transactions, the findings continue, the respondents have acted for and on behalf of the Poplar Bluff Wholesale Grocery Company.

The Commission order directs the respondents, individually and trading under the firm name of Minetree Brokerage Company, to cease and desist from accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by the Poplar Bluff Wholesale Grocery Company, under the facts and circumstances as found, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form they may be offered, allowed, granted, paid or transmitted.

The order also directs the respondents to cease and desist from accepting or receiving, directly or indirectly, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form they may be offered, allowed, granted, paid or transmitted by sellers on purchases of commodities in interstate commerce, by any person, partnership, firm or corporation where all or any of the respondents are subject to the direct or indirect control of such buyer or act for or in behalf of such buyer. (4285)

Patent Specialties Company—George W. Brenner and John M. Kurtz, trading as Patent Specialties Company, 4020 Tenth Ave., New York, engaged in the manufacture and sale of two devices, the "Magic Wand Welder" and "Super Magic Wand Welder," intended for use in welding different kinds of metals, using electric current as the heating agency, have been ordered to cease and desist from certain misrepresentations of their products.

The Commission finds that in advertisements in trade publications and other media, the respondents represented that the Magic Wand welding device is a "genuine" heavy-duty device which, when connected with an ordinary automobile storage battery, will weld all base metals in any form, and that it is practical for such use in home tinkering and shop production, and that the respond-

ents give each purchaser of the device a full kit of welding supplies "free" and as a gratuity.

The Commission further finds that the respondents represented and implied that the "Super Magic Wand" device is a tool built for use and is useful for heavy-duty in welding base metals of all kinds, and more particularly cylinder blocks and heavy parts of mechanical and farm machinery; that it will heat such metals to the extent that they will run so that a proper weld can be effected; that its construction is sturdy enough to withstand such hard use and the electric current necessary for such welding; that it is safe to operate on an ordinary AC or DC branch electric household circuit; that its operation will injure neither the operator nor the branch electric current to which it is attached, and that it is a safe and efficient device to use in obtaining a "sun tan" on the skin.

The respondents are ordered to cease and desist from representing, directly or by implication, that the "Magic Wand" welder is a heavy-duty welder which is of practical use in shop welding; that it will generate sufficient heat, when connected with an automobile storage battery, to prepare materials for welding; that the "Super Magic Wand" welder conforms to the standard method of design or construction for electrical devices, either as to the suitability of materials used or as to the proper guarding and spacing of "live" electric parts; that it is a heavy-duty welder, or that it is useful in welding heavy mechanical and farm machinery, such as cylinder blocks; that the "Super Magic Wand" welder may be used on ordinary alternating or direct branch electrical household circuits without injury either to the operator of the welder or to the household circuit to which it is attached; that the "Super Magic Wand" welder may be used with safety and efficiency in "sun tanning" the skin, or that welding supplies offered regularly as part of a combination offer are free or a gift or gratuity. (4336)

Primrose House, Inc., 111 Eighth Ave., New York, and Delv, Limited, 76 Ninth Ave., New York, engaged in the sale and distribution of various cosmetics, have been ordered to cease and desist from certain misrepresentations of their product.

Primrose House Sales Company, Inc., a wholly-owned subsidiary of the respondent Primrose House, Inc., with identical officers and directors, was engaged in the sale and distribution of a skin cream, "Delv," from January, 1934 until May, 1935, at which time it was dissolved and its assets taken over by the parent company. During the time mentioned above, the Commission finds, Primrose House Sales Company, Inc., in promoting the sale of the skin cream by various advertising media such as radio broadcasts and printed matter circulated in the various States, represented, among other things, that "Delv is based upon a new cosmetic principle for it contains a precious new beauty ingredient. This ingredient, called 'Triactin' has the same action on the skin as the skin's own gland fluids that keep it young and vital."

In May, 1935, Primrose House Sales Company, Inc., entered into a stipulation with the Federal Trade Commission by which it agreed to abandon the use of certain allegedly false representations in connection with the sale of the product. Notwithstanding the aforesaid agreement to cease and desist, the findings continue, the respondents have, since May, 1935, in promoting the sale of Delv through radio broadcasts and by printed matter circulated in various States, represented that Delv contains an ingredient which acts on the skin as the natural fluids of the skin, and that it serves the same purpose as such fluids; that it will rid the skin of wrinkles, large and unsightly pores and other imperfections; that it will nourish and rejuvenate the skin and will create a new skin texture and keep the face young and the complexion beautiful. The Commission finds that these representations are false and misleading.

The respondents are ordered to cease and desist from representing that the preparation acts on the skin as the natural fluids of the skin, or that it serves the same purpose as the natural fluids of the skin; that it will cause wrinkles, large or unsightly pores or other imperfections to disappear from the skin; that it will nourish or rejuvenate the skin or create a new skin texture, or that the preparation will keep the face young and the complexion beautiful. (3314)

STIPULATIONS

During the week the Commission has entered into the following stipulations:

American Mattress Mfg. Company—Harry Malneck, trading as American Mattress Manufacturing Company, 1305 Larimer St.,

Denver, engaged in the manufacture and distribution of mattresses, has agreed to cease and desist from failing to clearly and unequivocally disclose that his products, which are made, either in whole or in part, of used or second-hand materials, are in fact made of or actually do contain materials which have been used or are second-hand, and from representing that the products are made in compliance with Colorado bedding laws, or the laws of any other State, or that they have been thoroughly cleaned and renovated, that is, restored to a state of freshness by cleaning, when in fact the products are not made so as to conform to such laws and have not been thoroughly cleaned and renovated as represented. (3007)

Acady Farms Milling Company, 223 West Jackson Boulevard, Chicago, engaged in manufacturing various feed mixes for poultry, including a product known as "Wonder Live Milk Pellets," has stipulated to discontinue certain representations in the sale of its products.

The respondent agrees to cease use of the term "Live Milk" as a trade name or designation for its products, and use of the words "Live Milk" or "Milk" in any way so as to imply that the products are composed of milk, that is, the fresh, clean, lacteal secretion such as is obtained in the pure or native state from a milk-producing animal.

Under its stipulation, the respondent also agrees to desist from use of any statement or representation which implies that there are quantities of beneficial bacteria present in the respondent's products sufficient to have any therapeutic effect, or that there is scientific basis for the representation that putrefactive bacteria will cause all the dire consequences recited in certain advertising issued by the corporation, or that the presence of so-called beneficial bacteria will alleviate such conditions.

The respondent, according to the stipulation, advertised, among other things, that the presence of lactic acid and lactic acid producing bacteria in its products "prevent the development of putrefactive types of bacteria, which retards digestion, produces waste, develops poisonous putrefactive gases in the system, and retards all bodily functions * * *." (3008)

Cenol Company, Inc., 4250-56 North Crawford Ave., Chicago, engaged in selling two rat killing preparations designated "Cenol Squill Powder" and "Cenol Rat Destroyer," has stipulated to cease representing that "Cenol Squill Powder" will kill any species of mice except house mice, or that it is the leading "raticide" in the United States and is superior to or more effective than similar preparations containing the same amount and toxic quality of red squill powder.

The respondent also agrees to desist from representing that "Cenol Rat Destroyer" will destroy any species of mice except house mice, or that the effect of the barium carbonate content contained in "Cenol Rat Destroyer" will drive poisoned rats out of doors to die in the open. (02692)

Colorado Mattress Mfg. Company—Morris Stein and Morris Nierenberg, trading under the name Colorado Mattress Manufacturing Company, 2363 Larimer St., Denver, in connection with the labeling, tagging or other advertising of their products, agree to discontinue designating, describing or representing their products, which are made either in whole or in part of used or second-hand material, to be products made of or containing all new material; failing to clearly and unequivocally disclose that such products are composed, either in whole or in part, as the case may be, of used or second-hand material, and representing that the products are made in compliance with the laws of the State of Colorado, or of any other State, or that they or the materials used as filler therefor have been subjected to a cleansing process so as to be free from dirt or other extraneous matter, when in fact the products are not so made as to conform to such laws and have not been cleaned as represented. (3006)

Crown Silver Company, Inc., 62 Harvard St., Brookline, Mass., manufacturer of copies of reproductions of Sheffield silverware, has entered into a stipulation to cease and desist from certain representations in the sale of its products.

The stipulation points out that in England there exists an outgrowth of the Guild System which requires that articles made of silver be submitted to Goldsmith Hall for assaying, and that articles found to be of the standard prescribed are stamped with hall-

marks indicating the place and year of manufacture. The practice of using hall-marks in England dates back several centuries. These well-known and understood hall-marks, when impressed upon the silver, inform purchasers that the silverware is Old English and of ancient origin. Old English Silverware and Sheffield Plate that have been manufactured and imprinted with the genuine English hall-mark have for many years enjoyed widespread demand in the United States.

Crown Silver Company, Inc., in connection with the sale and distribution of silverware in commerce, agrees to cease and desist

(1) from representing its product as "Hall-Marked" or using or causing to be used or aiding or abetting others to use upon or in connection with such silverware, an English hall-mark or any hall-mark, stamp, brand, label or other mark or device which simulates or imitates an English hall-mark, unless such silverware has been manufactured in England and has been submitted to Goldsmith's Hall of England and has met the standards prescribed thereby for use of the English hall-mark;

(2) from in any way using or causing to be used, or aiding or abetting others to use or cause to be used, upon or in connection with such silverware any mark, stamp, brand or other device which represents or indicates directly or by implication that such silverware has been manufactured in England or has been submitted to Goldsmith's Hall of England, or has met the tests or requirements prescribed by Goldsmith's Hall of England, or is silverware of a certain hall-mark, grade, quality, standard, design or manufacture, when such is not true in fact. (3005)

Fram Corporation, East Providence, R. I., engaged in selling a filter for the lubricating oil of internal combustion engines, designated "Fram Oil and Motor Cleaner," has stipulated to discontinue representing that by the use of the "Fram Oil and Motor Cleaner," motorists are freed from all oil and mechanical motor trouble; that the product will double the possible length of service of an internal combustion engine, or that the possible length of service of such engine can be extended beyond any period not in accord with the facts, and that installation of a "Fram Oil and Motor Cleaner" will effect savings sufficient to equal its cost in instances where a motor is consuming excessive oil because of a need for mechanical repairs. (02684)

Gillespie Furniture Company, 3011 East Pico Boulevard, Los Angeles, a corporation engaged in the manufacture and sale of furniture, including mirrors, has stipulated that in connection with the advertisement, sale or distribution of its mirror products, it will cease using the words "copper plating on the back" as descriptive of the mirrors, and will cease using any other words of similar import, the effect of which tends to convey the impression that the mirrors are backed with genuine metallic copper applied by the electrolytic process, when in fact they are not so backed. (3004)

Lester Meyers, 112 East 17th St., New York, engaged in conducting an advertising agency which disseminated advertisements for a preparation designated "Activanad" on behalf of Charles J. Ashbahr, trading as Neo-Products Company of America, New York, has stipulated that he will cease and desist from representing, directly or indirectly, in future advertising, that the preparation is praised or recommended by eminent physicians and psychiatrists; that it strengthens the body; is beneficial for persons afflicted with fear, anxiety, irritability, worry or fatigue; benefits failing physical processes and prevents chronic disorders. The respondent also agrees to cease otherwise representing that the preparation has any therapeutic value in the prevention of any ailment or disease; prevents fatigue; builds up the body; promotes formation of new blood, or is of any therapeutic value in the treatment thereof; strengthens the muscles, or promotes sleep; increases capacity for mental concentration; provides new reserves of power, new funds of energy, better poise or self-confidence; provides energy for the body and strengthens the nerves; is an effective aphrodisiac; produces a striking or prompt effect, or is beneficial following childbirth or physical collapse. (02687)

Charles H. Lilly Co., Seattle, Wash., engaged in selling "Lilly's Dog Food," has entered into a stipulation in which it agrees to cease and desist from representing that its dog food is better than uncooked dog food; that it owns, operates or controls a laboratory; that its product prevents any skin disorder, aids in assimilat-

ing mineral matter, stimulates the glands, tones the digestive tract, or aids the luster or sleekness of the hair coat. (02690)

Newmark's Advertising Agency, Inc., 217 Seventh Ave., New York, which disseminated advertisements for a cosmetic product designated "Lucone Herb Tonic" on behalf of Lucone, Inc., New York, has agreed to cease and desist from disseminating any advertisements which represent, directly or by implication, that the product is an herb tonic, or from otherwise representing or implying that it is composed wholly of herbs, or from making any other untrue statement regarding its composition; that the product contains no greasy substances; that it will promote, provide or cause or assure a healthy or robust hair growth, or from otherwise representing or implying that it will cause hair to grow; that the product will prevent baldness, hair loss or dandruff, or will save hair or end falling or thinning hair or dandruff. (02693)

Rexbell Huntington Station—W. F. Hagel, doing business under the trade name Rexbell, Huntington Station, New York City, engaged in selling a preparation designated "French Love Drops," has stipulated to cease and desist from representing, by use of the word "French" as a part of the name of the product, that the product was manufactured or compounded in France, or by use of the word "exotic," as descriptive of the product, that the product was introduced from a foreign country. (02691)

Sears, Roebuck and Company, Chicago, in connection with the sale of electric fence controllers designated "Sears Thrifty," "Defiance," "4 Star" and "Cross Country," has entered into a stipulation in which it agrees to discontinue representing that any electric fence controller offered for sale or sold by it has been approved by the Underwriters' Laboratories or any other laboratory, commission or authority, when such is not the fact; that any such controller has a value in excess of the current market price or has had a value in excess of the recent market price at which such controller was regularly sold; that an electric fence served by the respondent's controllers is "absolutely" safe; that purchasers can save more than half the cost of their electric fence controllers or any other sum in excess of the average difference in the current market prices of controllers of equal quality, efficiency and durability; that one or two wires will stop both large and small animals, including sheep and goats, or that an electric wire fence will assure protection of fields or crops. (02689)

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Free Offers	4900	Legal	4874-4897-4924
Cook's Digest	4900	Nebraska Case	4874
Henry Discusses Local Radio with Rochester		New York Tax Proposal	4924
Ad Club	4843	Supreme Court Upholds Record Broadcast	
NRDGA Associate Membership	4843	Decision	4897
Results from Radio—Henry's Speech Before		Legislature	4901
Rochester Ad Club	4919	H. R. 10720—Advertising	4901
"Results from Radio," Volume 1, Number 10		NAB	4837-4845-4874-4876-4899-4916-4917-4918
Released	4843	AAAA Conference Committee Meetings	4845-4918
Trade Studies Reviewed	4918	Board of Directors	4876
Engineering	4845-4883	Associate Membership Committee	4876
FCC Holds Conference on High Frequency		Meeting	4876
Equipment	4883	1941 Convention	4876
Medical Equipment Conference	4845	Defense Communications Board	4877
Federal Communications Commission	4839-4846-	District Meetings	4874-4899-4917
Aid for FM	4874-4885-4901-4924	New York Office	4916
Broadcast Engineering Standards Now Avail-		Variety Award	4837
able in Printed Form	4901	National Defense	4846-4877-4879-4880-4885-4901
Broadcast Rules Amended	4885	Army Training Camps	4885
Defense Communications Board	4846-4877-4901	Brorein Appointed to Defense Communications	
Board Meeting Called	4901	Board	4885
FCC Stays Out of ASCAP Situation	4874	Defense Communications Board	4846-4877-4885-4901
Foreign Language Broadcasts	4885	Meeting Called	4901
Network Investigation: Final Argument	4839	Engineering Colleges Announce Defense Train-	
New Industry Advisory Committee Appointed		ing Courses	4880
by FCC Board	4846	Engineering Defense Training Program	4880
New Public Notice Numbering	4847	New Industry Advisory Committee Appointed	
Payne Broadcasts	4886	by FCC Board	4846
Racetrack Radio	4924	National Retail Dry Goods Association Sales Pro-	
Rules Waived for Operators	4847	motion	4886
Senator Gurney Assails FCC	4843	Publishers Information Bureau's Request for Unit	
Time Extension on Monopoly Briefs	4886	Reports	4876
Work Schedule	4847	Promotion	4843-4844-4878-4901-4922
Frequency Modulation	4877-4901	Radio Christmas	4843
Additional FM Service Authorized	4877	Radio's Twentieth Birthday	4844-4879
Aid for FM	4901	50 Million Sets by Christmas	4843-4878-4901-4922
Application Form Revised	4877	Rochester Ad Club Discusses Radio	4884
Distinctive Call Letters for FM	4878	WJRD Football Remote	4846

THE WEEK IN WASHINGTON

A C. E. Hooper, Inc., survey showed that the radio listening audience increased after the ASCAP music went off the air. Neville Miller said that the industry was "delighted with the way the radio stations all over the United States had been able to continue their excellent entertainment without ASCAP music." (p. 27)

The NAB-AAAA Conference Committee approved a new station facilities contract for the NAB to recommend to stations. Copies are included with this issue. (p. 28)

Another series of District meetings starts Monday, January 13, with a Sixth District meeting at Nashville. The NAB's Associate Membership campaign will get under way next week. Ed Kirby, NAB Public Relations Director, was appointed this week to the Army's General Staff where he will organize and administer a radio broadcasting division. Samuel J. Henry, Jr., resigned as Director of the Bureau of Radio Advertising. (pp. 29-30)

January 15 was the closing date for entries in the George Foster Peabody Radio Awards contest. Radio has placed 200,000 workers in National Defense jobs. (p. 31)

Senator Tobey has introduced a resolution to investigate the broadcasting industry and the FCC. (p. 31)

The Supreme Court held that an employer must reduce to the form of a written contract any agreement he reaches with a labor union at the union's request. (p. 33)

Neville Miller was elected chairman of the Domestic Broadcasting Committee of the Defense Communications Board. The FCC Budget Bureau estimates it will need \$1,930,000 for national defense work during the next fiscal year. (p. 33)

BMI Developments

A special survey by C. E. Hooper, Inc., showed that the total audience listening to 21 programs was nearly five per cent greater on January 2, 3 and 4 than during the corresponding period in December. This was the answer to ASCAP's claim that the radio audience had decreased considerably since December 31.

A joint meeting of the NAB Executive Committee, the Board of Directors of Broadcast Music, Inc., and the Executive Committee of Independent Radio Net Work Affiliates was held in Washington, D. C., on January 7. At the close of the meeting Neville Miller issued the following statement:

"We had a general discussion of all phases of the music situation. Of course all of us were delighted with the way that radio stations all over the United States have been able to continue their excellent public entertainment without ASCAP music. In our opinion this means that radio has won its fight to break ASCAP's strangle-hold on American music and creative talent."

BMI FEATURE TUNES

January 13-20

1. HIGH ON A WINDY HILL
2. IT ALL COMES BACK TO ME NOW
3. HERE'S MY HEART
4. YOU WALK BY
5. I CAN'T REMEMBER TO FORGET
6. BECAUSE OF YOU
7. ACCIDENT'LY ON PURPOSE
8. LET'S DREAM THIS ONE OUT
9. WALKIN' BY THE RIVER
10. THE WISE OLD OWL

Four out of the top fifteen sheet music best sellers throughout the nation for last week were BMI songs: *There I Go*, *I Hear A Rhapsody*, *So You're The One*, and *I Give You My Word*. In addition to these songs which are BMI's own publications, the number one song both among the sheet music best sellers in the nation and among the best selling records is *Frenesi* which is covered by the BMI license.

Stations, most of which have previously been pledged to BMI, have continued to swell the ranks of the BMI member stations. If any of the following have already been announced, we are still glad to welcome them twice. Here are the latest additions to BMI's family:

WDSM—Superior, Wis.
KVOL—Lafayette, La.
WMSL—Decatur, Ala.

WAGF—Dothan, Ala.
WSAM—Saginaw, Mich.
KYSM—Mankato, Minn.

(Continued on page 28)



1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

BMI DEVELOPMENTS

(Continued from page 27)

- | | |
|--------------------------|---------------------------|
| WSLI—Jackson, Miss. | WGBB—Freeport, N. Y. |
| KFJZ—Fort Worth, Tex. | WLOL—Minneapolis, Minn. |
| KABC—San Antonio, Tex. | WRR—Dallas, Tex. |
| WACO—Waco, Tex. | KTRB—Modesto, Calif. |
| KGKL—San Angelo, Tex. | KCMC—Texarkana, Tex.-Ark. |
| KRRV—Sherman, Tex. | KNOW—Austin, Tex. |
| KFVS—Cape Girardeau, Mo. | KBST—Big Springs, Tex. |
| WKBH—LaCrosse, Wis. | KRBC—Abilene, Tex. |
| WDSU—New Orleans, La. | KFOX—Long Beach, Calif. |
| | KYCA—Prescott, Ariz. |

The Curtis Publishing Company, which maintains a large distributing organization to deal with news-stands, book-stores, and so forth, is about to launch a new make of phonograph records which will be sold on the news-stands. Known as Viking Records and manufactured by the Nu-Phonic Corporation, the new platters will be advertised under the slogan, "Two Hits—Two Bits." Most, if not all, of the numbers recorded will probably be BMI tunes. The first two records to be offered for general sale will be played by Jack Teagarden's orchestra. One will have *Frenesi*, as an instrumental, backed by Norman Weiser's song, *Here's My Heart*, with the vocal chorus by David Allen. The other record will have Ernest Gold's *Accident'ly On Purpose*, with vocal chorus by Lynne Clark, backed by a new number from the Whitney-Kramer-Zaret combination—*It All Comes Back To Me Now*, with vocal chorus by David Allen.

It is expected that the first two records will be on the news-stands about February 5 and it is planned to release one record a week thereafter.

BMI is not only publishing house and licensing agency—it also does much of the work of a school. Otto Cesana, well-known teacher of theory and composition, one of whose pupils is Ernest Gold, has written BMI "as one teacher to another." Mr. Cesana said: "I know that your method of paying your composers is what makes it possible for Ernest not only to support himself but to continue his studies as well. From working with him I know also that he profits greatly from his contact with your editors and from their comments and criticism . . . BMI's attitude of taking a personal interest in the de-

velopment of composers plus its plan of compensating them for the use of their material will do a great deal toward fostering the development of American composers who will some day produce the important, serious American music."

Milton Rettenberg, chief of the editorial staff, hesitated to give publicity to this aspect of BMI's work. He said, "If you tell what we're doing in the way of working with young writers, you'll have ten thousand swooping down on us and wanting interviews on their songs. Of course we can do it with only a few—the most promising one in a hundred maybe. But it's worth while. There are so many of these kids with real talent who have never had a chance to study or if they have studied there's still a flavor of the classroom and the exercise book in what they write. All they lack is a sort of professional polish and it is certainly true that we can help them in that way."

Mr. Rettenberg, who might be said to head the BMI "faculty," has a record of more than 3,500 radio performances as a pianist, has written the music for many radio shows, first became nationally famous when he took the late George Gershwin's place as solo pianist with Paul Whiteman. The BMI board includes also Graham Harris, who has appeared as conductor with the New York Philharmonic, London Symphony, and other orchestras, and Arthur Gutman, whose compositions have been played by leading orchestras.

Sales

NAB RECOMMENDS NEW STATION FACILITIES CONTRACT

After meeting in New York last Monday, and jointly with the AAAA on Tuesday, the NAB-AAAA Conference Committee met again Tuesday evening and reported out unanimously a new station facilities contract for the NAB to recommend to stations. The committee's action was taken pursuant to a resolution of the Executive Committee adopted December 5, 1940.

Although unable, after numerous conferences with the AAAA Committee, to reach agreement on several points, the NAB Committee reports that in its opinion the recommended contract is fair and equitable both to stations and to agencies and to advertisers. Both our Conference Committee and the Executive Committee have deemed it important that these recommendations be laid before stations at this time for their consideration. As directed by the Executive Committee, the NAB will upon request of member stations supply, free of charge, mats for the printing of the back of the contract.

The new contract, two copies of which are enclosed as

a supplement to this issue of NAB REPORTS, is recommended to stations for use on new business. The committee has sought to recommend a contract that it believes is representative of the practices of the great majority of stations. It recognizes, however, that some of the recommended provisions may not be in accordance with the policy of some stations. Individual stations will, of course, make any changes necessary to adapt the contract to conform with their particular policies. It should be noted that the contract is so drawn as to be capable of use in selling time to a local advertiser as well as a recognized agency.

For convenience to all concerned it is suggested that all stations use size 8½" x 11" paper, and that the three copies be (1) white, (2) canary yellow, and (3) salmon pink.

Contracts submitted by agencies may be different from the NAB recommended contract. Stations should examine such contracts carefully to ascertain whether they conform to the recommended form, if station decides to adopt it.

Upon being advised of the committee's action by Chairman Wilder, Neville Miller, in behalf of the membership, expressed his deep appreciation of the untiring efforts of the committee, the members of which have devoted an enormous amount of their time and energies to a difficult and tedious task.

Present at the joint meeting on the contract were: Ned Midgley, Batten, Barton, Durstine and Osborne, Chairman; C. T. Ayres, Ruthrauff and Ryan, Inc.; Carlos Franco, Young and Rubicam; William Fricke, AAAA; Fred Gamble, AAAA; John Hymes, Lord and Thomas; William Maillfert, Compton Adon, Inc.; and R. T. Turnbull, AAAA, of the AAAA Committee, and, Harry C. Wilder, WSYR, Chairman; R. L. Harlow, Yankee Network; Richard H. Mason, WPTF; Edward Petry, Edward Petry and Co., Inc.; Frank A. Seitz, WFAS; Dale Taylor, WENY; Lee B. Wailes, Westinghouse; and Paul F. Peter and Russell P. Place, NAB, of the NAB-AAAA Conference Committee.

The full NAB Committee was also in attendance at the Monday meeting and the Tuesday evening meeting.

The committee is still considering an invoice form. Considerable progress was made at the Tuesday meeting and definite recommendations will probably be reported by the end of this month.

Present at the joint meeting on the invoice were the members of the NAB Committee above-named and the following members of the AAAA Fiscal Committee: Mr. Bell, Ruthrauff and Ryan, Inc.; Mr. Beurmann, Campbell-Ewald; Mr. W. A. Fricke, AAAA; Mr. Fred Gamble, AAAA; Mr. R. T. Turnbull, AAAA; Mr. Van Utt, Erwin-Wasey; and, Mr. Vasoll, Kenyon and Eckhardt.

HIGHLIGHTS OF RECOMMENDED CONTRACT

Face of Contract:

The instrument is a contract and not an order. It should be signed in duplicate by both parties and doubtless a third copy will be found useful. If the contract is made with an advertiser, all references in the contract to agency apply to advertiser.

Back of Contract:

The "Conditions of Contract" on the back are part of the contract. The following highlights should be noted:

2. **TERMINATION.** Twenty-eight days of broadcasting is contracted for before termination can become operative; after fourteen days broadcasting, termination may be effected on fourteen days written notice.

3. **INABILITY TO BROADCAST.** Station is liable only for pro rata reduction in time charges irrespective of whether commercials are omitted or interrupted.

5. **RATES.** This is the portion of the contract that some stations may find not adapted to their use under their rate policies; it should be carefully studied. It is believed by the committee to represent the policies of the great majority of stations, and to be self-explanatory.

7. **INDEMNITY.** Station indemnifies for station material. Station material consists of (1) all material used in programs furnished by station except material furnished by agency in connection with such programs, and (2) copyrighted musical compositions performed under the BMI license. (This applies to such BMI material whether in live talent programs or on transcriptions. Station is in turn indemnified by BMI and has the benefit of the insurance policy taken out by BMI. The BMI license itself also runs in favor of agencies and advertisers.) Everything else is "agency material" as to which agency indemnifies station.

SALES PROMOTION CALENDAR

The sales promotion calendar issued annually by the National Retail Dry Goods Association can be obtained through the NAB Bureau of Radio Advertising at \$2.50 a copy. The calendar lists all the important anniversaries, "weeks," etc., useful for both programming and selling.

NAB

DISTRICT MEETINGS SCHEDULED

A continuation of the series of District meetings which took place prior to the first of the year will get under way next Monday, January 13, with a meeting of the broadcasters of Tennessee, Arkansas, Louisiana and Mississippi. Director Edwin W. Craig, WSM, of the Sixth NAB District, has invited all broadcasters, regardless of membership in NAB or BMI, to be on hand to review the music situation and to be brought up to date on other industry matters.

Ed Kirby, Public Relations Director of NAB, will discuss general industry problems and Association activities, while Carl Haverlin, Stations Relations Manager of BMI, will deal with the music situation.

The next meeting in point of time is that of the Six-

teenth District to be held at the Ambassador Hotel in Los Angeles at 10:00 a.m., Friday, January 17. Director Harrison Holliway, KFI-KECA, has also invited all Southern California, Arizona and New Mexico broadcasters, regardless of membership in NAB or BMI, to participate. This meeting will be covered for NAB by C. E. Arney, Jr., Assistant to the President, and by Carl Haverlin of BMI.

These two then proceed to San Francisco for a meeting on Saturday, January 18, where Director Howard Lane, KFBK, has invited the Northern California, Nevada, and Hawaii broadcasters to meet at the St. Francis Hotel at noon. A District Director's election will be held in connection with this meeting.

The next stop on the tour is at Portland, Oregon, where on Wednesday, January 22, C. W. Myers, KOIN-KALE, Seventeenth District Director, has summoned the broadcasters of Oregon, Washington, and Alaska. A District Director's election will be held in connection with this meeting.

Following the Portland meeting, Haverlin and Arney proceed to Omaha, Nebraska, to assist Director John J. Gillin, Jr., of WOW in bringing to the broadcasters of Iowa, Missouri, and Nebraska, information with relation to developments in the music situation and other industry matters, on January 25.

Gene O'Fallon, KFEL, District 14 Director, has called a meeting for January 27 at Denver. Messrs. Arney and Haverlin will attend.

This concludes the present setup for District meetings. When this tour is completed all but two of the NAB Districts will have been covered since the Board's meeting in New York on December 6. Directors in these two remaining Districts are expected to call meetings early in February.

ASSOCIATE MEMBERSHIP CAMPAIGN

On next Wednesday, the first release to prospective Associate Members, under the new plan adopted by the Board, will be sent out from headquarters. Those to whom an invitation to become Associate members will be sent are: station representatives, broadcasting equipment companies, market research organizations, transcription companies, news services, and telephone companies and telegraph companies.

NAB members can materially assist in making this campaign a success by supplementing the invitation from headquarters with a personal invitation to those with whom they directly transact business.

If every member would write to his station representative and urge him to take out Associate Membership in NAB, we have no doubt but that it would do some good. Do the same thing to transcription companies, to those from whom you buy your equipment, to the news service

which you are using, and the market research organizations.

Let us also remind you so you can pass the word along, that only Associate Members are going to be permitted to exhibit or maintain reception headquarters in the hotel where the NAB convention is held. Theirs will be official exhibits. The cooperation of members is urged.

KIRBY TO WAR DEPARTMENT

With the approval of the President, Secretary of War Henry L. Stimson last Tuesday appointed Ed Kirby, NAB Director of Public Relations, to a post on the General Staff of the Army where he will organize and administer a radio broadcasting division. Kirby will act as industry liaison between the industry and the War Department. He will serve as a "dollar a year man," having been given an indefinite leave of absence by the NAB Board at the request of the War Department. It is expected that he will assume his new duties in about two weeks.

HENRY RESIGNS

Samuel J. Henry, Jr., has resigned as director of the NAB Bureau of Radio Advertising. Following are his letter of resignation and Neville Miller's reply:

January 2, 1941.

Mr. Neville Miller
National Association of Broadcasters
Washington, D. C.

DEAR MR. MILLER:

Please accept my resignation as director of the NAB Bureau of Radio Advertising, to become effective February 1, 1941.

It is with genuine regret that I leave the staff of the National Association of Broadcasters, with whom I have been privileged to work for some time. The associations which I have enjoyed here in Washington have been most pleasant, and it is my sincere hope that my future radio and advertising work will provide frequent opportunity to keep those associations alive.

While I have made no definite decision relative to connections, I have several matters in mind and I should like to feel free to conduct negotiations that may involve an earlier leave-taking.

Please convey to the entire staff of NAB my warmest personal regards and appreciation of their many courtesies. With best wishes to you and yours for the New Year.

Sincerely,

SAMUEL J. HENRY, JR.

Mr. Samuel J. Henry, Jr.
National Association of Broadcasters
Washington, D. C.

January 2, 1941.

MY DEAR SAM:

This is an acknowledgment of your letter of January 2, submitting your resignation as Director of the NAB Bureau of Radio Advertising, effective February 1.

I want to express to you my sincere appreciation for the energy and ability which you have devoted to the Bureau's work during the year and one-half in which you have nursed it from its infancy to its present respectable standing.

I sincerely hope that some of the prospects about which you told me develop satisfactorily and that you make a connection which befits your capabilities. In this connection I want to assure you that if in order to avail yourself of such connection it is necessary for you to leave before the first of February, we shall be very pleased to cooperate with you in that regard.

I know that I voice the sentiment of the entire staff when I extend you every good wish for a successful future.

My kindest personal regards,

Sincerely,

NEVILLE MILLER.

Promotion

PEABODY AWARDS

January 15 is the closing date for entries in the George Foster Peabody Radio Awards contest, sponsored by The University of Georgia in cooperation with the National Association of Broadcasters.

The procedure as set forth in a recent University bulletin, is as follows:

"Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration of one of these awards. Program subjects, program outlines, program transcripts, recordings, letters and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

"Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940."

There are to be separate awards for small, medium-sized, and large stations, and for chain broadcasts.

Awards will be made at a date and place to be announced later, upon the recommendations of the Advisory Board, membership of which consists of:

Dr. S. V. Sanford, Chancellor, University System of Georgia, ex-officio.

Bruce Barton, President, Batten, Barton, Durstine, and Osborne, Advertising, New York City.

John H. Benson, President, American Association of Advertising Agencies, New York City.

Virginius Dabney, Editor, Richmond (Va.) Times-Dispatch.

Norman H. Davis, Chairman, American Red Cross, formerly Acting Secretary of State, etc., Washington, D. C.

Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.

Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.

Waldemar Kaempffert, Science Editor, The New York Times.

Alfred A. Knopf, Publisher, New York City.

Dr. John W. Studebaker, United States Commissioner of Education and Chairman, Federal Radio Education Committee, Washington, D. C.

Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo", Saratoga Springs, New York.

Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

Miss Grace Moore, Metropolitan Opera Singer, New York City.

RADIO FILLS 200,000 JOBS

Up to January 1, 1941, through the help of radio, over 200,000 workers have been placed in National De-

fense jobs in the War Department and in the Navy Department.

"It's almost fantastic," an official declared, "to think that the broadcasting stations have been able to locate so many tens of thousands of qualified workers in less than six months time when, previously, they could not be found."

When broadcasters started to recruit workers, on July 24, 1940 doubt was expressed in some quarters that radio would prove equal to the job. But the skeptics were neither broadcasters nor Civil Service people.

Station executives from one end of this country to the other got behind the industry's own National Defense promotion from the word go. And so far they have been able to keep up with requirements.

Believing that broadcasters would be interested in learning exactly what these 200,000 workers are producing, Civil Service was queried. This is a partial list: naval guns—all sizes; small arms; torpedoes; other munitions of all kinds; armor plate; engines; tools; optical instruments; tanks; fighting ships; other defense ships; airplanes; airplane engines, and airplane instruments.

Monitoring officers and radio operators have also been secured. Inspectors of every kind have been put to work as have engineers for the procurement of materials.

WOW CLAIMS REMOTE RECORD

WOW, Omaha, is latest claimant for single station, long distance, remote control pick-up. Claim submitted by Bill Wiseman, publicity manager, is based on station's recent series of pick-ups from the Pacific Coast. Says Mr. Wiseman:

"I note in NAB REPORTS of December 13 some claims for honors for long-distance remote control broadcasts. WOW has both of these claims put to shame!

"On January 6 a four-man WOW special events crew returned from a 5,000-mile automobile trip, on which it broadcast from Phoenix, Hollywood, Pasadena, Los Angeles, San Francisco, and several in-between points.

"The expedition was sent out in connection with the University of Nebraska football team's appearance in the Rose Bowl. Included in the group were Foster May, news and special events editor, and Tom Dailey, sports editor."

Legislation

TOBEY ASKS INVESTIGATION

Senator Tobey (R—N H) has introduced a sweeping resolution (S.R. 20) to investigate both the broadcasting industry and the FCC. We print it in full below. Representative Wigglesworth (R—Mass) has introduced a resolution for an investigation similar to the one introduced by him in the last Congress; a printed copy is not available as we go to press.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1941

Mr. TOBEY submitted the following resolution; which was referred to the Committee on Interstate Commerce

RESOLUTION

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio-receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation, engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

COLORADO "ANTI-ASCAP" BILL

A so-called "anti-ASCAP" bill, similar to those previously introduced in other states, has just been introduced in the Colorado Legislature. The NAB Board of Directors went on record last December as opposed to the encouragement or support of legislation of this character.

FEDERAL LEGISLATION

HOUSE

H. R. 123 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Referred to Committee on Interstate and Foreign Commerce.

H. R. 125 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To prohibit the advertising of alcoholic beverages by radio, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 126 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of intoxicating liquors, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 132 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertise-

ments of alcoholic beverages, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 533 (BLAND, D., Va.) COMMUNICATIONS ACT—To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to Committee on Merchant Marine and Fisheries.

H. R. 999 (PETERSON, D., Fla.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 so as to prevent monopolies and to prohibit excessive duplication of broadcast programs in any area. Referred to Committee on Interstate and Foreign Commerce.

H. R. 1082 (DITTER, R., Penna.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication. Referred to Committee on Interstate and Foreign Commerce.

HOUSE JOINT RESOLUTION

H. J. Res. 32 (DITTER, R., Penna.) COPYRIGHT—To define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories. Referred to Committee on Patents.

SENATE

S. 157 (CAPPER, R., Kansas) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 20 (TOBEY, R., N. H.) MONOPOLIES—Authorizing the Committee on Interstate Commerce to investigate possible monopolies in radio broadcasting, equipment, and communication. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

COLORADO:

H. 17 (CROWLEY, ET AL.) COPYRIGHT REGULATIONS—To remove monopolistic abuses wrongfully practiced under copyrights in the state by price-fixing combinations, monopolies and pools, and to encourage production of copyrighted works of citizens of Colorado. Repealing certain acts, creating state anti-monopoly board. Referred to Committee on Judiciary.

MASSACHUSETTS:

H. 189 (SOC. AGAINST COPYRIGHT ABUSES) COPYRIGHTED MUSICAL COMPOSITIONS—Relative to public performing rights in copyrighted musical compositions and dramatic-musical compositions, providing for licensing of the same, and levying a tax on the gross receipts from licensing of such rights. Referred to Committee on Constitutional Law.

H. 193 (SULLIVAN) RADIO NEWS GATHERER—Making it a crime to interfere with any news photographer reporter, or radio news gatherer or commentator or reporter, in the exercise of his calling. Referred to Committee on Constitutional Law.

H. 194 (SULLIVAN) JOURNALISM, RADIO AND TELEVISION—To create and protect the right of confidence in the profession of journalism, radio and television. Referred to Committee on Constitutional Law.

H. 307 (REP. CAMERON) PUBLISHED LIBELLOUS STATEMENTS—Making writers of published libellous statements civilly and criminally liable therefor. Referred to Committee on Constitutional Law.

H. 324 (RICHARD J. HATCHFIELD) COPYRIGHT—In aid of federal copyright laws. Referred to Committee on Constitutional Law.

STATE LEGISLATION
REPRESENTATIVES

The persons whose names are listed below have been designated by the Directors of their respective Districts

to keep NAB informed of the introduction in state legislatures of any legislation affecting broadcasting. They will serve as a clearing-house for information obtained from broadcasters in their states and any other sources. The legislatures of 44 states will be in session this year.

DISTRICT 1

CONNECTICUT: Paul W. Morency, WTIC, Hartford
MAINE:
MASSACHUSETTS:
NEW HAMPSHIRE: Charles G. H. Evans, WFEA, Manchester
RHODE ISLAND: John Boyle, WJAR, Providence
VERMONT: Charles P. Hasbrook, WCAX, Burlington

DISTRICT 2

NEW YORK:

DISTRICT 3

DELAWARE: J. Gorman Walsh, WDEL, Wilmington
NEW JERSEY: Theodore C. Streibert, WOR, Newark
PENNSYLVANIA: C. G. Moss, WKBO, Harrisburg

DISTRICT 4

MARYLAND: George Roeder, WCBM, Baltimore
NORTH CAROLINA: Richard H. Mason, WPTF, Raleigh
SOUTH CAROLINA: G. Richard Shafto, WIS, Columbia
VIRGINIA: C. T. Lucey, WRVA, Richmond
WEST VIRGINIA: Howard Chernoff, WCHS, Charleston

DISTRICT 5

ALABAMA: J. C. Bell, WBRC, Birmingham
FLORIDA: Gilbert Freeman, WTAL, Tallahassee
GEORGIA:

DISTRICT 6

ARKANSAS: G. E. Zimmerman, KARK, Little Rock
LOUISIANA: Harold Wheelahan, WSMB, New Orleans
MISSISSIPPI: Wiley P. Harris, WJDX, Jackson
TENNESSEE: Edwin W. Craig, WSM, Nashville

DISTRICT 7

KENTUCKY: George Norton, Jr., WAVE, Louisville
OHIO: J. H. Ryan, WSPD, Toledo

DISTRICT 8

INDIANA: Gene Pulliam, WIRE, Indianapolis
MICHIGAN: Owen Uridge, WJR, Detroit

DISTRICT 9

ILLINOIS: Harold L. Dewing, WCBS, Springfield
WISCONSIN: W. J. Damm, WTMJ, Milwaukee

DISTRICT 10

IOWA: Luther Hill, KSO, Des Moines
MISSOURI:
NEBRASKA: Glenn Foe, Lincoln

DISTRICT 11

MINNESOTA: Earl H. Gammons, WCCO, Minneapolis
NORTH DAKOTA: P. J. Meyer, KFYZ, Bismarck
SOUTH DAKOTA: A. A. Fahy, KABR, Aberdeen

DISTRICT 12

KANSAS: Ben Ludy, WIBW, Topeka
OKLAHOMA: Neil Barrett, KOMA, Oklahoma City

DISTRICT 13

TEXAS: Ted Taylor, KGNC, Amarillo

DISTRICT 14

COLORADO: Eugene P. O'Fallon, KFEL, Denver
IDAHO: Frank Hurt, KFXD, Nampa

UTAH: Earl J. Glade, KSL, Salt Lake City
WYOMING: D. L. Hathaway, KDFN, Casper
MONTANA: K. O. MacPherson, KPFA, Helena

DISTRICT 15

CALIFORNIA: Howard Lane, KFBK, Sacramento
NEVADA: Wallie D. Warren, KOH, Reno
HAWAII: J. Howard Worrall, KGMB, Honolulu

DISTRICT 16

ARIZONA: Fred A. Palmer, KOY, Phoenix
NEW MEXICO:

DISTRICT 17

OREGON: W. Carey Jennings, KEX, Portland
WASHINGTON: Donald G. Graham, KOMO-KJR, Seattle

Labor

WRITTEN CONTRACTS

The Supreme Court held this week that an employer must reduce to the form of a written contract any agreement he reaches with a labor union, at the union's request.

"A business man who entered into negotiations with another (business man) for an agreement having numerous provisions, with the reservation that he would not reduce it to writing or sign it, could hardly be thought to have bargained in good faith," Mr. Justice Stone wrote.

However, the court pointed out that the Wagner Act "while requiring the employer to bargain collectively, does not compel him to enter into an agreement." (H. J. Heinz Company v. N.L.R.B.)

FEDERAL COMMUNICATIONS COMMISSION

MILLER ELECTED CHAIRMAN OF DEFENSE COMMITTEE

Neville Miller, was elected chairman of the domestic broadcasting committee of the Defense Communications Board at an organization meeting on Monday. Andrew D. Ring of the FCC was elected secretary.

Complete list of officers elected by the various committees at Monday's meeting are as follows:

Industry Advisory Committee:

Mr. Walter S. Gifford, Chairman
(American Telephone and Telegraph Co.)
Dr. C. B. Jolliffe, Secretary
(Radio Corporation of America)

Labor Advisory Committee:

Mr. Robert J. Watt, Chairman
(American Federation of Labor)
Mr. Paul E. Griffith, Secretary
(National Federation of Telephone Workers)

I. Amateur Radio Committee:

Mr. George W. Bailey, Chairman
(American Radio Relay League)
Mr. E. M. Webster, Secretary
(Federal Communications Commission)

II. Aviation Communications Committee:

Mr. Paul Goldsborough, Chairman
(Aeronautical Radio, Inc.)
Mr. Ford Studebaker, Secretary
(American Export Airlines, Inc.)

III. Cable Committee:

Mr. C. Mills, Chairman
(Mexican Telegraph Co.)
Mr. J. A. Kennedy, Secretary
(Federal Communications Commission)

IV. Domestic Broadcasting Committee:

Mr. Neville Miller, Chairman
(National Association of Broadcasters)
Mr. A. D. Ring, Secretary
(Federal Communications Commission)

V. Interdepartment Radio Advisory Committee:

Mr. E. K. Jett, Chairman
(Federal Communications Commission)
Dr. J. H. Dellinger, Vice Chairman
(Department of Commerce, c/o Bureau of Standards)
Mr. Gerald C. Gross, Secretary
(Federal Communications Commission)
Mr. P. F. Siling, Assistant Secretary
(Federal Communications Commission)
Note: IRAC did not meet on January 6. The names are those of the regular officers.

VI. International Broadcasting Committee:

Mr. Walter Evans, Chairman
(Westinghouse Electric & Mfg. Co.)
Mr. P. F. Siling, Secretary
(Federal Communications Commission)

VII. Radiocommunications Committee:

Mr. E. M. Webster, Chairman
(Federal Communications Commission)
Mr. F. M. Ryan, Secretary
(American Telephone & Telegraph Co.)

VIII. State and Municipal Facilities Committee:

Capt. Donald S. Leonard, Chairman
(International Association of Chiefs of Police)
Mr. E. L. White, Secretary
(Federal Communications Commission)

IX. Telegraph Committee:

Mr. E. R. Shute, Chairman
(Western Union Telegraph Company)
Mr. W. J. Norfleet, Secretary
(Federal Communications Commission)

X. Telephone Committee:

Mr. Z. Z. Hugus, Chairman
(American Telephone & Telegraph Co.)
Mr. Clyde S. Bailey, Secretary
(U. S. Independent Telephone Assn.)

XI. United States Government Facilities Committee:

Mr. A. G. Simson, Chairman
(Department of Agriculture)
Mr. T. L. Bartlett, Secretary
(Federal Communications Commission)

FCC DEFENSE FUND

FCC Budget Bureau estimates for 1942 provide a lump-sum appropriation to carry out the national defense program, which was begun the latter part of the year with \$1,600,000 allocated by the President from the emergency fund given him. The bureau approved an appro-

priation of \$1,930,000, an increase of \$320,000, to carry on this work during the next fiscal year.

The fund is to be used to purchase land and equipment to establish monitoring stations in all parts of the country to guard the air waves from being used for subversive activities. The fund also is to be used for the employment of additional personnel, including radio inspectors and an attorney investigator, as well as the necessary clerical and administrative assistance.

The estimates also call for the use of 80 vehicles as mobile monitoring stations to be used in ferreting out unlicensed radio stations and stations alleged to be used in subversive activities. The cost of the operation of these vehicles is estimated at \$7,000.

882 STATIONS

During the month of December, 1940, the Federal Communications Commission issued operating licenses to six stations and granted construction permits to six stations. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1
Operating	765	769	771	775	779	783	791	799	806	810	816	825	831
Construction	49	48	51	48	47	53	56	58	57	54	52	51	51
	814	817	822	823	826	836	847	857	863	864	868	876	882

WMCA DECISION

FCC has dismissed a petition filed December 23, requesting it to reconsider its action of December 17, giving consent to a transfer of control of the Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York City, from Donald J. Flamm, to Edward J. Noble.

The decision and order of the Commission on petition to reconsider, with Commissioner Craven not participating:

This is a petition filed December 23, 1940, by Donald J. Flamm, New York City. It requests the Commission to reconsider its action of December 17, 1940, giving consent to a transfer of control of Knickerbocker Broadcasting Company, Inc., licensee of Radio Station WMCA, New York City, from Donald J. Flamm to Edward J. Noble, upon application filed December 2, 1940, by Donald J. Flamm, transferor, and Edward J. Noble, transferee (B1-TC-252), and upon such reconsideration, to dismiss the application.

In support of the petition it is alleged that the application for consent to transfer control of the Knickerbocker Broadcasting Company, Inc. (WMCA), through the transfer of all the stock from Donald J. Flamm to Edward J. Noble was filed December 2, 1940; that on December 14, 1940, petitioner's counsel received a letter from the Commission requesting further information, and stating that before action would be taken on the application it would be necessary to supply the Commission with such information; that on December 17, 1940, petitioner had prepared a petition to dismiss the application under Rule 1.73, "which was ready to be filed" when notice of the Commission's action of December 17, 1940, was received.

On December 30, 1940, Edward J. Noble, transferee, filed his answer to the petition filed by Donald J. Flamm, transferor.

Upon examination of the application filed December 2, 1940, by Donald J. Flamm, transferor, and Edward J. Noble, transferee, for consent to transfer control of the Knickerbocker Broad-

casting Company, Inc. (WMCA), it was found that full information was lacking, particularly as to the financial arrangements between the parties, the financial showing of the transferee, and the nature of an asset item in the licensee's balance sheet entitled "franchise". On December 13, 1940, a request for additional information in regard to these matters was made jointly of transferor and transferee. On December 14, 1940, the Commission received a response from the transferee to its inquiry of December 13, 1940.

Thereupon the application became available for action by the Commission, and, upon consideration of the application and data submitted therewith by the transferor and transferee, the Commission, on December 17, 1940, found that the transferee was legally, technically, financially and otherwise qualified, and that the transfer requested was in the public interest. It, therefore, gave its consent to the transfer.

In so far as the instant petition requests a reconsideration of the action of the Commission granting consent, as applied for, to transfer of control of a licensee corporation, neither the Communications Act of 1934, as amended, nor any rule or regulation promulgated by the Commission pursuant to the Act either expressly or by implication makes provision for the filing by an applicant of a petition for reconsideration or rehearing following a grant of his own application as filed. Section 405 of the Communications Act of 1934 and Paragraph 1.271 of the Commission's Rules of Practice and Procedure provide for the filing of a petition for rehearing which may request reconsideration, hearing, or rehearing by any "person aggrieved or whose interests are adversely affected" by any decision, order, or requirement of the Commission. Petitioner has failed to make any showing that he is aggrieved or adversely affected by the action of the Commission taken pursuant to his request.

In so far as the petition requests a dismissal of the above-entitled application, petitioner's sole complaint appears to be that the Commission acted upon the merits of his application without awaiting a response from him as well as from the transferee to its communication of December 13, 1940, and while he was preparing to file a request for dismissal of the instant application. Petitioner does not claim that the information furnished by the transferee was in any way inadequate, improper or incorrect, nor does he allege that he had intended to furnish any additional information. On the contrary, it appears from his petition that his intentions were to ignore the Commission's request for information, and to petition the Commission to dismiss the application without giving any consideration whatever to its merits.

Petitioner's application was pending from December 2 to December 17, 1940, during which time he had ample opportunity to request a dismissal thereof pursuant to Paragraph 1.73 of the Commission's Rules. If petitioner found himself unable to have the necessary papers prepared formally requesting a dismissal of his application, he might have informally communicated his intentions to the Commission, and requested additional time within which formally to do so. In the absence of any contrary expression of intention by an applicant, the Commission necessarily presumes that the request contained in his application is a continuing one until final action is taken thereon. Since the applicant in this case did not make his intentions known to the Commission prior to final action thereon, Rule 1.73 is no longer applicable.

In view of the foregoing, we are of the opinion that the "Petition to Reconsider Action Approving Transfer of Control and to Dismiss Application in Accordance with Rule 1.73 of the Commission's Rules and Regulations" should be dismissed.

However, in accordance with our usual practice, we have examined the instant petition with particularity in order to determine whether it presents any matters upon which we should, on our own motion, take action. As hereinbefore indicated, after securing full information we found on December 17, 1940, that the transfer was legally, technically, financially, and otherwise qualified; that the transfer requested would serve the public interest, and gave our consent to the transfer. The petition for reconsideration does not allege the contrary. No facts are stated in the petition which contradict in whole or in part the Commission's conclusion that the transferee is qualified to serve the public interest. In the absence of any showing that our action giving consent to the transfer of control of the Knickerbocker Broadcasting Company, Inc. (WMCA), is contrary to the public interest or that the action is in any respect unjust, unwarranted, or erroneous, no basis exists for reconsidering on our own motion our action of December 17, 1940, giving consent to said transfer of control.

In this connection, it should be noted that our action taken at the request of the parties is not a mandatory order, but is a per-

missive consent to the proposal contained in the application. The petitioner, as transferor, was himself an applicant seeking our consent to that proposal. Our consent has been given, and the matter is now one of private contractual arrangements between the parties.

Accordingly, IT IS ORDERED, this 7th day of January, 1941, that the petition filed by Donald J. Flamm, transferor, "to reconsider action approving transfer of control and to dismiss application in accordance with Rule 1.73 of the Commission's Rules and Regulations" BE, AND IT IS HEREBY, DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission during the week beginning, Monday, January 13. They are subject to change.

Wednesday, January 15

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.**, 5 KW, limited to WBT and KFAB. Present assignment: **1080 kc.**, 5 KW, limited to WBT, share WCBD.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

Friday, January 17

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.**, 50 KW night, 50 KW LS, specified hours.

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.**, 1 KW night, 1 KW day, unlimited, DA night and day.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

February 10

KRMC—Roberts Mac Nab Company (Assignor) (Arthur L. Roberts, R. B. Mac Nab, and A. J. Breitbach, Gen'l Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Voluntary assignment of license, **1370 kc.**, 250 watts, unlimited time.

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.**, 1 KW night, 5 KW LS, unlimited.

February 13

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

February 28

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—C. P., **940 kc.**, 500 watts, unlimited.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—C. P., **940 kc.**, 1 KW, unlimited, DA night and day.

TELEVISION BROADCAST

March 3

NEW—R. B. Eaton, Des Moines, Iowa.—C. P., **66000-72000 kc.**, 46 watts night; 46 watts day—visual; 100 watts day—aural; unlimited.

March 10

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- Greenco, Inc., Greenwood, S. C.—Granted application for construction permit for new standard broadcast station to operate on **1420 kc.**, 250 watts power, unlimited time (B3-P-2930).
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted construction permit to install directional antenna for night use and increase night power from 1 KW to 5 KW; **550 kc.**, 5 KW LS, unlimited (B4-P-2576).
- WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted modification of license to change hours of operation from daytime only to unlimited, using 250 watts power day and night; frequency **1210 kc.** (B4-ML-1025).
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted construction permit to install directional antenna for both day and night use and increase night power from 1 KW to 5 KW; 5 KW LS; frequency **1290 kc.**, unlimited time (B5-P-2721).
- KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit for new station (B4-P-960) for approval of transmitter site and directional antenna for night use; **1340 kc.**, 1 KW day and night, using directional antenna at night (B4-MP-1096).
- WKBH—WKBH, Inc., La Crosse, Wisc.—Granted construction permit to increase power from 1 KW to 5 KW, move transmitter site from R. F. D. No. 1, LaCrosse, Wisc., to on Highway No. 33, Shelby Township, Wisc., install new transmitter and directional antenna for night use; **1380 kc.**, unlimited (B4-P-2733).
- Columbia Broadcasting System, Inc., New York City.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **48700 kc.**, 8,500 square miles, 12,000,000 population (B1-PH-55).

DESIGNATED FOR HEARING

- W1XG—General Television Corp., Boston, Mass.—Construction permit for television station to install aural transmitter and add 500 watts aural power and A3 emission to present authorization (B1-PVB-69).
- W1XG—General Television Corp., Boston, Mass.—Construction permit to change frequencies of television station to **50000-56000 kc.** (B1-MLVB-14).
- KMA—May Broadcasting Co., Shenandoah, Iowa.—Application for renewal of license; **930 kc.**, 1 KW night, 5 KW local sunset, unlimited time; designated for hearing because of alleged failure to file full information in connection with an application.
- West Publishers, Inc., Houston, Tex.—Application for construction permit for new station to operate on **610 kc.**, 1 KW, directional antenna at night, unlimited (B3-P-2864).

MISCELLANEOUS

- KAWN—A. W. Mills, Gallup, N. Mex.—Granted special temporary authority to remain silent for the period December 31, 1940, to January 29, 1941, during repairs necessitated by fire.
- KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted special temporary authority to operate until conclusion of Rose Bowl football game on January 1, in order to broadcast game in its entirety.
- KGNF—Great Plains Broadcasting Co., North Platte, Neb.—Granted special temporary authority to operate from local sunset (January, 5:45 p. m., CST), to conclusion of Rose Bowl football game January 1st, in order to broadcast said game only.
- KSMA—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted extension of special temporary authority to remain silent for the period January 2 to February 1, 1941, pending Commission action on revocation order.
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of

International Broadcast Station WLWO with power input to final stage of 100 KW, for a period not to exceed 30 days from January 1, 1941, in order to obtain data requested in connection with application for modification of license.

- W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for National Television Standards Committee and NBC for the period January 1 to January 30, 1941.
- WJJD—WJJD, Inc., Chicago, Ill.—Denied special temporary authority to operate from 8 to approximately 9:30 p. m., CST, December 31st and January 4, 18, 25, in order to broadcast basketball games.
- W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate station W2XWG on **45100 kc.**, 1000 watts power, A4 and special emission, for the period January 1, 1941, to not later than March 1, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for 30 days continuance of oral argument now set for January 9, 1941, in re application for renewal of license of Station WBAX (B2-R-378).
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion for additional time of 60 days within which to submit proposed findings and conclusions in re application for renewal of license (B3-R-869).
- William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Granted petition for order to take depositions in re hearing on application for construction permit for new station to operate on **1370 kc.**, 250 watts power, unlimited time (B3-P-2983).
- Edward J. Doyle, Rochester, N. Y.—Granted petition for order to take depositions in re hearing on application for construction permit for new station to operate on **1340 kc.**, 1 KW, unlimited, directional antenna day and night (B1-P-2031).
- Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Granted motion for continuance of 30 days of hearing now set for January 10, 1941, in re voluntary assignment of license of Station KRMC from Roberts Mac Nab Co. to Jamestown Broadcasting Co., Inc. (B4-AL-276).
- KGIR—KGIR, Inc., West of Butte, Mont.—Granted petition to intervene in re hearing on application of The Dodge City Broadcasting Co., Inc., Dodge City, Kans. (KGNO), for modification of license to increase night power from 250 watts to 500 watts (B4-ML-998).
- WCAM—City of Camden, N. J.—Granted motion to take depositions in re hearing on application for renewal of license of Station WCAM (B1-R-168).
- WARM—Union Broadcasting Co., Scranton, Pa.—Granted motion to postpone to March 10, 1941, the hearing now set for January 8, 1941, in re application for license to cover construction permit to operate Station WARM on **1370 kc.**, 250 watts, unlimited (B2-L-1176).
- WCHW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 p. m. to 10 p. m. EST, January 6, 1941, in order to re-broadcast President Roosevelt's speech to greater area only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with Station WOSU from 2 p. m. to 3 p. m. EST, January 6, 1941, in order to broadcast President Roosevelt's address to opening session of Congress only.
- KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Denied special temporary authority to operate on **1040 kc.**, simultaneously with Stations WTIC and KRLD from 7:15 to 9 p. m. PST, January 7, 8, 17, 21, 22, 24, and 31, 1941, and from 7:45 to 9 p. m., PST, January 10, 11, and 25, 1941, in order to broadcast series of intercollegiate basketball games, make announcements of games, and play sustaining music to start of games only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate January 3, 1941, from 8 p. m., PST, to conclusion of event—Modesto Junior College vs. Auburn Junior College basketball game; January 4, 1941, from 8 p. m., PST, to conclusion of event—Modesto

- Junior College vs. Visalia Junior College basketball game; January 18 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College vs. University of California basketball game; January 24 from 7:30 p. m. to conclusion of event—Modesto Junior College vs. Marin Junior College basketball game; January 25 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College vs. Santa Rosa Junior College basketball game; January 19 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College Orchestra and A Capella Choir Recital, subject to condition that such programs are on sustaining basis only.
- WAAB-WEAN-WICC-WNAC—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to pick up and rebroadcast certain programs received from high frequency broadcast station W1XOJ from January 8, 1941, to not later than February 6, 1941.
- WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., EST) to 6 p. m., EST, January 12, 19, and 26, 1941, in order to broadcast Father Justyn's Rosary Hour only.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:50 p. m. to 9:50 p. m., CST, on January 6, 11, 13 and 18, 1941, in order to broadcast games on the South Dakota State College basketball schedule.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January 4:30 p. m., EST) to 4:45 p. m., EST, on January 4, 11, 18 and 25, 1941, in order to broadcast programs on behalf of the Professional Women's Club of Boston. Also granted special temporary authority to operate from 4:45 p. m. to 5:15 p. m., EST, January 5, 12, and 19, 1941, in order to broadcast a religious program by the Passionist Order of the Catholic Church of Boston only.
- W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40,000 watts power, special emission, in order to broadcast programs of station W1XPW, for a period ending not later than 3 a. m., EST, March 1, 1941.
- W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN, for the period January 6, 1941, to not later than February 4, 1941.
- WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted special temporary authority to operate the equipment of international broadcast station WPIT, authorized in construction permit (File No. B1-PIB-23), with power of 50 KW, using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for the period January 4, 1941, to not later than February 2, 1941.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 to 10 p. m., EST, on Sundays, January 5, 12, and 19, 1941, in order to broadcast the Rosary Hour program.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, on Sundays, January 5, 12, 19 and 26, 1941, in order to broadcast the Rosary Hour.
- WAPI—Alabama Polytechnic Institute, Birmingham, Ala.—Dismissed petition for rehearing directed against the action of the Commission October 29, 1940, granting without hearing the application of Indianapolis Broadcasting Corp. (WIBC), Indianapolis, Ind., for construction permit.
- WWL—Loyola University, New Orleans, La.—Granted petition for reconsideration and grant of renewal of license for station WWL, cancelled hearing, and granted renewal of license to operate on **850 kc.**, 50 KW power, S.H. (KWKH).
- Seaboard Broadcasting Corp., Tampa, Fla.—Denied petition for rehearing directed against the action of the Commission November 19, 1940, granting without hearing the application of Herald Publishing Co., Inc. (WALB), Albany, Ga., for modification of construction permit.
- Earle C. Anthony, et al.—Denied petition by 14 clear-channel broadcast stations to intervene in the hearing before the Commission in re the application of Matheson Radio Company, Inc. (WHDH), Boston, Mass., for construction permit to increase power and hours of operation on the **830 kc.** frequency.
- KOA—National Broadcasting Co., Denver, Colo.—Denied petition to intervene in the hearing in re application of WHDH, and denied appeal of applicant, Matheson Radio Co., Inc., from the action of December 21, 1940, of Commissioner Craven presiding at the Motions Docket, extending the time for filing exceptions and requesting oral argument, and affirmed the Order of the Commission. The Commission will receive briefs *amici curiae* from petitioners and others similarly situated within 20 days.
- WMCA—Donald J. Flamm, New York City.—Dismissed petition filed on December 23, 1940, requesting the Commission to reconsider its action of December 17, 1940, giving consent to a transfer of control of Knickerbocker Broadcasting Company, Inc., licensee of station WMCA, New York City, from Donald J. Flamm to Edward J. Noble.

* * *

At the request of the Radio Committee of the Committee for the Celebration of the President's Birthday, the Commission suspended for the period 11 o'clock p. m. to 12 o'clock midnight, EST, January 25, 1941, the requirements of Section 3.92 of the Commission's Rules and Regulations with respect to station identification announcements applicable to all radiobroadcast stations carrying the "March of Dimes" program during said period.

APPLICATIONS FILED AT FCC

620 Kilocycles

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—License to cover construction permit (B5-P-2632) for a new transmitter, directional antenna day and night, increase in power, and move of transmitter.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Authority to determine operating power by direct measurement of antenna power.

740 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Authority to install automatic frequency control equipment.

880 Kilocycles

KLX—Tribune Building Co., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

890 Kilocycles

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—License to cover construction permit (B3-P-2570) for increase in night power.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) to install directional antenna for night use; change hours of operation from daytime to unlimited time, using power of 1 KW day and night; move transmitter, further requesting authority to install new transmitter, increase power from 1 KW to 1 KW, 5 KW local sunset, and move transmitter location from east side of Greenville Road and New Highway, 2.5 miles northwest center of Spartanburg, Saxon Mills, S. C., to west side of County Home Farm Road, south of U. S. Route 176, near Lowe, S. C. Extend commencement date thirty days after grant and completion date 180 days thereafter. Amended to change type of requested transmitter.

940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

WDAY—WDAY, Inc., Fargo, N. Dak.—License to cover construction permit (B4-P-2530) for increase in night power and installation of directional antenna for night use.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for extension of completion date from 1-5-41 to 3-5-41.

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for new station, **1040 kc.**,* 1 KW, 5 KW LS, unlimited, directional antenna day and night. * Request **1080 kc.** when Havana Treaty becomes effective. Amended re directional antenna.

1200 Kilocycles

WJNO—WJNO, Inc., West Palm Beach, Fla.—Construction permit to use formerly licensed 250-watt composite transmitter and install vertical antenna at 511 Datura Street, West Palm Beach, Fla., as an auxiliary unit, with emergency studio at the same location.

1210 Kilocycles

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new station on **1210 kc.**, 250 watts, unlimited time, Class IV. Studio and transmitter to be determined, Houston, Tex.—Amended to give location of transmitter as Freund and Ennis Streets, Houston, Tex., and make changes in antenna.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2510) for new transmitter, increase in power, and changes in directional antenna for night use, requesting changes in equipment.

1280 Kilocycles

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Modification of construction permit (B5-P-2826) for increase in power, new transmitter, and changes in antenna, requesting authority to install new transmitter.

1310 Kilocycles

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Authority to install automatic frequency control unit.
WFIG—J. Samuel Brody, Sumter, S. C.—Authority to determine operating power by direct measurement of antenna power.
WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Authority to determine operating power by direct measurement of antenna power.
WPER—Tropical Broadcasting Co., DeLand, Fla.—Modification of construction permit (B3-P-2991) for a new station to install a new transmitter, for approval of antenna and approval of transmitter and studio sites at South Alabama and Winnemissett Avenues, DeLand, Fla.

1370 Kilocycles

NEW—Natchez Radio Corporation, Natchez, Miss.—Construction permit for a new station on **1370 kc.** (Class IV), 250 watts, unlimited time.

1380 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) for changes in equipment and increase in power (using DA day and night), requesting authority to install a new transmitter and extend commencement and completion dates from 12-29-40 and 6-29-41 to 60 days after grant and 180 days thereafter, respectively.

1420 Kilocycles

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for new station, **1420 kc.**, 100 watts, unlimited time. Amended to change frequency from **1420 kc.** to **1550 kc.** (**1630 kc.** under North American Regional Broadcasting Agreement), change power from 100 watts to 5 KW, change type of requested transmitter, install directional antenna for night use and make changes in corporate structure, and change in transmitter site.
WKNE—Twin State Broadcasting Corp., Keene, N. H.—License to cover construction permit (B1-P-2415 as modified) for move of transmitter and studio, new transmitter, increase in power and directional antenna for day and night use.
WKNE—Twin State Broadcasting Corp., Keene, N. H.—Authority to determine operating power by direct measurement of antenna power.

1440 Kilocycles

WCBA—Lehigh Valley Broadcasting Company, Allentown, Pa.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 5 KW. Amended to make changes in directional antenna.

WSAN—Lehigh Valley Broadcasting Company, Allentown, Pa.—Construction permit for new transmitter, directional antenna for day and night use, and increase in power from 500 watts to 5 KW. Amended to make changes in directional antenna.

1500 Kilocycles

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Modification of construction permit (B2-P-2854) for a new station requesting approval of vertical antenna, approval of studio site at corner Ludington and First Streets, Escanaba, Michigan, and transmitter site at Sand Point, east of corner of Ludington and First Street, Escanaba, Michigan, and install a new transmitter.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Authority to determine operating power by direct measurement of antenna power.

KEYS—Earl C. Dunn and Charles W. Rossi, d/b as Neuces Broadcasting Co., Corpus Christi, Texas.—Modification of construction permit (B3-P-2931) for a new station, requesting approval of transmitter site and antenna at Shell Road, near Corpus Christi, Texas, and equipment changes.

KRRN—News-Review Co., Roseburg, Ore.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

WBRY—American-Republican, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) for new transmitter, changes in directional antenna for day and night use and increase in power, requesting extension of commencement date from 12-22-40 to 1-22-41.

1550 Kilocycles

NEW—Orange Broadcasting Corp., Orange, Texas.—Construction permit new station on **1550 kc.**, 1 KW, unlimited time. Class III. Amended: To give corrected geographic location and exact specifications for vertical antenna.

FM APPLICATIONS

NEW—Mercer Broadcasting Co., Ewing Township, N. J.—Construction permit for new high frequency broadcast station, frequency, **44700 kc.**; coverage, 3,700 square miles; population, 910,000. Amended: To change coverage from 3,700 to 3,200 square miles; population from 910,000 to 544,000 and install directional antenna.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Consent to assignment of C. P. (B1-PH-10) to Wylie B. Jones, Advertising Agency.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Modification of construction permit (B1-PH-10) for approval of transmitter and antenna, change coverage from 6,500 to 6,660 square miles, and population from 1,836,300 to 516,380.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PH-6) for a new high frequency broadcast station, requesting change in type of transmitter, and antenna changes.

NEW—Muzak Corp., New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **44.5 mc.**; coverage, central part of New York City. Amended: Re: to give frequency as **44500 kc.** and coverage as 4,490 square miles. Population: 10,546,481.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45,100 kc.**; coverage, 7,164 square miles; population, 922,163.

NEW—WBNS, Inc., Columbus, Ohio.—Modification of construction permit (B2-PH-8) for a new high frequency broadcast station, requesting change in type of transmitter.

NEW—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit for new frequency broadcast station. Frequency, **47500 kc.**; coverage, 8,730 square miles.

NEW—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-PH-21) for approval of trans-

mitter, antenna changes, and change population from 5,641,981 to 2,498,000.

NEW—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit for new high frequency broadcast station. Frequency, 48300 kc.; coverage, 9,600 square miles; population, 2,900,000.

MISCELLANEOUS

NEW—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit for new relay broadcast station. Frequencies, 1622, 2058, 2150, 2790 kc.; power, 3 watts; emission, A3.

WGNB—WGN, Inc., Chicago, Ill.—License to cover construction permit (B4-PRE-347), as modified for a new relay broadcast station.

KAQW—Central States Broadcasting Co., area of Omaha, Nebr.—Modification of construction permit (B4-PRY-209), which authorized a new relay station requesting extension of completion date from December 18, 1940, to January 18, 1941.

KAQX—Central States Broadcasting Co., area of Omaha, Nebr.—Modification of construction permit (B4-PRY-210), which authorized a new relay broadcast station requesting extension of completion date from December 18, 1940, to January 18, 1941.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for new relay station. Frequencies, 156750, 158400, 159300, 161100 kc.; power, 50 watts; emission, special for frequency modulation.

WAWT—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), area of Birmingham, Ala.—License to cover construction permit (B3-PRY-211), which authorized a new relay broadcast station.

**FEDERAL TRADE
COMMISSION ACTION**

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Consolidated Book Publishers, Inc., Terminal Building, Chicago, engaged in publishing and selling an encyclopedia known as "Standard American Encyclopedia", and a dictionary called "Universal Dictionary of the English Language", is charged in a complaint with misrepresentation.

The complaint charges that in circulars and other advertisements distributed throughout the various States the respondent has represented, concerning the encyclopedia:

"YOURS—ALMOST A GIFT

Through the American Home Library Foundation
We Are Able to Offer

**THE STANDARD AMERICAN
ENCYCLOPEDIA**

Giant 15-Volume Home Reference Library . . ."

* * * * *

"15 HUGE BOOKS"

* * * * *

"* * * EDITION LIMITED! * * *"

* * * * *

"A MILLION DOLLAR INVESTMENT

Was Required to Produce This Great New Home
Reference Work."

* * * * *

"WHY WE MAKE THIS OFFER

How can we afford to make this offer? How can we give you the Standard American Encyclopedia, almost as a gift?

The answer is simple. The American Home Library Foundation is dedicated by its sponsors to the glorious task of placing within reach of every home in America good books that for all too long have been the privilege of only the wealthy. . . ."

In connection with the dictionary, the respondent is alleged to have represented:

"EDITED AT OXFORD UNIVERSITY

by Henry Cecil Wyld

* * * * *

The UNIVERSAL DICTIONARY is thoroughly new throughout, NOT a revised, reprinted edition of an older publication. It contains all the newest additions to the English language. It is printed from new plates, in modern, easy-to-read form. It brings you the definitions or nearly 200,000 modern English words and phrases, with every definition newly written. . . ."

The complaint alleges that these representations are false and misleading; that the price of the encyclopedia is not lower than it would be but for the activities of the "American Home Library Foundation"; that the "American Home Library Foundation" is not an organization dedicated to placing within the reach of every home the said encyclopedia, but is a trade name used by the respondent in conducting its business of selling the encyclopedia for a profit; that the volumes composing the encyclopedia are not huge, but of ordinary size; that the cost of reproduction was not a million dollars, and that the supply of the encyclopedia is not "limited", and copies are available for all potential purchasers, and that the dictionary is not new, but is an identical reprint of a 1932 edition by another publisher, except for a one and one-half page preface, a nine-page appendix, and other minor changes.

The complaint charges that neither Oxford University nor any such educational institution sponsored or contributed in any way to the publication of the dictionary. (4440)

De Forest's Training, Inc., 2533 North Ashland Ave., Chicago, conducting a vocational school in television, radio and motion picture sound equipment maintenance and manufacture, is charged in a complaint with misrepresentation.

The complaint charges that in the conduct of its business and for the purpose of promoting the sale of its course of instruction, the respondent secures prospective students and purchasers of its course by means of circulars and sales literature distributed in commerce. In advertising matter supplied by the respondent and distributed by its agents, there appear, among others, the complaint charges, the following statements:

"Sound, television, radio present world-wide opportunities. Television, a new branch of the Electronic field, is developing rapidly, * * *. After a man is trained the De Forest way, he is ready to enter the Electronic Industry and really go places. Our employment service is available to every enrollee no matter where he lives. Through this service we have helped scores of men obtain employment. Because we train our men well, manufacturers, dealers, and distributors are glad to consider our advanced students and graduates. What we have done for others we can do for you when you are properly trained. Start your preparation now so you can soon take advantage of our employment service."

The complaint charges that the respondent's representations are exaggerated, false and deceptive, and that the demand at the present time for men trained in the television field is not large enough to warrant the respondent's representations that graduates of the respondent's school may be readily placed in positions in the field. Moreover, the complaint continues, graduates of the respondent's school do not possess sufficient practical experience to qualify as skilled employees or craftsmen in the radio and television industry. (4441)

Gly-Cas Medicine Company—Medora Whinrey, individually and trading as Gly-Cas Medicine Company, and Robert B. Whin-

rey, an individual, Muncie, Ind., engaged in the sale and distribution of a medicinal preparation designated "Gly-Cas," are charged in a complaint with misrepresentation of their product.

The complaint charges that in advertisements disseminated in commerce the respondents have represented that the preparation is a cure or remedy for constipation, indigestion, gas bloated and sour stomach, rheumatic, and neuritis pains, sore and aching muscles, headaches, and other ailments therein named; that the disorders and conditions mentioned are typical symptoms of constipation or faulty elimination; that the existence of one or more of such symptoms indicates that constipation is the basic cause of such disorders and conditions; that use of the preparation will completely cleanse the system, remove toxic impurities and prevent invasion of intestinal glands by bacteria, and that the product is a body conditioner and purifier which will restore one to normal health.

The complaint alleges that the respondents' preparation will not accomplish the results claimed; that the preparation has no therapeutic value in the treatment of constipation in excess of temporary relief afforded by causing a partial evacuation of the intestinal tract; that the disorders and conditions mentioned in advertisements disseminated by the respondents as typical symptoms of constipation or faulty elimination are not typical symptoms of constipation or faulty elimination, but are often caused by other systemic disorders, and when so caused the use of the respondents' preparation will have no therapeutic effect. (4432)

Gordon Foods, Inc.—Alleging use of lottery methods in the sale of food products complaints have been issued against Gordon Foods, Inc., and H. W. Lay & Company, Inc., both of Atlanta.

The respondents, according to the complaint, sell to jobbers and retail dealers certain assortments of nuts so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes, when sold to the consuming public.

Charging that the respondents' practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaints grant the respondents 20 days for filing answer. (4438-4439)

Haskelite Manufacturing Corporation, 208 West Washington St., Chicago, which operates a factory in Grand Rapids, Mich., where it manufactures, among other products, wooden serving and lap trays, together with products designated as "Hasko De Luxe Buffet Trays" is charged in a complaint with misrepresentation.

The complaint charges that the respondent, in offering its trays for sale through advertisements in newspapers and other media, has represented, among other things, that the "Hasko De Luxe Buffet Trays" are "Hardwood with simulated Walnut grained surface", "Made of attractive simulated Walnut grained hardwood", and "Selected wood construction . . . available in Walnut or Mexican Copomo grains."

Through these representations, the complaint charges, the respondent has represented that the trays are manufactured of hardwood, and are of selected wood construction, and that the surface of the trays is composed of hardwood material finished to simulate walnut or Mexican copomo grains. These representations, the complaint continues, are false and misleading, as the trays are composed of a core of poplar soft wood material covered with a surface of paper which has been processed and printed to resemble walnut or Mexican copomo wood grains in appearance. (4442)

Hastings Manufacturing Company—A complaint has been issued charging the Hastings Manufacturing Company, Hastings, Mich., with violation of the Federal Trade Commission and Robinson-Patman Acts in the sale of piston rings and other replacement parts for use in motor vehicles.

The Commission at the same time dismissed without prejudice a proceeding resulting from a complaint issued in February, 1940, alleging violation of the Federal Trade Commission Act. (4030)

The new complaint also charges the respondent with violation of the Federal Trade Commission Act through practices having a tendency to create monopoly and unreasonably restrain manufacturers of competitive products in disposing of their merchandise

to jobbers and wholesale distributors of automotive parts and equipment.

It is alleged that the respondent company, in attempting to sell its products, either directly or on consignment, to jobber customers, as an inducement to prospective jobber customers to discontinue handling and stocking products of the respondent's competitors and to sell the respondent's products instead, engaged in various methods and practices including arrangements for taking over and buying up the stocks of competitive products in the hands of jobbers, making loans to jobber customers upon their terminating business relations with competitive manufacturers and taking over the respondent's line of products, and making misleading representations concerning the efficacy of its "Steel Vent" piston rings as compared with competitive products.

The new complaint alleges that in violation of the Robinson-Patman Act the respondent discriminates in price between purchasers buying its commodities of like grade and quality in interstate commerce, through granting to some of them concessions and monetary considerations which are not granted to other of its purchasers.

The complaint alleges that in consideration of their taking on the respondent's line, some of the respondent's customers, who have not previously purchased its products, are given cash gifts often ranging above \$1,000, such donations not being granted to other of the respondent's customers.

In consideration of some customers taking on the respondent's line for the first time, the complaint continues, the respondent pays them for the products of the respondent's competitors then owned by such customers, the payments being substantially in excess of the value of the products. Other customers do not receive such payments, according to the complaint. (4437)

G. Krueger Brewing Company, Newark, N. J., engaged in brewing and distributing beer under the brand name "Ambassador Beer", is charged, in a complaint, with misrepresentation.

In advertisements disseminated in commerce, the complaint charges, the respondent has represented: "A custom brewed beer for cultured taste, Ambassador is designed to meet the present day demand for a lighter, milder, more delicately flavored beer. Only the choicest barley malt and hops are used in brewing this distinctly different product."

Through use of these representations, the complaint continues, the respondent has represented that its product is composed wholly of barley malt and hops. In fact, the complaint continues, Ambassador Beer is not wholly composed of barley malt and hops, but includes corn and other grains or cereals. (4434)

Wire Rope & Strand Manufacturers Association, Inc., Washington, D. C., three of its officers, and 16 member companies manufacturing about 95 per cent of the country's production of wire rope, have been charged with unlawful agreement, combination and conspiracy to eliminate competition, in a complaint. Wire rope varies in size from airplane control wires to suspension bridge cables. It is used in the operation of elevators, power shovels and other heavy pulling and lifting equipment.

Respondent officers of the association are: Harry J. Leschen, St. Louis, president; George S. Whyte, Kenosha, Wis., chairman of the board; and George P. Lamb, Washington, executive secretary.

Respondent manufacturer members of the association are: American Chain and Cable Company, Inc., New York; The American Steel and Wire Company, Cleveland; The Bethlehem Steel Company, Bethlehem, Pa.; Broderick & Bascom Rope Co., St. Louis; Columbia Steel Company, San Francisco; E. H. Edwards Company, San Francisco; A. Leschen & Sons Rope Company, St. Louis; MacWhyte Company, Kenosha, Wis.; Pacific Wire Rope Co., Los Angeles; Rochester Ropes, Inc., Jamaica, Long Island, N. Y.; John A. Roebling's Sons Co., Trenton, N. J.; Union Wire Rope Corp., Kansas City, Mo.; Upson-Walton Company, Cleveland; Wickwire Spencer Steel Company, New York; Wire Rope Corporation of America, Inc., New Haven, Conn.; and Wire Rope Manufacturing & Equipment Company, Seattle.

Organized to meet the requirements of the National Industrial Recovery Act, the respondent association, according to the complaint, continued to function after that act was declared unconstitutional and is still in operation, the respondents Leschen, Whyte and Lamb controlling and directing its policies and activities. The complaint alleges that to the extent that the respondent association members act collusively and collectively in the pricing and

distribution of wire rope in the United States, they are in a position to dominate and control the prices at which this product must be purchased by distributors, dealers and users, including federal, State and municipal agencies.

Pursuant to their agreement, combination and conspiracy, the complaint alleges, the respondent association members, acting between and among themselves, or through the association or its three respondent officers, have fixed and maintained uniform delivered prices, terms and conditions for the sale of wire rope in the United States; continued, in effect, by agreement and concerted action a uniform, delivered price-fixing formula adopted at the time of their N.I.R.A. code, and have maintained a uniform method of computing net delivered prices for wire rope sold by them throughout the country.

The complaint further charges that pursuant to their agreement the respondent manufacturers have maintained a system of delivered prices which prevent the differences in the cost of freight delivery between their respective places of business and those of intended purchasers from creating any advantage or disadvantage to such purchasers in delivery costs. This system of identical delivered prices is based on so-called basing points whereby all delivered prices are calculated as though shipments within a given area were made from a single point or points to a common freight destination, according to the complaint.

Pursuant to their combination and agreement, the respondents, according to the complaint, divided the United States into basing point areas so that purchasers in each area get the same delivered price regardless of their distance from the manufacturer; required distributors of their products to resell them according to the respondents' price formula; adopted a uniform basic and chain discount system; defined what constitutes a recognized distributor and filed with the association the names of their distributors, and included in a uniform contract entered into by all the respondent members with their respective distributors, a provision forbidding such distributors from selling any wire rope other than that made by the particular respondent member with whom the distributor had a distributing contract.

In order to carry out the agreements and the acts and practices performed thereunder, the respondents, according to the complaint, held meetings, supervised and investigated the fulfillment and enforcement of the agreements, and coercively required recalcitrant manufacturers, distributors and dealers to conform to the agreements. (4443)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Colorado Bedding Company—Four Denver, Colo., mattress and bedding manufacturers have entered into stipulations to cease and desist from certain representations in the sale of their products.

The respondents are: Colorado Bedding Company; Sam Moskin, trading as Mountain States Mattress Manufacturing Company; Kindel Bedding Company; and Abe D. Penn, trading as National Bedding Company.

Each respondent agrees to cease designating, describing, or representing its products which are made, either in whole or in part, of used or second-hand material, to be products made of or containing all new material, and each agrees to cease and desist from failing to clearly and unequivocally disclose that its products are composed, either in whole or in part, as the case may be, of used or second-hand material.

The Colorado Bedding Company also stipulates that it will cease representing that its products are made in compliance with the laws of Colorado or any other State, when in fact the products do not conform to such laws, and the Kindel Bedding Company agrees to cease representing that its products are made in compliance with Colorado or other State laws or that the products are sterilized, when in fact they are not made so as to conform to such laws and have not been subjected to a sterilization process.

Sam Moskin, trading as Mountain States Mattress Manufacturing Company, and Abe D. Penn, trading as National Bedding Company, agree to discontinue the use on or in connection with their products of any false, fictitious or misleading price representation which purports to be the retail sales price of the products but which, in fact, is in excess of the price for which such articles are customarily sold. (3009-3010-3011-3012)

Kindel Bedding Company—See Colorado Bedding Company.

Kramer-Brandeis, Inc., 159 Madison Ave., New York, engaged in the manufacture and sale of neckties and other men's wear, has entered into a stipulation in which it agrees to cease and desist from use of the word "llama", or the picturization of a llama, either alone or in connection with any other word or words, so as to imply to purchasers that its merchandise is composed either in whole or in substantial part of llama wool or hair. (3013)

Mountain States Mattress Mfg. Company—See Colorado Bedding Company.

Na-Pa Chemical Company—D. R. Sterett and Margaret H. Sterett, trading under the firm name of Na-Pa Chemical Company, 1108 South Broadway, Leavenworth, Kans., selling a drug product designated "Na-Pa Balm", have entered into a stipulation in which they agree to cease representing that the product is a competent treatment or an effective remedy for colds; that it will break up colds, or that it provides protection or insurance against colds, will aid in their prevention, or do more than afford temporary relief from the symptoms and discomforts associated therewith. The respondents also agree to cease representing that the product is a competent treatment or effective remedy for, or that it will provide protection or insurance against, or aid in the prevention of, muscular aches and minor ailments, or do more than afford temporary relief from the pains associated therewith; that the product penetrates; that it acts as a barrier to keep out cold germs, or that it is a competent treatment or an effective remedy for throat infections or sinus irritations, or will aid in preventing those conditions.

The respondents also agree that in making comparisons of the absorbing power of goose grease or any other ingredient contained in the product, they will state the ingredient with which comparison is made, and that no such comparison will be made unless the statements are actually a fact. (02695)

National Bedding Company—See Colorado Bedding Company.

Sur-Rid Products Company—Chas. Denny, trading as Sur-Rid Products Company, 455 Paul Brown Building, St. Louis, engaged in selling a rat killing preparation designated "Sur-Rid Rat Killer", has stipulated to discontinue representing that he tests every lot of the product, or that he guarantees the killing power of the product, and further agrees to cease and desist from using the term "Sur-Rid" or any other similar term or words as a part of the brand name of the product, or from otherwise representing or implying that it is sure in action or that its use will rid premises of rats. (02694)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Crayon Company, Sandusky, Ohio, and Binney and Smith Company, 41 East 42nd St., New York, manufacturers of crayons, chalk, paint sets, educational supplies and allied products, have been ordered to cease and desist from violations of the Robinson-Patman Act.

Commission findings are that the respondents sell their products of like grade and quality to all customers at one list price from which they allow a 50 per cent trade discount to customers buying solely in case lots, and that they grant to some customers further varying discounts in addition to this trade discount.

The American Crayon Company, according to findings, grants in addition to the regular trade discount, discounts ranging from 5 to 10 per cent to some customers, and varying discounts ranging from 15 per cent to 10 plus 10 per cent on certain sizes of "Prang" tempera only.

Binney and Smith Company, according to findings, had allowed additional 5 and to some customers 10 per cent discounts over

and above the regular trade discount, but, since issuance of the Commission complaint in this proceeding, had discontinued the 5 per cent discount and allows to all its "competitive distributors" a 10 per cent discount over and above the regular trade discount.

Commission findings are further that as compensation for merchandising, promotional and other selling services, percentage discounts or allowances have been granted by The American Crayon Company to some of its "special or promotional distributors", and by the Binney and Smith Company to some of its "special or promotional representatives".

In some instances, the findings continue, this special compensation has been granted without making it available on proportionally equal terms to other customers competing with these special classes of customers in the sale and distribution of the respondents' products of like grade and quality.

To some of their "special or promotional" customers, the respondents, according to findings, had granted a 10 per cent discount as compensation for carrying warehouse stocks and furnishing promotional and selling services and facilities, and a 5 per cent discount to others of this class furnishing the same type but less extensive services and facilities. However, the Binney and Smith Company, since issuance of the Commission complaint, has discontinued the 5 per cent discount and grants a 10 per cent discount to all "special or promotional representatives" for carrying warehouse stocks and furnishing selling services and facilities.

The findings point out that other customers not receiving any compensation are able and willing to and in some instances do furnish the respondents the same services and facilities as do the "special or promotional" customers; that some of them have requested that they receive the special compensation, but that the respondents have refused to grant it on proportionally equal terms.

The Commission orders direct that the respondents cease and desist from selling their commodities of like grade and quality to competing purchasers at uniform prices and granting varying discounts therefrom in the manner and under the circumstances found, and that they cease granting or allowing compensation to any customers of an amount equal to 10 per cent or 5 per cent, respectively, of either respondent's net billing prices of the products sold by such customer, or any compensation to any customer, for services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of the respondent's products, unless such payments are made available on proportionally equal terms to all buyers from the respondent who are competitors of such customer. (4142-4143)

Hall & Ruckel, Inc., 241 37th St., Brooklyn, N. Y., engaged in the distribution of a depilatory designated "X-Bazin," has been ordered to cease and desist from misrepresentation of its product.

The Commission finds the respondent has represented in advertisements, among other things, that "The special formula of X-Bazin actually retards the growth of hair. When the regrowth does come, it is much softer and less conspicuous than before. The skin is left smooth, soft and white. * * * Don't Be an Airedale. In the merciless slang of Hollywood, a girl with hair on arms or legs is 'an Airedale.' That's why film stars take hair off and keep it off with X-Bazin, the safe, efficient, and reliable hair remover. * * * No other process of removing unwanted hair so successfully combines ease and thoroughness with perfect safety."

The Commission finds that the representations made by the respondent with respect to the properties, nature and effect of its product when used are exaggerated, false and misleading, and that the product is a common depilatory and does not differ in its properties and effects from other chemical depilatories. In fact, the findings continue, X-Bazin does not discourage the growth of hair or delay its appearance for any material length of time, and the hair is not appreciably slower in returning or regrowing than it is following the use of other methods of hair removal.

The respondent is ordered to cease and desist from representing that the product is not caustic or is in all cases entirely safe or harmless; that the product discourages the growth of hair or delays the appearance of hair for any substantial period of time, or that the hair is appreciably slower in regrowing after use of the respondent's product than when the hair is shaved or otherwise removed; that the hair regrowing, after use of the respondent's product, is softer or less coarse than the hair regrowing after shaving; that the results obtained from the use of the product differ essentially from the results obtained from the use of other methods of hair removal; that the product permanently eradicates hair; or that it has been endorsed or recommended by scientists or physicians. (3389)

Kongo Chemical Company, Inc., 66 East 131st St., New York, engaged in the manufacture and distribution of a cosmetic preparation known as "Kongolene", intended for use on the hair, has been ordered to cease and desist from certain misrepresentations.

In advertisements circulated through the United States mails and in interstate commerce, the Commission finds the respondent has represented that "Kongolene is a purely vegetable product. * * * will straighten the crimpiest kind of hair, stops it from falling out, promotes a luxuriant growth of healthy hair, removes dandruff and keeps the hair soft and glossy * * *" "* * * it will benefit you for generations to come, if you are homely, likewise will be your offspring, if you are handsome, they will be likewise"—all of which representations, the findings continue, are exaggerated, false and misleading.

The respondent is ordered to cease and desist from disseminating advertisements which represent that the preparation is a purely vegetable product; will permanently straighten the hair or contribute to the straightening of the hair in any way other than by softening the hair temporarily; will prevent hair from falling out or promote the growth of hair; will cure or permanently remove dandruff; that the preparation is the greatest discovery of the age, or that the use of the preparation will benefit the offspring of the user; that the preparation is safe or harmless; or which advertisement fails to reveal that use of the preparation may result in severe caustic action upon the skin and scalp, with resulting burns. (4193)

Philip Morris & Co., Ltd., Incorporated, New York, has been ordered to cease and desist from a number of representations in the sale of cigarettes in commerce.

Commission findings are that the respondent company, a Virginia corporation, through the use of various legends, statements and depictions on its containers, has induced many persons to purchase its cigarettes in the belief that it is an English corporation holding a warrant entitling it to display the British Royal Arms; that it operates factories in London, Eng., Cairo, Egypt, Hamilton, Canada, and Richmond, Va., and warehouses all over the world; that its "Philip Morris," "English Ovals," "Marlboro," and "Player's Navy Cut" cigarettes are made in England and that its "Player's Navy Cut" are the same cigarettes as those generally and widely sold under that name in England.

According to Commission findings, the brands of cigarettes involved in this proceeding are made not in England, but in the United States; the respondent holds no warrant entitling it to display the British Royal Arms; it neither maintains warehouses in many parts of the world nor operates factories in Hamilton or Cairo, but it does manufacture certain cigarettes in England through its wholly owned subsidiary, Philip Morris & Company, Limited.

Findings are further that the belief by customers that the respondent is an English corporation is attributable in part to the substantially greater prominence given to the abbreviation "Ltd." in its corporate name as set forth on certain labels, as compared to that given the word "Incorporated" or its abbreviation "Inc." The effect of this under-emphasis, the findings continue, is enhanced by the use of a device resembling the Royal Arms and expressions such as "English Blend," "English Ovals," "London W" and "By Special Appointment."

The Commission further finds that the sale of the respondent corporation's American-made "Player's Navy Cut" cigarettes in a package closely resembling the package in which its English-made cigarettes of the same name are sold, has a tendency to engender the belief that they are of English manufacture, in the absence of an explicit disclosure of the actual country of manufacture.

The Commission finds that the phrase "Established over 80 Years" as used by the respondent is not without justification; that although a number of English and American corporate entities have intervened between Philip Morris, the founder, who conducted a tobacco business in London as early as 1846, and the respondent, there has been an unbroken continuity in the commercial life of the enterprise.

The Commission order directs Philip Morris & Co., Ltd., Incorporated, to cease and desist from using the phrase "London W" or any other similar wording in connection with the advertising or packaging of cigarettes not made in England, and from using the word "English" or similar words to refer to the shape or blend of cigarettes manufactured elsewhere than in England, unless in immediate connection the place of manufacture is conspicuously set forth.

The order also directs the respondent to cease using any depic-

tion or simulation of the British Royal Arms or the words "Special Appointment" or "By special appointment," and to desist from use of the word "Limited" or its abbreviation "Ltd." as part of the respondent's corporate name or in any other manner, unless the word "Incorporated" or its abbreviation "Inc." appears in letters of the same size and boldness as do "Limited" or "Ltd."

The order further directs the respondent to discontinue representing that it operates factories or warehouses in any place in which it does not operate them and to desist from using the name "Player's Navy Cut" as a designation of any cigarette not made in England, unless in immediate connection with such name the country of manufacture is set forth in letters of the same size or conspicuousness as is the trade name "Player's Navy Cut." (3865)

Premium Candy Company—Two candy distributors in Fayetteville, N. C., and one in Vincennes, Ind., have been served with orders directing them to cease and desist from the use of lottery methods in the sale of candy. The respondents are Joe L. Thompson, trading as Premium Candy Company, and Harry Yates, trading as Cumberland Candy Company and Dixie Candy Company, both of Fayetteville, N. C., and Robert V. and Edward G. Bierhaus, trading as E. Bierhaus & Sons, Vincennes, Ind.

The orders prohibit the respondents from selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with assortments of merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which devices may be used in selling or distributing such merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4287-4296-4377)

U. S. Drug & Sales Company—Edwin L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and Gordon Leisenring, both of 1534 Lawrence St., Denver, Colo., engaged in the sale and distribution of medicinal preparations including a drug preparation advertised as "Alcoban", represented as a treatment for alcoholism, have been ordered to cease and desist from false advertising in connection with the sale of such products.

The Commission finds that in advertisements in newspapers, periodicals and other media, the respondents have represented that "The Alcoban treatment is the result of years of work and experimentation by physicians, and represents the scientific method of treating Alcoholism, as it was developed through the knowledge of medicinal science, and a comprehensive understanding of the cause of 'drink', and its results on the organs of the body." Through these and other statements, the findings continue, the respondents have represented that the preparation is a competent and effective treatment for alcoholism; that it removes the desire for alcoholic stimulants, and that it is safe and harmless.

The preparation is not safe or harmless, according to the findings,

as it contains certain drugs in quantities sufficient to cause serious injury to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondents are ordered to cease and desist from disseminating advertisements which represent that the preparation is a competent or effective treatment for alcoholism; that it is safe or harmless; that the preparation removes the desire for alcoholic stimulants; or which advertisements fail to reveal that use of the preparation may result in serious injury to the nerves, tissues and lungs, and may produce toxic conditions in the body. (4364)

Walton Training Bureau—Milton S. Long, trading as Walton Training Bureau, 121 Ellison St., Paterson, N. J., has been ordered to cease and desist from misrepresentations in the sale of correspondence courses intended to prepare students for United States Civil Service examinations.

Commission findings are that in advertising matter circulated in various States, the respondent has represented or implied that United States Government positions are immediately available; that the respondent can obtain positions for students; that examinations will be held frequently; and that the starting salaries are greater than they are in fact. The Commission further finds that these representations and other similar assertions made by the respondent are misleading. Among positions which have been advertised, according to the findings, are railway postal clerk, city mail carrier, post office clerk, and rural mail carrier.

The order directs the respondent to cease and desist from representing: that United States Government positions are immediately available; that he can obtain positions for students or has any control over, or is in a position to obtain, appointments to Federal Government positions; that Civil Service examinations will be held frequently; that the starting salaries for any position advertised are greater than they are in fact; and that he obtains from the United States Civil Service Commission information with respect to examinations being held which is not available to students. (4346)

FTC CASE CLOSED

The Federal Trade Commission has closed a case against Zisblatt Furniture Company, Inc., trading as Grand Rapids Furniture Show Rooms, and Morris, Meyer, Sam and Lillian Zisblatt, and A. Maccia, formerly of 4132 Park Ave., New York, without prejudice to its right to resume proceedings, should future facts so warrant.

The respondents had been charged in a Commission complaint with the dissemination of misleading representations in the sale of household furniture.

According to information received by the Commission, the respondent corporation has become bankrupt and is no longer engaged in business. Three of the individual respondents have no permanent residences or places of business and their present locations are unknown.

NAB Convention May 12-15 In St. Louis

The NAB convention this year will be held May 12-15 at the New Jefferson Hotel in St. Louis.

This centrally located spot, within easy access of every broadcaster in the country, was finally selected this week by a committee consisting of Howard Lane, KFBK; Clifford Chafey, WEEU, and Frank M. Russell, NBC. This committee was appointed and authorized to make a final decision by the Board of Directors at its last meeting. The Board had carefully considered every proposal advanced by members and others.

The date of the convention was advanced this year in answer to the sentiment expressed by a great many members that it should not conflict with vacation season or the start of the broadcast year.

The New Jefferson Hotel was found to be ideally equipped to handle the convention and arrangements had been made with Carl Roessler, General Manager, to provide every convenience to the delegates and their guests.

The St. Louis broadcasters presented a united front in supporting St. Louis' invitation, and they have pledged their whole-hearted cooperation in their capacity as hosts. Every sign indicates that this 1941 convention, centrally located as it will be, will mark a high point in attendance.

In subsequent issues of the NAB REPORTS, complete details of the plans of the convention will be given.

Meantime put those dates, May 12 to 15, on your calendar. They are going to be red letter days for the radio broadcasting industry.

THE WEEK IN WASHINGTON

The BMI Board will hold its regular January meeting in New York next Tuesday, January 21. BMI last week had the top three tunes of the ten best sellers on coin machines. (p. 46)

Twenty-seven stations were represented at the District 6 meeting January 13 in Nashville. Five more District meetings were scheduled for January. The Research Committee met January 10 in New York. (p. 47)

Future policy to govern the present Bureau of Radio Advertising was discussed at length by the Sales Managers Steering Committee meeting January 10 in New York. A standard contract form, sent out last week, can be modi-

fied when a contract is made between a station and a local advertiser direct. (p. 48)

To speed the recruiting of students for intensive training schools and engineering colleges, the United States Department of Education is urging vocational-educational officials to assemble data on labor needs and the school's plan to meet those needs. Station WMBD, Peoria, claims the single stations remote record. (p. 48)

Several new bills affecting the broadcasting industry were introduced this week in Congress, and the state legislatures. (p. 48)

James Lawrence Fly, FCC Chairman, said at a press conference he knew of no reason "for a substantial delay" in FCC action on the "monopoly" report. (p. 49)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NATIONAL 2080

Neville Miller, President C. E. Arney, Jr., Assistant to President

Edward M. Kirby, Director of Public Relations; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

BMI Developments

BMI BOARD MEETS

The BMI Board will hold its regular monthly meeting next Tuesday, January 21, in New York City. Developments in the music situation since the last meeting will be discussed.

BMI FEATURE TUNES

January 20-27

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU

For the first time in its short and eventful life, BMI had the three top tunes of the ten best sellers on coin machines. They were identical with the three tops of the Lucky Strike Hit Parade—a number one, *Frensi*, number two, *There I Go*, and number three, *I Give You My Word*. In addition, *I Hear A Rhapsody* romped home as number eight and *So You're The One* is listed as number four on "Disks Gaining Favor." *Frensi* and *There I Go* in the order named also lead the list of the fifteen best sheet music sellers, while *I Hear A Rhapsody*, *I Give You My*

Word and *So You're The One* were among those present for the week ending January 14th. By the way, that week was a record breaker in BMI sheet music sales which exceeded 127,000, more than double the total for the previous week. *There I Go* is leading and has rolled up about 130,000 to date.

KASSEL RESENTS ASCAP TACTICS

Art Kassel, well-known orchestra leader and composer has submitted his resignation to ASCAP (American Society of Composers, Authors and Publishers) with a request for an unconditional release and ASCAP has refused. Gene Buck, president of ASCAP, in a reply dated December 18, 1940, wrote, "In the twenty-six years of our history, we have never accepted a resignation from any of our members, and if we complied with this request, we would be creating a precedent."

Mr. Kassel, who is the composer of "Doodle-Do-Do," "Hell's Bells," and "Around The Corner," and has been a member of ASCAP since 1925, declared:

"I resent the fact that ASCAP is trying to spread the feeling that the band leaders are doing bad work. They ought not to try to tear down our business because they have made a wreck of their own.

"The demands which ASCAP made on broadcasters were equivalent to a declaration of war. If they were going to do that sort of thing, they ought to have consulted the members and the rest of the music industry. I am in one of the lower classifications in ASCAP, but I wasn't calling for larger payments from radio stations to the Society.

Radio has been the great opportunity for dance bands. It has given them a chance to be heard all over the country. There is no doubt but what radio has made me. If it's a question between ASCAP and the radio, I will take radio for what it's done for me. I hope that all the bands which are now at the top will think of the matter in this light and will be willing to see that the other fellow gets his chance too.

"What I like about the situation is that we now all have the same chance. I used to get a song a week after it was recorded. The ASCAP houses gave preference to a few bands."

Asked whether he had any difficulty in making up satisfactory programs without the use of ASCAP music, Mr. Kassel said:

"None at all. I find that the music which is available outside of ASCAP is perfectly adequate, and I resent some of the publicity which has been issued by ASCAP on that matter. Mr. Buck has been quoted as saying that the chains may as well tell the boys to throw away their instruments. When he says that he is telling the public that we are not going to be any good. Well, we are not in a position to quit, and we don't need to anyway. Keep listening. That is my plea to the public—keep listening.

"It seems to me that the great trouble with ASCAP is that they have taken their slogan 'Justice for Genius' too literally. We may be dead before people know whether any particular writer is a genius. They've kidded themselves all the way through. Justice for work is something different, and that's what we want. Most successful songwriters are good craftsmen. They write to suit situations. They can turn out good stuff on order. ASCAP has some good music. I wish that all music was available, ASCAP as well as the rest, but ASCAP ought not to be in a position to dictate as they have in the past. They ought to get down to earth and represent the musical workmen, the little fellows as well as the man with the big name, and forget the genius stuff."

THEY LIKE OLD TUNES

Among the many comments reaching the BMI offices on the new music in the air, a surprising number express

preference for the old tunes, both for the classics and those associated with American tradition. Some excerpts from letters and editorials follow:

"The new order of things has developed, too, an amazing ingenuity in arrangement. Almost daily over some station or other the 'Three Blind Mice' in novel rhythmic attire scamper away from the farmer's wife; Daisy is entreated in new tempo to ride a bicycle for two, and even other songs of the seventies, eighties and nineties appear in streamlined costumes a la mode. Thus the air is full of never-ending delights and surprises. No one knows when he will meet Dr. Foster going to Gloucester, not in a shower of rain, but in a shining new car.

"Apart from all this, there is solid wholesomeness in the revival of those appealing and mellow songs and instrumental selections that have proved their right to live. Serenely they have held their places in human hearts because they are of immortal stuff, because of their laughter, because of their tears, because they are of the texture of life.

"The younger generation, always in a vast hurry for something new, had not been hearing enough of this music. Strangely, they like it, because to them, it's new. Soon they will like it because they will come to realize that it is not merely music of today, but of all times."

RICHMOND TIMES-DISPATCH, 1.11.41.

"As one of the vast radio audience in the United States, I welcome the break with ASCAP. Now one can hear the music of the old masters without the interminable 'jazz,' 'swing,' or what have you."

MURRAY C. BOYER.

"I have just listened to an half hour of old favorites and I enjoyed the change."

GRETCHEN STANLEY.

"Contrary to the general expectation, we persons beyond the thirties have enjoyed very much again hearing some of the fine older tunes, with their soft melodies and their meaningful lyrics and the expertness of the new arrangements."

MARION P. CRAWSHAW.

"I have talked with many average radio listeners (and I am in that category today) and almost without exception they express themselves as 'liking the music they get now.'"

GEORGE SHACKLEY.

"I want to say a word in regard to the music that we have had since the first of the year, and how much more soothing it is on the nerves than so much of that fiery discord that has been played so often."

GEORGE B. SMITH.

"Gratification was expressed the other night when Fred Waring's glee club offered 'Just A Song At Twilight.' 'They had been neglecting those good old melodies,' said one Amarillo listener. 'I got a real thrill out of Waring's program that night.'"

WES IZZARD, *Amarillo News*.

BMI ADDS 246 ORIGINALS

By constantly adding to its reservoir of popular tunes, Broadcast Music, Inc., has made available for radio use more than 227 original popular songs since Christmas. Of the new numbers, forty-two were published by BMI under its own imprint and the others are being cleared by other publishers through BMI. M. M. Cole has made available 102 new cowboy tunes and romantic ballads; E. B. Marks 43 popular tunes and twelve originals are from the subsidiaries of Southern Music.

In addition BMI has acquired the performing rights of the music published by Republic Music Corp. The transaction calls for the immediate transference of some 20 numbers, many of which are identified with Sammy Kaye, and for the publication of not less than 2 composi-

tions each month for three years. BMI has also acquired ten numbers and rights to future selections controlled by the Mutual Music Society, Inc., publisher of Glenn Miller's originals.

NAB

DISTRICT 6 MEETING

Twenty-seven stations were represented at the District 6 meeting Monday, January 13, in Nashville. Although the music situation was the primary subject of discussion, numerous other industry problems were talked over. Edwin W. Craig, WSM, district director, presided. Ed Kirby represented the NAB and Carl Haverlin, BMI. Those registered:

Fred Bugg, WDEF; J. T. Ward, WLAC; Jack M. Draughon, WSIX; Louis R. Draughon, WSIX; S. A. Cisler, WGRC; Charles Lee Harris, WGRC; Fred Ohl, KWKH-KTBS; F. C. Sowell, WLAC; Hugh O. Potter, WOMI; Earlee Winger, WDOO; Henry Dupre, WWL; E. A. Alburty, WHBQ; Bill Reeves, WHUB; M. L. Medley, WHUB; G. E. Zimmerman, KARK; Hugh M. Smith, WAML; W. H. Summerville, WWL; Rayburn R. Rose, WLBJ; Joe Van Sandt, WMSD; Jimmie Barry, KFPW; J. R. Pepper, WJPR; F. A. Cavey, WWL; Jess Swicegood, WKPT; L. M. Sepaugh, WSLI; Henry Frick, WJHL; J. C. Limer, KMLB; Hoyt B. Wooten, WREC; Thomas J. Severin, WSGN; M. E. Butterfield, WJHL; Carl Haverlin, BMI; S. E. Adcock, WROL; Ed Kirby, NAB; "Cy" Langlois, LANG-WORTH; Bob McRaney, WCBI; J. C. Limer, Jr., KMLB; John Cleghorn, WMC; Carter Parham, WDOO; H. W. Slavick, WMC; Mr. M. E. Butterfull, WJHL; Edwin W. Craig, WSM; Harry Stone, WSM; James C. Hanrahan, WMP.

DISTRICT MEETINGS SCHEDULED

Following is a list of District meetings now scheduled:

District 16 (Southern California, Arizona, New Mexico), Friday, January 17, Ambassador Hotel, Los Angeles, California.

District 15 (Nevada, Northern California, Hawaii), Saturday, January 18, St. Francis Hotel, San Francisco, California.

District 17 (Washington, Oregon, Alaska), Wednesday, January 22, Heathman Hotel, Portland, Oregon.

District 10 (Iowa, Missouri, Nebraska), Saturday, January 25, Fontenelle Hotel, Omaha, Nebraska.

District 14 (Colorado, Utah, Idaho, Montana, Wyoming), Monday, January 27, Albany Hotel, Denver, Colorado.

RESEARCH COMMITTEE

The Research Committee meeting January 10 was held at the Ritz Tower in New York City. Those in attendance were: William J. Scripps, Chairman, WWJ; H. M. Beville, Jr., NBC; Arthur B. Church, KMBC; James D. Shouse, WLW-WSAI; Frank N. Stanton, CBS; Theodore C. Streibert, WOR-MBS; J. W. Woodruff, Jr., WRBL. Guests: Messrs. Allen and Walker of MBS; Paul F. Peter, ex officio. Absent: Lee B. Wailes, KYW.

The Committee heard a progress report on the broadcast advertising unit measurement and on the publication of the Urban Survey which is to be released shortly. The Committee met at luncheon with the Sales Managers' Committee and with representatives of the ANA Cooperative Analysis of Broadcasting, Paul West, President of ANA, Frederic Gamble, Executive Secretary of the AAAA, Wells Wilbar of the General Mills Company, and A. W.

Lehman, Manager, Cooperative Analysis of Broadcasting. Following the luncheon, Mr. Lehman presented and discussed with the Research Committee the research method employed by the CAB.

This presentation of research methods is the second in a series heard by the Research Committee incident to the preparation of a Research Manual on Audience Measurement for station use.

1941 DUES CLASSIFICATION

Enclosed with the regular monthly statement sent to all NAB members on January 1 was a 1941 dues classification blank.

Under the By-Laws, each NAB member is required to file this statement annually with the Secretary-Treasurer indicating the amount of dues to be paid for the ensuing year.

It will be greatly appreciated if this statement is executed and filed with NAB Headquarters as soon as possible.

Sales

SALES STEERING COMMITTEE

The Sales Managers Steering Committee which is in reality the executive committee of the Sales Managers group, met at the Ritz Tower, New York, on Friday, January 10.

In addition to Chairman E. Y. Flannigan, WSPD, Toledo, Ohio, the following were present: Eugene Carr, WGAR, Cleveland, Ohio; Charles Caley, WMBD, Peoria, Illinois; and Ellis Atteberry, KCKN, Kansas City, Kansas. William Way, vice president and general manager of KVOO, Tulsa, Oklahoma, attended in place of Willard Egolf. Craig Lawrence, KRNT, Des Moines, Iowa, was prevented from being in attendance by reason of engagements in the midwest. Ed Kirby, Public Relations Director, and C. E. Arney, Jr., of the NAB staff, also attended.

A complete discussion of the future policy to govern the present Bureau of Radio Advertising took place and an interesting announcement respecting this whole matter will shortly be made.

STANDARD CONTRACT FORM

We wish to clear up a misunderstanding which has come to our attention with reference to the application of the words "Less Agency Commission (15% of Net Station Time Charge):" appearing on the face of the NAB recommended station facilities contract (NAB REPORTS, January 10, 1941). When the contract is made between the station and a local advertiser direct,

it is presumed that the station will "X" out such words in accordance with the usual practice of paying such commission only to recognized agencies. The form is designed to be used in dealing either with agencies or local advertisers, and thus obviate the necessity of printing two forms when one can serve both purposes.

Promotion

DEFENSE VOCATIONAL TRAINING

In order to speed the recruiting of students for intensive training courses in vocational schools and engineering colleges listed on pages 4880-4883 inclusive, of NAB REPORTS, December 13, United States Department of Education is urging vocational education officials to (1) assemble data on present and anticipated labor needs in their region and (2) the schools' plans to supply those needs.

As soon as the data becomes available scientific direction for training can be released in each individual community. At the completion of new plants or additions to present plants, graduates will have jobs, vital to national defense, waiting for them. The vocational education defense training program will prepare new workers for defense jobs and train those now employed for greater responsibilities.

LONG DISTANCE REMOTES

The long distances which broadcasting stations will extend lines in order to serve listeners has been brought out in recent issues of NAB REPORTS. WMBD, Peoria, through C. Russell Ehresman, merchandising and promotion, herewith says his station tops the last published, single station, remote long distance record. Claim is based on pick ups from the Pacific coast.

Here is the whole story as related by Mr. Ehresman:

"For the past three years, WMBD has broadcast all of the Bradley Tech basketball games regardless of where they were played. The team's travel has taken it from the east to west coast.

"This year, as in the past three years, we broadcast direct from the University of California, at Los Angeles, on December 31, 1940, and were the only station in this area carrying the game. Then, on January 3, 1941, WMBD broadcast by direct wire from Berkeley the University of California-Bradley game. This also was an exclusive coverage.

"Each year for the past three years we have broadcast direct from Madison Square Garden the games Bradley Tech has played with leading eastern teams. This coming Wednesday evening, January 15, we will have a direct wire broadcast of the St. Francis-Bradley Tech game being played at the Madison Square Garden, New York City."

DEFENSE JOBS

The steady flood of skilled workers which broadcast stations are bringing to national defense jobs is one of the bright spots in the employment situation. But careful

checks in all sections of the country convince U. S. Civil Service officials that there are thousands of qualified workers who have not yet been reached. They constitute a vast untapped reservoir to be drawn upon by radio.

Months in the future men taking apprenticeship courses in Navy Yards will be added to the supply of mechanics. All 45,000 U. S. Post Offices are currently displaying two colored posters which set forth the urgent need for skilled workers.

PROMOTION FOR CHILDREN

Not generally known until Major Edney Ridge of WBIG mailed a copy, is the fact that the story of radio was brought to vast numbers of school children throughout the land in "My Weekly Reader" for the week of November 25-29, 1940. "My Weekly Reader," widely syndicated, is highly regarded by educators and children alike. In simple language it told the whole story of radio. Here it is:

"RADIO HAS A BIRTHDAY

"The radio is 20 years old. It is having a big birthday party from November 11 to 30.

"Many people are helping with the birthday party.

"They are singing over the radio. They are telling how radio has grown in 20 years.

"Not many people had radios then. Not many people knew about radios. Today people everywhere have radios. There are radios in many schools.

"The radio brings news to people. It brings music, talks, and plays. The radio helps many people. It helps in many ways.

"The radio helps people in cities. It helps people in the country. It helps people in other countries.

"The radio helps policemen. It helps men working in forests. The radio helps airplane pilots. It helps people on big ships. It helps people everywhere. How does the radio help these people?

"Every year, the work of the radio grows and grows.

"Today some people have radios with television.

"Television is somewhat like moving pictures.

"People look into the radio. They see the people who sing and talk over the radio.

"Some people get radio newspapers. Their radios put news on paper."

With three pictures the story occupied the entire second page of the little newspaper. On the back page were eight questions which tested the children's understanding of the radio birthday story.

NEW MEXICO LEGISLATION

A. R. Hebenstreit, KGGM, Albuquerque, has accepted an appointment as legislative contact man at the New Mexico capital. (NAB REPORTS, p. 32.)

FEDERAL LEGISLATION

(New Bills)

HOUSE

H. R. 2074 (BLAND, D., VA.) COMMUNICATIONS ACT—To amend section 353 (b) of the Communications Act of 1934, as amended. Referred to Committee on Merchant Marine and Fisheries.

HOUSE RESOLUTION

H. Res. 51 (WIGGLESWORTH, R., MASS.) COMMUNICATIONS—Authorizing an investigation of the Federal Communications Commission. Referred to Committee on Rules.

STATE LEGISLATION

COLORADO:

S. 210 (VELTRI) RADIO INTERFERENCE CONTROL—To prohibit the maintenance, use, or operation of any devices which create electrical interference with radio reception. Referred to Committee on State Affairs and Public Lands.

S. 211 (VELTRI) RADIO INTERFERENCE CONTROL—To prohibit the maintenance, use, or operation of any devices which create electrical interference with radio reception. Referred to Committee on State Affairs and Public Lands.

S. 231 (CROWLEY) COPYRIGHTS—To aid in effectuating the Federal Copyright Laws by removing certain monopolistic abuses and activities practiced under guise of copyrights by price fixing combinations, monopolies and pools. Referred to Committee on State Affairs and Public Lands.

MASSACHUSETTS:

S. 126 (Pet. of McMAHON) RADIO—ADVERTISING—ALCOHOLIC BEVERAGES—To prevent the advertising of the manufacture or sale of alcoholic beverages by radio. Referred to Committee on Constitutional Law.

S. 193 (TWOMBLY) LIBEL AND SLANDER—Relative to actions for libel and slander. Referred to Committee on Constitutional Law.

NEW YORK:

A. 107 (Same as S. 122) (REOUX) EMPLOYMENT AGENCIES—Clarifies provisions relative to return of fees by employment agencies. Referred to Committee on Judiciary.

S. 122 (Same as A. 107) (FEINBERG) EMPLOYMENT AGENCIES—Clarifies provisions relative to return of fees by employment agencies. Referred to Committee on General Laws.

FEDERAL COMMUNICATIONS COMMISSION

FLY DISCUSSES MONOPOLY REPORT

Asked at a press conference early this week about the status of the FCC's monopoly report, James Lawrence Fly, Chairman, said that it is under study by the Commission with a view to early action.

Mr. Fly told the newsmen that he had informed the House Appropriations Committee "that it may come out next month." However, the Chairman stated that that was merely a general observation "particularly since the Commission has a pretty heavy schedule." Asked if that meant the monopoly report might be made in February, the Chairman said "it might be in January." He said he knows of no reason "for a substantial delay."

Mr. Fly in further discussion of the monopoly report said that the Commission could do any one of three things: (1) It could adopt the Committee report, (2) write an addition to it, or (3) write an entirely new report.

Chairman Fly told the reporters that the members of the Commission are planning to witness demonstrations of new television developments in the New York area on January 24 and 25. He said he hoped that they would not have to go to Schenectady, and had requested that the trip be consolidated as much as possible.

Discussing the progress of FM authorizations, the Chairman said that there had been expeditious grants and a sizeable application list.

NEW ASSISTANT TO CHAIRMAN

The FCC announced the appointment of Robert G. Seaks of Harrisburg, Pa., as Assistant to the Chairman, James Lawrence Fly.

From 1934 until the present time Mr. Seaks was a member of the legal staff of the Tennessee Valley Authority, except for a period in 1936 and 1937 when he did graduate work at Yale Law School.

Mr. Seaks was graduated from Gettysburg College in 1931, after being elected to Phi Beta Kappa. Three years later he was first man in the graduating class at Duke Law School. He was admitted to the bar in Tennessee.

Mr. Seaks assumes his new duties today, filling the vacancy caused by appointment of Nathan H. David to the Commission's legal staff.

FILING INFORMATION AT FCC

The FCC on January 14 amended its Rules governing the filing of information, contracts, periodic reports, etc., as follows, effective immediately:

Amended Sections 43.51 and 43.52 by adding thereto the following:

"Upon compliance with the requirements of this section by one party to any such contract, agreement, or arrangement, the filing of a statement in writing duly sworn to by the other party or parties thereto identifying such contract, agreement, or arrangement, and adopting the filing thereof, shall be regarded as compliance with the requirements of this section by such other party or parties."

FCC RULE AMENDED

FCC on January 7 amended its Rules of Practice and Procedure, Part I, as follows, effective immediately:

Amended Section 1.356 to read as follows:

"Sec. 1.356. *Forfeiture of construction permits; extensions of time.*—(a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application¹ for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension."

ENGINEERING CONFERENCE

A radio engineering conference convened here in executive session January 14 to harmonize the action of the radio administrations of Canada, Cuba, Dominican Republic, Haiti, Mexico and the United States so that the assignment of frequencies to broadcasting stations in the

¹ FCC Form No. 701.

standard broadcast band will conform with the provisions of the North American Regional Broadcasting agreement signed at Havana on December 13, 1937. The provisions of this convention will become effective on March 29.

The following representatives attended the conference:

Canada—Mr. Donald Manson; Mr. J. W. Bain, Department of Transport; Mr. K. A. Mackinnon; Mr. W. G. Richardson, Canadian Broadcasting Corporation; Mr. Ronald Macdonnell, Canadian Legation, Washington.

Cuba—Mr. Francisco Suarez Lopetequi; Guillermo Morales; Alfonso Hernandez Cata; Armando Mencia, Director, Inter-American Radio Office.

Dominican Republic—The Honorable Andrés Pastoriza, Minister of the Dominican Republic.

Haiti—The Honorable Elie Lescot, Minister of Haiti.

Mexico—Mr. Juan C. Buchanan; Mr. Salvador Tayabas.

United States—Department of State: Mr. Thomas Burke, Chief, Division of International Communications; Mr. Francis Colt de Wolf, Division of International Communications; Mr. Harvey B. Otterman, Division of International Communications; Mr. Edward Wailes, Division of European Affairs; Mr. Philip Bonsal, Acting Chief, Division of the American Republics; Mr. Guillermo Suro, Acting Chief, Central Translating Office. *Federal Communications Commission:* Commander T. A. M. Craven, Commissioner; Mr. E. K. Jett, Chief Engineer; Mr. Andrew D. Ring, Assistant Chief Engineer; Mr. Gerald C. Gross, Chief, International Division; Mr. Joseph L. Rauh, Jr., Assistant General Counsel.

FROM THE FCC MAIL BAG

Christmas has passed, but a Louisiana woman feels that many children of the nation are disillusioned about "Santa Claus" as a result of remarks made from time to time on the radio, and solicits the aid of the FCC in this connection. But the Commission is limited by statute from exercising power of censorship over radio programs. Inasmuch as station licensees have the initial responsibility for the selection of program material and are interested in the reaction of listeners to presentations, it is suggested that the woman convey her comments to the management of the network which carried the references to which she objects.

Because it has no authority to require broadcast stations to produce specific programs, the Commission has referred to an appropriate medium a suggestion and desire on the part of a university official to help develop programs to aid the national defense.

A New Yorker is advised that neither the Communications Act nor Commission rules and regulations specifically prohibit a radio announcer from repeating a story which appeared in a newspaper. However, a copyright question may be involved.

A Washington correspondent inquires about reported limitations upon facsimile broadcasting of typewritten matter. He is informed that facsimile broadcasting is provided for under Commission regulations and that there is no limitation of the type mentioned. It is possible that he may have in mind facsimile transmissions by point-to-point stations which might involve questions of a communications character.

A law journal, which asks about Commission "pre-trial" procedure, is informed:

In its regulation of communications by wire and radio under the Communications Act of 1934, as amended, the Commission has no regularly established "pre-trial procedure" which is directed toward determining whether sufficient grounds exist for filing a complaint against either the witnesses themselves or those with whom they are connected, nor do its rules provide for such procedure. The hearings held by the Commission in connection with its execution and enforcement of the Act are either informal or formal as provided for in its rules.

The Commission does apply pre-trial processes in the varying situations with which it has to deal. As an example, in a recent case information came into the possession of the Commission which, if founded on fact, would have properly

required a proceeding for revocation of a broadcast station license. The Commission invited the witnesses as well as representatives of the station involved to appear informally for a conference with representatives of its Law Department. The statements of the witnesses were summarized and reduced to writing and later signed by them. Counsel were present representing one group of witnesses and counsel representing the station was invited to participate. In this instance no question arose of incriminatory testimony.

The general conduct of hearings held by the Commission in connection with its regulatory and licensing functions under the Act is set forth in Sections 1.231 et seq. of its Rules of Practice and Procedure. Under certain conditions, relevant portions of affidavits or other recorded testimony derived from such preliminary conferences or preliminary hearings may be introduced in subsequent proceedings. Witnesses are furnished with copies of their testimony or statements. The Commission has never been engaged in litigation in which any issues arose by reason of any such preliminary procedures.

MORE "FM" GRANTS

Three additional FM (frequency modulation) broadcast station authorizations were announced January 15 by the FCC, two for Chicago and one for Pittsburgh. This makes about 30 such stations approved by the Commission to date for full commercial program service.

The Columbia Broadcasting System, Inc., has received a construction permit for a new high frequency station to serve the four and one-half million residents of the 10,800-square-mile Chicago area on 46,700 kilocycles from a transmitter to be located at 1 North LaSalle Street, that city.

WJJD, Inc., Chicago, obtained a like permit to construct a transmitter at 75 East Wacker Drive, the same city, to render similar coverage on 44,700 kilocycles.

The third grant is to Westinghouse Radio Stations, Inc., Pittsburgh, to operate on 47,500 kilocycles in serving a local area of 8,400 square miles with 2,100,000 population. The proposed transmitter site is approximately eight miles northeast of the center of Pittsburgh.

At the same time the Commission, in response to several applications and a number of inquiries regarding radio links to transmit programs from the studio to the transmitter of high frequency broadcast stations, paved the way for such short-distance relay service for either FM or AM (amplitude modulation) on frequencies above 330,000 kilocycles. Appropriate rules specifying frequency allocation will be drafted to establish this service on an experimental basis. No applications will be considered until such rules are adopted. These link stations will be required to utilize highly directive antennas for the one-direction transmission so as to enable many stations throughout the nation to use the same frequency.

FM STATION LIST

The FCC has made public the following complete list of FM stations as of January 1:

Licensee and Location	Call Letters	Frequency (kc)	Service Area (Square Miles)
Bamberger Broadcasting Service, Inc. Newark, New Jersey T-New York, New York	W 71 NY	47,100	8,500 (C.P. only)
Baton Rouge Broadcasting Co., Inc. Baton Rouge, Louisiana	W 45 RG	44,500	8,100 (C.P. only)
Capitol Broadcasting Company, Inc. Schenectady, New York T-New Scotland, New York	W 47 A	44,700	6,589 (C.P. only)

Licensee and Location	Call Letters	Frequency (kc)	Service Area (Square Miles)
Evansville On the Air, Inc. Evansville, Indiana	W 45 V	44,500	8,397 (C.P. only)
The Evening News Association Detroit, Michigan	W 45 D	44,500	6,820 (C.P. only)
William G. H. Finch New York, New York	W 55 NY	45,500	8,500 (C.P. only)
Frequency Broadcasting Corporation Brooklyn, New York	W 59 NY	45,900	8,500 (C.P. only)
General Electric Company Schenectady, New York T-New Scotland, New York	W 57 A	45,700	6,600 (C.P. only)
Howitt-Wood Radio Co., Inc. Binghamton, New York	W 49 BN	44,900	6,500 (C.P. only)
The Journal Company (The Milwaukee Journal) Milwaukee, Wisconsin T-Hubertus, Town of Richfield, Wisc.	W 55 M	45,500	8,540 (C.P. only)
Don Lee Broadcasting System Los Angeles, California	K 45 LA	44,500	6,944 (C.P. only)
Marcus Loew Booking Agency New York, New York T-Cliffside Park, New Jersey	W 63 NY	46,300	8,500 (C.P. only)
Metropolitan Television, Inc. New York, New York	W 75 NY	47,500	8,500 (C.P. only)
National Broadcasting Company, Inc. New York, New York	W 51 NY	45,100	8,500 (C.P. only)
National Broadcasting Company, Inc. Chicago, Illinois	W 63 C	46,300	10,800 (C.P. only)
The National Life and Accident Insurance Company Nashville, Tennessee T-North of Franklin, Tenn.	W 47 NV	44,700	16,000 (C.P. only)
Radio Service Corporation of Utah Salt Lake City, Utah	K 47 SL	44,700	623 (C.P. only)
The Travelers Brdcastg. Service Corp. Hartford, Connecticut	W 53 H	45,300	6,100 (C.P. only)
Walker & Downing Radio Corporation Pittsburgh, Pennsylvania	W 47 P	44,700	8,400 (C.P. only)
WBNS, Incorporated Columbus, Ohio	W 45 CM	44,500	12,400 (C.P. only)
WCAU Broadcasting Company Philadelphia, Pennsylvania	W 67 PH	46,700	9,300 (C.P. only)
WDRG, Incorporated Hartford, Connecticut T-Meriden, Connecticut	W 65 H	46,500	6,100 (C.P. only)
WGN, Inc. Chicago, Illinois	W 59 C	45,900	10,800 (C.P. only)
The Yankee Network, Inc. Boston, Massachusetts T-Mt. Wash., Sargents Purchase, N. H.	W 39 B	43,900	31,000 (C.P. only)
Zenith Radio Corporation Chicago, Illinois	W 51 C	45,100	10,760 (C.P. only)

FCC FORM 324 APPROVED

The FCC has approved FCC Form 324 to be used by the licensees of standard broadcast stations and others in reporting their financial affairs for the year 1940 under the provisions of Section 1.361.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, January 20. It is subject to change.

Wednesday, January 22

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO, and WEKI to Peoria Broadcasting Co. (a Delaware corporation), Assignee. Operating on: WMBD—1440 kc., 1 KW night, 5 KW day, unlimited. WAIN—1622, 2058, 2150, 2790 kc., emission A-3, 25 watts night, 25 watts day; Sec. 4.24. WEKH—1622, 2058, 2150, 2790 kc., emission A-3, 50 watts night, 50 watts day; Sec. 4.24. WPEO—33380, 35020, 37620, 39820 kc., emission A-3, 1 watt night, 1 watt day; Sec. 4.24. WEKI—33380, 35020, 37620, 39820 kc., emission A-3, 10 watts night, 10 watts day; Sec. 4.24.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearing. It is subject to change.

February 25

WCNC—Aubrey G. McCabe and Trim W. Aydtlett, d/b as Albemarle Broadcasting Company, Assignor, and Albemarle Broadcasting Co., Assignee, Elizabeth City, N. C.—Voluntary assignment of license, 1370 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Granted construction permit to make changes in directional antenna and increase night power from 1 to 5 KW; 570 kc., 5 KW day (B3-P-2571).
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted modification of construction permit (B4-P-2886) to move transmitter site from 59th Street and Hollingsworth Road, near New Augusta, Ind., to across Hollingsworth Road from present site; install new transmitter; make changes in directional antenna; and increase day power from 1 to 5KW; 1050 kc., non-directional, subject to approval of antenna system (B4-MP-1100).
- WBIR—J. W. Birdwell, Knoxville, Tenn.—Granted modification of construction permit for approval of transmitter and studio site 1.6 miles west of business district of Knoxville; approval of antenna and increase night power from 100 to 250 watts; 1210 kc., 250 watts day, unlimited time (B3-MP-1084).
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW; 1290 kc., 5 KW day, unlimited time (B3-P-2788).
- WSAV—Arthur Lucas (Transferor), The several shareholders of licensee (Transferee), WSAV, Inc. (Licensee), Savannah, Ga.—Granted relinquishment of control over WSAV, Inc., by Arthur Lucas, through the transfer by him of 32 of his 151 shares of common voting stock to E. E. Murrey, Sr., for a cash consideration of \$3,200; station operates on 1310 kc., 250 watts, unlimited time (B3-TC-247).

WBKY—University of Kentucky, Beattyville, Ky.—Granted application for reinstatement of the construction permit for non-commercial educational broadcast station WBKY (construction was not completed within the time provided for in the permit, and the same automatically expired October 20, 1940), and change frequency from 41900 kc. to 42900 kc. to comply with Section 4.137, as revised; 100 watts day and night, unlimited; using amplitude modulation at present (B2-PED-17).

KGEI—General Electric Company, San Francisco, Calif.—Granted construction permit to make changes in antenna system and to move transmitter site from Treasure Island to near Belmont, Calif., of international broadcast station KGEI; frequencies 6190, 9530, 15330 kc., power 20 KW day and night, sharing time of operation with WGEA and WGEO on 6190 and 15330 kc. and with WGEO on 9530 kc. (B5-PIB-31).

NEW FM STATIONS GRANTED

- WJJD, Inc., Chicago, Ill.—Granted construction permit for new FM broadcast station to operate on 44700 kc., with a coverage of 10,800 square miles, embracing 4,500,000 population (B4-PH-17).
- Columbia Broadcasting System, Inc., Chicago, Ill.—Granted construction permit for new FM broadcast station to operate on 46700 kc., with a coverage of 10,800 square miles, embracing 4,500,000 population (B4-PH-57).
- Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted construction permit for new FM broadcast station to operate on 47500 kc., with a coverage of 8,400 square miles, embracing 2,100,000 population.

DESIGNATED FOR HEARING

- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Application for construction permit to make changes in transmitter; move transmitter site from Milhaven Road, Monroe, La., 4 miles north of center of city; change frequency from 1200 to 1410 kc.; increase power from 250 watts to 1 KW; and install directional antenna for night use (B3-P-2939).
- KNOE, Inc., Monroe, La.—Application for construction permit to erect a new station to operate on 1420 kc., 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B3-P-2887).
- KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Application for modification of license to increase power from 500 watts to 1 KW; 1350 kc., unlimited time.
- Edward E. Reeder, Seattle, Wash.—Application for construction permit for new broadcast station to operate on 1420 kc., 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B5-P-2936).
- Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Application for construction permit for new broadcast station to operate on 1500 kc., 100 watts, unlimited time (B1-P-2988).

MISCELLANEOUS

- WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit authorizing move of transmitter, increase in power, etc., for extension of completion date to July 15/41 (B2-MP-1131).
- KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-627).
- WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-569).
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-593).
- KGKY—L. L. Hilliard, Ruth K. Hilliard, & R. M. Stewart, d/b as Hillard Company, Scottsbluff, Nebr.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-524).
- KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-523).
- KGKO—The Southwest Broadcasting Co.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-620).

- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted modification of construction permit which authorized changes in antenna and transmitting equipment, increase in power and move of transmitter, for change in type of transmitter, move of transmitter, and extension of commencement date from December 29, 1940 to 10 days after grant and extension of completion date from June 29, 1941 to 90 days after date of commencement (B2-MP-1116).
- WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted modification of construction permit for approval of antenna, equipment changes, and approval of studio site and transmitter site; **900 kc.**, 1 KW, day (B1-MP-1109).
- Columbia Broadcasting System, Inc. (area of Los Angeles, Calif.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies **33380, 35020, 37620, 39820 kc.**, 100 watts, A3 emission (B5-PRE-377).
- Paducah Broadcasting Co., Inc. (area of Hopkinsville, Ky), Mobile.—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.**, 15 watts, A3 emission (B2-PRE-376).
- WAUY—Evansville on the Air, Inc. (area of Evansville, Ind.), Portable-Mobile.—Granted license to cover construction permit which authorized construction of a new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.**, power 2 watts, A3 emission (B4-LRE-333).
- KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted modification of construction permit which authorized installation of new transmitter, increase in power, and changes in directional antenna for night use, for changes in equipment; **1230 kc.**, 5 KW, unlimited (B4-MP-1137).
- WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted license to cover construction permit authorizing installation of new transmitter and vertical antenna, increase in power, and move of transmitter; **1310 kc.**, 250 watts, unlimited (B1-L-1300).
- WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted license to cover construction permit which authorized installation of new antenna and move of transmitter; **1310 kc.**, 250 watts, unlimited (B2-L-1306).
- WGRM—P. K. Ewing, Greenwood, Miss.—Granted license to cover construction permit which authorized installation of new transmitter; **1210 kc.**, 250 watts, unlimited (B3-L-1308).
- WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted construction permit to make changes in auxiliary transmitter and increase power from 30 to 50 KW; **660 kc.**, emergency use only (B1-P-3058). Also granted license to cover construction permit (B1-L-1305).
- KENO—Geo. Penn Foster, Maxwell Kelch, and Calvert Chas. Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Granted license to cover construction permit which authorized erection of a new broadcast station; **1370 kc.**, 250 watts, unlimited (B5-L-1281). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-577).
- WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted license to cover construction permit which authorized installation of new transmitter, changes in directional antenna for night use, change of frequency and hours of operation, and increase in power, to use directional antenna day and night; **560 kc.**, 5 KW, unlimited (B1-L-1304). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-626).
- W2XCB—Columbia Broadcasting System, Inc. (area of New York City), Portable-Mobile.—Granted modification of construction permit which authorized new television relay station, for extension of completion date from January 7, 1941, to July 7, 1941 (B1-MPVB-30).
- KFXD—Frank E. Hurt, Nampa, Idaho.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-615).
- W2XWV—Allen B. DuMont Laboratories, Inc., New York City.—Granted modification of construction permit for new television broadcast station, to extend completion date from December 13, 1940, to February 13, 1941 (B1-MPVB-3).
- KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted modification of construction permit which authorized increase in power and installation of directional antenna for night use, for extension of completion date from January 28, 1941 to March 28, 1941 (B4-MP-1133).
- KDFN—Donald Lewis Hathaway, Caspar, Wyoming.—Granted license to cover construction permit which authorized increase in power to 1 KW and changes in equipment (B5-L-1303).
- WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted license to cover construction permit which authorized change of frequency, increase in power, and installation of new transmitter and antenna; **1330 kc.**, 1 KW, unlimited (B3-L-1265).
- KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Granted license to cover construction permit which authorized changes in equipment and increase in power, using directional antenna day and night; **1220 kc.**, 1 KW, unlimited time, using directional antenna day and night (B5-L-1291).
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit which authorized move of transmitter, installation of directional antenna for night use, installation of new transmitter and increase in power, for changes in equipment; **1320 kc.**, 5 KW, unlimited time, directional antenna night (B4-MP-1134).
- KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted modification of construction permit which authorized installation of directional antenna for day and night use, new transmitter and increase in power, for move of transmitter; **920 kc.**, 5 KW, unlimited time, directional antenna day and night (B5-MP-1128).
- KROD—Dorrance D. Roderick, El Paso, Tex.—Granted modification of construction permit which authorized change in frequency from **1500 to 600 kc.**, increase in power from 250 watts to 500 watts night, 1 KW day, and installation of new transmitter, for authority to change type of transmitter and extend commencement and completion dates from January 26, 1941, and July 26, 1941, to 30 days after grant and 120 days thereafter, respectively (B3-MP-1135).
- WCZR—Zenith Radio Corp. (area of Chicago, Ill.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies **156750, 158400, 159300, 161100 kc.**, power 100 watts, special emission (B4-LRE-337).
- W1XPW—WDRG, Inc., Hartford, Conn.—Granted special temporary authority to operate a high frequency experimental broadcast station on **46500 kc.**, 1000 watts power, special emission, in order to rebroadcast high frequency broadcast station W1XOJ, with the transmitter located at Meriden, Conn., and described as Composite, Type FM1, maximum rated carrier power 1000 watts, for period January 8, 1941, to not later than March 1, 1941.
- WMBI—The Moody Bible Inst. of Chicago, Chicago, Ill.—Granted motion for continuance of hearing on application for modification of license to use hours now being used by WCBF when that station is assigned a different frequency, for a period of 30 days.
- WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion for continuance of hearing on applications for renewal of licenses of WCAM, WCAP and WTNJ, now scheduled for January 29 to March 10. The Commission on its own motion consolidated the hearing on the above renewal applications with applications of Trent Broadcast Corp. for a new station and application of WTNJ for construction permit to change frequency to **1230 kc.**, and increase time of operation.
- Mack Radio Sales Company—Dismissed without prejudice petition to intervene in the hearing on applications for renewal of license of WCAM, WCAP and WTNJ.
- Fred Jones Broadcasting Co., Tulsa, Okla.—Granted petition for leave to amend application for new station with regard to directional antenna; **690 kc.**, 50 KW, unlimited time.
- Paducah Broadcasting Co., Inc., Clarksville, Tenn.—Granted motion for order to take depositions in re application for new station to operate on **1370 kc.**, 250 watts, unlimited time.
- South Jersey Broadcasting Co., Vineland, N. J.—Dismissed without prejudice petition to intervene in the hearing on application of WTEL, Philadelphia, Pa., for construction permit to change frequency from **1310 to 1500 kc.**, increase power from 100 to 250 watts, and hours of operation to unlimited.
- WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.; Edward J. Doyle, Rochester, N. Y.—Granted motion for continuance of hearing on application of WSAY only, from January 27 to a date not before February 27, 1941, in re application to change frequency from **1210 to 1340 kc.**, increase power from 250 watts to 1 KW, unlimited time, DA.

William H. Amesbury, Minneapolis, Minn.—Granted motion for continuance of hearing and for Waiver of Rule 1.254, now scheduled for January 17 for a period of 30 days, on application for new station to operate on **630 kc.**, 1 KW, unlimited time; DA night and day.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with KLX from 7:45 to 9:45 p. m., PST, January 11 and 24, in order to broadcast basketball games of the local High School Conference only; and from 7 to 9 p. m., PST, January 22, in order to broadcast Annual Award to the Senior and Junior First Citizens of the city of Vancouver.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., CST) to 11 p. m., CST, on January 17, 18, 21, 24 and 31, in order to broadcast basketball games only.

KAXZ—United Air Lines Transport Corp., c/o Aeronautical Radio Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp., call letters, KHAZT, as a relay broadcast station, on frequency **2790 kc.**, to relay from plane to station KGO broadcast program in connection with dedication of new airlines consolidated terminal in New York City from 4 to 8 p. m., PST, on January 8, to the NBC Blue Network.

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on **60000-86000 kc.** at 515 Madison Ave., N. Y., for the period January 9 to February 7, in order to conduct field tests.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted special temporary authority to rebroadcast an interview of a U. S. Army pilot by an NBC announcer from 1:30 to 2 p. m., MST, on January 11, 1941 as a part of the "March of Dimes" special feature program transmitted from the airplane to be over an Army transmitter to be received by a special NBC receiving station located on top of a building at 1625 California St., Denver, Colo.

Harold R. Deal, Tide Water Asso. Oil Co., San Francisco, Calif.—Affirmed action taken by Commissioner Case on January 6, denying application of KWWJ Broadcast Co., Inc., Portland, Ore., for special temporary authority to operate night hours on **1040 kc.**, for basketball games on certain dates in January.

WPER—Tropical Broadcasting Co., DeLand, Fla.—Granted modification of construction permit which authorized a new broadcast station, for approval of antenna, install new transmitter and approval of transmitter and studio sites; **1310 kc.**, 250 watts, unlimited time.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Station WAPI), Birmingham, Ala.—Continued hearing now scheduled for January 10, 1941, until January 29, 1941, in re application for renewal of license of Station WAPI (Docket No. 5821).

KRMC—Roberts MacNab Co. (a partnership consisting of Arthur L. Roberts, R. B. MacNab and A. J. Breitbart), Jamestown, N. Dak.—Granted petition of Jamestown Broadcasting Company for reconsideration and grant without hearing the application for assignment of license of Station KRMC from Roberts MacNab Co. to Jamestown Broadcasting Co. (B4-AL-276).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Upon consideration of petition for rehearing filed by Purdue University (WBAA), W. Lafayette, Inc., the Commission modified its grant of October 22, 1940, of the application of Monongahela Valley Broadcasting Co. (WMMN) for construction permit to make changes in directional antenna for nighttime use and to increase power output from 1 KW night, 5 KW day, to 5 KW unlimited time on frequency **890 kc.**, so as to make such grant conditional upon the applicant obtaining from the Commission specific approval of a directive antenna which will enable Station WMMN to serve the Fairmont, W. Va., area, and at the same time will not cause a single limitation to Station WBAA greater than 4.7 mv/m.

Earle C. Anthony, Inc., Hughes Productions Division of Hughes Tool Co., Columbia Broadcasting System, Inc.—Granted (1) motion to dismiss petitions for rehearing filed December 6, 1940, by Columbia Broadcasting System, Inc., directed against the action of the Commission of November 15, 1940, granting the application of Earle C. Anthony, Inc., for construction permit for television station in Los Angeles

to operate on television channel No. 6, and making final its conditional grant of June 18, 1940, of application of Hughes Productions Div. of Hughes Tool Co. for construction permit for television broadcast station in Los Angeles to operate on television channel No. 2 instead of channel No. 3 as requested, and (2) to withdraw request filed December 6, 1940, by Columbia Broadcasting System, Inc., for hearing on its own application for construction permit for television broadcast station in Los Angeles to operate on television channel No. 3 instead of channel No. 8 as granted by the Commission November 15, 1940.

The Commission has announced the following action:

WMBD—WMBD Broadcasting Co., Peoria, Ill.; WEKI—Portable mobile; WPEO—Portable mobile; WEXH—Portable mobile; WAIN—Portable mobile.—Granted petition to reconsider and grant without hearing the application for assignment of license of Broadcast Station WMBD and four associated relay stations from WMBD Broadcasting Co. to Peoria Broadcasting Company; dismissed motion to strike the second issue upon which said application was scheduled to be heard; set aside Commission action in designating said application for hearing; and granting the application as requested.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corporation, Harrisonburg, Va.—Modification of construction permit (B2-P-2578) as modified, requesting extension of required date of completion from January 28, 1941 to July 28, 1941.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit to install a new transmitter and increase power from 1 KW to 1 KW, 5 KW, local sunset.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Construction permit to increase power from 1 KW to 1 KW, 5 KW, local sunset and install new transmitter (using directional antenna night). Amended: To change type of requested transmitter, make changes in directional antenna for night use and change requested power from 1 KW, 5 KW, local sunset, to 5 KW day and night.

610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Authority to determine operating power by direct measurement.

620 Kilocycles

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to cover construction permit (B3-P-2435) for a new transmitter, and directional antenna for night use, increase in power, change in frequency and move.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

880 Kilocycles

WJHL—WJHL, Incorporated, Johnson City, Tenn.—License to cover construction permit (B3-P-2656) as modified, for equipment changes, installation of D. A. for night use, increase in power, change in frequency and move of transmitter.

WJHL—WJHL, Incorporated, Johnson City, Tenn.—Authority to determine operating power by direct measurement.

1200 Kilocycles

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from **1200 to 590 kc.**, increase power from 250 watts to 1KW.

1210 Kilocycles

KGY—KGY, Inc., Olympia, Wash.—Construction permit to install new vertical antenna and change hours of operation

from unlimited time except when KTW is operating to unlimited time.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of construction permit (B4-P-2462) as modified for new transmitter, increase in power, move of transmitter, installation of directional antenna for night use, requesting extension of completion date from February 18, 1941 to July 18, 1941.

NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for new station on **1420 kc.**, 250 watts, unlimited operation. Class IV station. Amended: To request **1300 kc.**, daytime operation.

1310 Kilocycles

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Authority to determine operating power by direct measurement of antenna power.

WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Modification of license to increase power from 100 watts 250 watts Local Sunset to 250 watts day and night.

1340 Kilocycles

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, Territory of Hawaii.—Construction permit for a new station on **1340 kc.** (under North American Regional agreement), 250 watts. Unlimited time. Transmitter and studio sites: 1129 Kapiolani Boulevard, Honolulu, Territory of Hawaii. Amended: To change requested frequency from **1340 kc.** under North American Regional Agreement to **1319 kc.** (**1340 kc.** under North American Regional Agreement) and change type of requested transmitter.

NEW—John and Marcia Arrington, d/b as Arrington & Arrington, Covington, Va.—Construction permit for new station: **1310 kc.** (**1340** under North American Regional Agreement), 250 watts, unlimited time. Studio and transmitter to be determined, Covington, Virginia.

1360 Kilocycles

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of construction permit (B3-P-3000) for changes in equipment, requesting further changes in equipment, change hours of operating from daytime to unlimited time using 500 watts night, 1 KW daytime, and extend commencement and completion dates from February 5, 1941 and August 5, 1941 to 10 days after grant and 30 days thereafter, respectively. Facilities of WTJS.

1370 Kilocycles

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to install automatic frequency control equipment.

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for new station on **1370 kc.**, 100 watts, unlimited time. Studio and transmitter site to be located at Greensboro, North Carolina. Amended: Request **1250 kc.** Class IV, 250 watts, day operation only, contingent on WAIR going to new frequency. Antenna changes.

NEW—Macon Telegraph Publishing Co., Macon, Ga.—Construction permit for a new station on **1370 kc.**, 250 watts, unlimited time. Transmitter site to be determined, in or near Macon, Georgia. Studio site to be determined, Macon, Georgia. Antenna to be determined. Amended: To change applicant from Martin Anderson (individual) to Macon Telegraph Publishing Co. (a corporation).

WDEF—Joe W. Engle, Chattanooga, Tenn.—License to cover construction permit (B3-P-2483) as modified for a new station.

WDEF—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

NEW—Roy G. Terry, trading as Terry Broadcasting Company, Tyler, Tex.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Penn.—Authority to determine operating power by direct measurement of antenna power.

1390 Kilocycles

NEW—Vermont Radio Corporation, Inc., St. Albans, Vt.—Construction permit for a new broadcast station to be operated on **1390 kc.**, 1 KW, daytime operation. Requests facilities of WQDM.

1420 Kilocycles

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—Modification of construction permit (B4-P-2842) for a new station, requesting approval of vertical antenna, approval of transmitter site at Southeast Corner Morgan and Ohio Streets, Kokomo, Indiana, and install a new transmitter.

NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station on **1420 kc.** (Class IV station), 250 watts, unlimited time. Transmitter site to be determined, Columbus, Georgia. Studio site, corner of Front and 13th Streets, Columbus, Georgia. Amended: To change applicant from Arthur Lucas and Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co. (a partnership) to Chattahoochee Broadcasting Company (a corporation).

1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—Modification of license to make changes in directional antenna.

1500 Kilocycles

WERC—Presque Isle Broadcasting Co., Erie, Penn.—Modification of construction permit (B2-P-2251) as modified, for a new station, requesting installation of new type transmitter, and extend commencement dates from January 28, 1941, and July 28, 1941, to 60 days after grant and 180 days thereafter respectively.

WMRN—The Marion Broadcasting Co., Marion, O.—License to cover construction permit (B2-P-2862 as modified) for new broadcast station.

WMRN—The Marion Broadcasting Co., Marion, O.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATION

NEW—Frequency Broadcasting Corp., Brooklyn, N. Y.—Modification of construction permit (B1-PH-47) for a new high frequency broadcast station, requesting approval of transmitter, and change population from 11,900,000 to 11,000,000. (W.E. 506-A1, Maximum 10 kilowatts).

TELEVISION APPLICATION

W9XMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PVB-20, which authorized a new television station) requesting approval of transmitter site and antenna: 720 East Capitol Drive, Milwaukee, Wisc.

MISCELLANEOUS

WBOS—Westinghouse Electric & Manufacturing Co., Pittsburgh, Penn.—Modification of construction permit (B1-PIB-23, which authorized move of station from Pittsburgh, Penn., to Hull, Mass., increase power to 50 kilowatts and changes in equipment) requesting extension of completion from January 7, 1941, to June 7, 1941.

WEIX—Memphis Publishing Co., Portable-Mobile—Construction permit to increase power from 5 watts to 22 watts and install new transmitter (already constructed under B3-PRE-352 by former owners).

WEIX—Memphis Publishing Co., Portable-Mobile—License to cover construction permit.

NEW—WHP, Inc., Area of Harrisburg, Pa.—Construction permit for new relay station. Frequencies: **33380, 35020, 37620, 39820 kc.** Power: 25 watts. Emission: A3. Location: Portable-Mobile. Area of Harrisburg, Pennsylvania.

KRLM—Royal Miller, Area of Sacramento, Calif.—Construction permit to change frequencies from **30820, 33740, 35820, 37980 to 1622, 2058, 2150, 2790**, increase power from 10 watts to 50 watts and make changes in equipment.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Fretted Instrument Manufacturing Corporation; United Guitar Corporation; John Garner, individually and as an officer of each corporation; Morris Brooks, individually and as an officer of Fretted Instrument Manufacturing Corporation; and Frank Solvino and Frank Masiello, individually and as officers of United Guitar Corporation, all of 45 Corneilson Ave., Jersey City, N. J., engaged in the manufacture and sale of various kinds of musical instruments including guitars and mandolins, are charged, in a complaint, with unfair and deceptive acts and practices in commerce.

The complaint charges that since 1928 various concerns in the United States have manufactured certain stringed instruments, such as guitars and mandolins, containing a resonating or amplifying device consisting of a delicate metal cone capped by a wooden bridge over which the strings are drawn. Stringed instruments equipped with this device produce, when played, a quality of tone alleged to be different from, more resonant than, and far superior to that produced by stringed instruments not so equipped. A perforated cover plate is affixed to the top of the body portion of the instrument as a protection for the resonating or amplifying device.

The complaint charges that with a view to capitalizing upon the acknowledged superior quality and excellent reputation of stringed instruments so equipped, the respondents proceeded to manufacture, sell and place in the hands of various retail dealers for resale, mandolins and guitars which simulate in appearance but do not actually possess the superior resonating or amplifying device. In soliciting the sale of such products, the complaint continues, the respondents have caused advertisements to be placed in music magazines having a wide circulation in the various States, and that typical of such representations made by the respondents is:

“\$9.90 List
GUITAR OR MANDOLIN
DISC TOP
MARVELOUS TONE”

The complaint charges that through the use of the perforated disc or plate in the manner described and by constructing and finishing the interior of their instruments so as to have them simulate instruments equipped with the amplifying or resonating device, the respondents have represented directly or through implication to members of the purchasing public that their instruments are equipped with a resonating or amplifying device, when such is not the fact, and that by use of said perforated disc or plate in the manner aforesaid, the respondents have placed in the hands of unscrupulous dealers a means by which innocent purchasers may be led to believe they are acquiring an instrument equipped with a resonating or amplifying device, when such is not the fact.

In fact, the complaint charges, the stringed instruments manufactured and sold by the respondents are not and have not been equipped with an amplifying or resonating device, nor is such device part of their standard equipment. (4444)

Lincoln Chair & Novelty Company—Alleging unfair and deceptive practices in the sale of wooden furniture and allied items in violation of the Federal Trade Commission Act, a complaint has been issued against A. M. Druckman, trading as Lincoln Chair & Novelty Co., 146 West 46th St., New York.

The complaint alleges that the respondent, a furniture distributor, offers and sells to retail dealers, furniture made in factories which he does not own, control or operate; that in advertising matter circulated in commerce he offers such merchandise under the name of the Lincoln Chair & Novelty Co. as the maker, and that

such merchandise, shipped to purchasers by the factories which manufacture it on the respondent's order, bears the labels and shipping tags of the Lincoln Chair & Novelty Co. and is shipped upon the respondent's bill of lading.

Trade magazine advertisements of the respondent's merchandise, according to the complaint, contain a list of "factories" purportedly located at Gardner, Mass., Jamestown, N. Y., Richmond, Ind., and Springfield, Mo., with "executive offices" at 146 West 46th St., New York.

The complaint alleges that the respondent's representations are misleading and untrue in that the Lincoln Chair & Novelty Co. does not make the merchandise advertised; neither does the respondent own or control any furniture factories where such merchandise is made, nor are there any furniture factories maintaining their executive offices at the respondent's New York business address. (4445)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Mendoza Fur Dyeing Works, Inc., 722 East 133rd St., New York, engaged in the dyeing of furs for fur coats and clothing, has been ordered to cease and desist from certain misrepresentations.

The Commission finds that in the course of its business and for the purpose of inducing customers to forward pelts for dyeing and processing, the respondent furnishes to some customers various sketches or designs for use in the manufacture of fur garments, and also labels to be attached to such garments designating them as "Mendoza Furs."

The respondent further advertised, the Commission finds, in various circulars, newspapers and periodicals, that the sketches supplied by it are adaptations of designs by famous Parisian couturiers. The respondent also represented that furs processed by it have won a prize or award in a competitive competition in Paris, France. These various advertisements carry reproductions of the various labels which the respondent allegedly furnished and which purport to be labels of Parisian couturiers such as Schiaparelli, Vionnet, Heim, Max and Jeanne Lavin, and others.

In truth, the Commission finds, the sketches and designs furnished by the respondent were not prepared by any Parisian couturiers, and the garments to which such labels are attached were not manufactured in Paris, France, and no garment of the respondent ever won a prize or award in a competition with garments of others in Paris, France, except that the respondent, in 1928, was awarded Grand Prix, a gold medal and diploma by the "Exposition d'Economie Domestique", held at Paris, France, "for its excellent process of the imitation of skins of beaver, fox" and other furs.

The respondent is ordered to cease and desist from representing, through use of their names on labels, or in any other manner, that garments made of furs processed by the respondent are made or designed by Schiaparelli, Vionnet, Heim, Max or Jeanne Lavin, or any other couturier, when such is not the fact; using the names of well-known designers of women's clothing on labels or in any other manner to designate, describe or refer to garments not in fact designed by the person or persons whose names are used; representing that sketches or designs furnished by the respondent to its customers are sketches or designs prepared by Parisian couturiers, and that the labels supplied with such sketches or designs are the labels supplied by such couturiers for use in garments made from such sketches or designs, and that respondent is authorized to use their names in connection with the manufacture and sale of fur garments; and from using the term "Grand Prix Paris" or other words of similar meaning to describe or refer to a prize received by the respondent from "Exposition d'Economie Domestique" in 1928, unless accompanied by a statement equally conspicuous, showing the nature of the award or prize with the date thereof. (3824)

Pronto File Corporation, 349 Broadway, New York, engaged in the manufacture, sale and distribution of steel card cabinets, has been ordered to cease and desist from certain unfair methods of competition and unfair and deceptive acts and practices in commerce.

The Commission finds that the respondent, in selling its cabinets, has caused to be published and distributed to its dealer purchasers and prospective purchasers located in the various States, certain

folders, cards and circulars in which its products are pictorially and descriptively represented, and on which folders, cards and circulars it is stated that the products are being offered at a 50 per cent reduction in price. In juxtaposition with the pictorial representations, the findings continue, and descriptions of the products offered, a price is set forth in black numerals, which are struck through with red lines, and a price of half as much is substituted in red numerals in each case. Such method of stating the selling price, the Commission finds, is generally understood by dealers and the consuming public to be a representation that the price in black type and cancelled by the red line, is the regular and customary selling price of the product to which it applies, and the substituted price in red type is a reduced price.

The respondent is ordered, in connection with the sale and distribution of steel card cabinets in commerce, to cease representing that the price at which the cabinets are offered for sale constitute special or reduced or clearance sale prices, when such prices are the usual and customary prices at which such products are offered for sale and sold by the respondent in the normal and regular course of business. (3717)

Vendol Company—David H. Fulton, trading as Vendol Company, 1 West Biddle St., Baltimore, engaged in the sale and distribution of a medicinal preparation known as "Vendol", offered as a treatment for constipation and related conditions, has been ordered to cease and desist from certain misrepresentations.

The Commission finds that the respondent, in advertisements in newspapers and periodicals having a general circulation, in continuities broadcast from radio stations, and in other printed matter distributed in commerce, has represented that the preparation is a cure and an effective remedy for constipation, stomach disorders, liver ailments, muscle, joint and body pains, and other ailments; that in all cases it brings relief to sufferers from constipation, stomach and liver disorders, pains in muscles and back, and headache and rheumatism; that it assures good digestion and enables one to eat all kinds of food without fearing acid indigestion; that it prevents acidity, gas and similar ailments; is a tonic and benefits and tones the system, soothes the nerves and relieves and ends sleeplessness and insomnia; strengthens the stomach and digestive organs; is an appetizer; and will overcome or cure "irregularity" of the bowels.

The Commission finds that these representations are false and misleading in that "Vendol" has no therapeutic value in excess of that afforded by a laxative with mild diuretic and anti-acid effects.

The respondent is ordered to cease and desist from representing that the preparation is a cure or remedy for constipation, or constitutes a competent or effective treatment therefor, in excess of furnishing temporary relief for such condition; that the preparation is a cure or remedy for stomach disorders, liver ailments, skin disorders, dyspepsia, or that it constitutes a competent or effective treatment therefor, in excess of furnishing temporary relief when such conditions are due to constipation or the need of a mild diuretic; that the preparation is a cure or remedy for muscular or bodily pains, rheumatism, headaches, dizziness, excess acidity, gas, cramps, indigestion, bad breath, palpitation, bloating, stiffness or heart flutterings, or that it is a cure or remedy for any disease or malady of which such ailments may be symptoms, or that it has any therapeutic value in the treatment of such symptoms in excess of the temporary relief afforded by a laxative with mild diuretic and slightly anti-acid effects. (3895)

STIPULATIONS

Following stipulations have been entered into by the Commission during the past week:

American Exchange—Nancy Jordan and Samuel I. Turoff, operating under the firm names of Nancy Jordan Club and American Exchange, General Post Office Box 376, New York, have entered into a stipulation in which they agree, in connection with the sale or distribution of lists of names for the alleged purpose of promoting social intercourse, that they will cease and desist from representing that satisfactory results are sure; that testimonials have been sworn to, when such is not the fact; that any offer of membership is limited in number or time, when such is not a fact; that thousands everywhere have found happiness through their method,

or that any fee is a complete fee, when any charge is thereafter made in connection with the sale of the lists.

Nancy Jordan and Samuel I. Turoff further agree to cease and desist from making claims with reference to the financial standing, character, education or social position of any person listed with them which are not in accordance with the known facts, and unless in direct connection therewith the source of their information is stated. They also agree to advise a prospective purchaser in contact literature that the transmittal of only one list of names is included in the membership fee, and that a charge is made for all lists which may be transmitted thereafter. They further agree to desist from misdescribing applicants or filled-in application blanks. (02700)

Ambofa Products Company, Hastings, Nebr., engaged in selling a preparation recommended for such conditions as dandruff, itching scalp and falling hair, designated as "Ambofa Hair Tonic" and "Ambofa Cream for Hair", has entered into a stipulation in which it agrees to cease and desist from representing that the preparation will make hair healthy or will impart to hair its natural shade; will restore to hair its natural beauty, color or luster; will bring instant results; will stop, eradicate or get at the cause of hair or scalp troubles or scalp infections; is of value for all scalp or hair troubles or is of value for any scalp or hair trouble unless such scalp or hair trouble is such that it may be benefited by the application of a mild antiseptic, rubefacient or emollient; will give life to the hair or aid in causing hair to become luxuriant; will kill dandruff germs or rid the scalp of or stop dandruff; is a competent and effective treatment for eczema of the scalp; will serve to prevent hair from falling out or fading; will stop itching scalp condition or will do more than afford temporary relief for itching scalp, or will relieve itching scalp within any definite period of time; is a "specific" treatment or a new discovery, or is the result of years of research; that any of its ingredients will penetrate the scalp; or, by the use of the name "Ambofa Cream for Hair" or in any other manner, representing that the preparation is in the form of a cream. (02701)

Bair-Collins Co., Roundup, Montana, engaged in selling coal designated "Keene Coal", has stipulated to discontinue representing that one-eighth inch of soot reduces coal efficiency 45 per cent; that the user of Keene Coal will get all of its heat value; that Keene Coal does not produce injurious gases and is free from sulphur; that Keene Coal does not contain destroying sulphuric acid, and is sootless, dustless or smokeless; that Keene Coal produces 96.45 per cent heat, and that after burning Keene Coal a stove is clean inside or free from soot. (02699)

Berlou Manufacturing Company—Bernhardt Peterson, trading as Berlou Manufacturing Company, Marion, Ohio, engaged in the manufacture and sale of an alleged mothproof preparation designated as "Berlou", has entered into a stipulation in connection with the advertisement, sale or distribution of his product, to cease and desist from use of the word "permanent" or "life-time", or of any other words of similar implication as descriptive of the protection against moths allegedly afforded to fabrics treated with his product, and from use of the word "permanent" or "life-time" or other words or representations the effect of which may tend to convey the belief to purchasers that the moth immunizing effect of his product will last, continue or endure forever. (3016)

L. Buchman Company, Inc., 24 Johnson Ave., Brooklyn, manufacturer of comforters and other related items containing feathers and down, has stipulated that in the advertisement or sale of its products it will cease and desist from using the words "Handcrafters", "Hand-Makers", or similar words the effect of which tends to convey the belief that the products are hand-made or hand-stitched. The corporation also stipulates that it will discontinue selling or offering its products which are composed of or contain rayon without clear and unequivocal disclosure in all invoices, advertising or sales promotional matter of the fact that the products are composed of or contain rayon. (3019)

Carnation Company, Milwaukee and Seattle, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Carnation Irradiated Evaporated Milk".

The respondent corporation stipulates that it will cease representing, directly or by implication in its advertising, by use of such ex-

pressions as "Producers of Irradiated Carnation Evaporated Milk" or otherwise, that it produces the milk from which its product is processed.

In its stipulation the respondent corporation states that it does not produce the milk from which its evaporated milk is processed and also avers that "Irradiated Carnation Evaporated Milk" is cows' milk which it produces from dairy farms which it inspects and which meet the sanitary requirements of the company, and that the product then is processed according to its own method in its own plants.

The respondent corporation further avers that the words "Producers of", when used in the phrase "Producers of Irradiated Carnation Evaporated Milk", were used by it with the intent to convey to the public that its product had been packed under the conditions above mentioned. (02703)

Chekit Company—Hogan G. Smith, trading as Chekit Company, 1710 First Ave., South, Minneapolis, packager and seller of a powder product for use in treating hosiery and other garments, in a stipulation entered into with the Commission, agrees to cease representing that use of his product as a treatment for silk or rayon hosiery or lingerie will (1) prevent runs, rips, snags or breaks in, or the shrinkage or fading of, such fabrics; (2) double or improve the wearing quality of hosiery or lingerie which has already been given a treatment of this character; (3) reduce the user's hosiery expense by one-half, and (4) make such hosiery proof against rain spotting or do more than increase its resistance to spotting by rain. (3021)

Cole and Company, a corporation, Sterick Building, Memphis, Tenn., conducting an advertising agency which disseminated advertisements for a cosmetic preparation designated "Nix Deodorant Cream", on behalf of The Nix Cosmetics Company, Memphis, has stipulated that it will cease and desist from disseminating any advertisements which represent that the application of Nix Deodorant Cream stops the flow of perspiration or stops perspiration odor for days; that Nix affects perspiration or perspiration odors in a new way or in a way different from that of other preparations; or that Nix neutralizes or has any other substantial effect upon perspiration acids.

The respondent further agrees to cease and desist from misrepresenting, by the use of misleading headlines or otherwise, that any girls are "wanted", or from otherwise representing that The Nix Cosmetics Company has any employment to offer. (02696)

Foley & Company, 945 George St., Chicago, engaged in selling a medicinal preparation recommended for the treatment of coughs, designated "Foley's Honey & Tar Syrup," has entered into a supplemental stipulation in which it agrees to cease and desist from representing that the preparation has any therapeutic action in excess of temporary relief for coughing due to irritations of the throat and respiratory tract when these symptoms are due to mild inflammation of the mucous membranes of these structures; that it stimulates the irritated tissues of the bronchial tubes, other than their mucous secreting glands, or that it will give continuous comfort to the user without continuous administration. (01454)

John E. Lucey Shoe Company, and Leonard & Barrows Shoe Company, 191 Center St., Middleboro, Mass., two corporations having the same officers and a single place of business, and engaged in the manufacture and sale of shoes, have stipulated with the Federal Trade Commission that they will cease and desist from representing, as through the use of the words "London, England", or the word "British", that their domestically made products are British products, and from the use of those words or other words of similar implication as a mark, stamp, brand or label for their products or in any other way so as to convey the belief that the products have been imported from London, England. (3015)

New Jersey Pulverizing Company, 205 West 34th St., New York, in a stipulation entered into with the Commission, agrees to desist from use of the coined word "Pummy" as a trade name for its product closely simulating pumice in appearance and designed for use in dental laboratories as a prophylactic or in the polishing of plates, the main ingredient of the product being sand. The re-

spondent also agrees to desist from employing the word "Pummy" or "Pumice" or any phonetic or other simulation of "Pumice", the effect of which tends to convey the impression that the product is pumice, a volcanic ash or dust, as the term pumice is accepted and understood to mean. The respondent, according to the complaint, also sells other products, including pumice or pumice stone. (3020)

Newman Products Company—William Newman, trading as Newman Products Company and as The Newman Institute, 135 Lorimer St., Brooklyn, engaged in the sale and distribution of medicinal preparations designated "Williams KornX", "Williams Foot Balm", "Williams Foot Shampoo" and "Williams Foot Powder", has entered into a stipulation in which he agrees to cease and desist from use of the word "Institute" as part of or in connection with his trade name; issuing any so-called "Certificate" or similar document in which representations are made that the bearer or any person whose name is written or inscribed thereon has completed a course of study, has received or passed an examination in chiropody or any other course, or is qualified to lecture or advise concerning foot health or care; representing, by use or display of signs or placards bearing the words "Foot Health Clinic" or "Foot Health Remedy", or otherwise, that his salesmen or agents are conducting clinics or are qualified to conduct clinics or examine and treat patients, or that his products are competent remedies for maladies, diseases or ailments of the feet generally; representing as the customary or regular price of his products prices which are fictitious and in excess of the prices at which such products are customarily sold; representing by direct statement or by reasonable inference, either in his advertising media or by statements by his canvassing salesmen or agents, that his commodities were manufactured by or purchased from J. B. Williams Company, that his business is connected with that of the J. B. Williams Company in any way, or that he or his salesmen or agents are employed by or otherwise connected with that company; that any of the preparations offered for sale by him is a competent remedy or effective treatment for athlete's foot, swollen ankles or ingrown toenails, or for tired, aching, burning or swollen feet generally; that any of such preparations constitute a speedy, prompt or permanent cure or remedy for corns, callosities or warts and prevents their recurrence, relieves pain or soreness incident to bunions, ingrown toenails or ailments of the feet generally, and that use or application of the preparations will result in the relief or alleviation of headaches, backaches or fatigue, or the pain or discomfort incident thereto. (3017)

Lydia E. Pinkham Medicine Company, Lynn, Mass., engaged in selling medicinal preparations designated "Lydia E. Pinkham's Vegetable Compound" and "Lydia E. Pinkham's Vegetable Compound Tablets", has stipulated that it will forthwith cease and desist from representing, directly or by implication:

- (a) That either product is of benefit to, or an effective remedy for female functional disorders, menstrual aberrations or menopause, in excess of relief of symptoms associated with and caused by menstrual aberrations and symptoms associated with and caused by menopause, and as a uterine sedative;
- (b) That either product is of benefit for any symptoms, ailments or conditions that are due to organic disease;
- (c) That either product will overcome melancholia, act as an aphrodisiac or enhance the attractiveness of the user;
- (d) That either product is a general system tonic;
- (e) That either product will afford permanent relief from nervousness;
- (f) That the products are fully identical in purpose and effect.

The Lydia E. Pinkham Medicine Company further agrees that whenever reference is made to the brand name of the tablets in advertising, it will state, in direct connection therewith, in appropriate terms, that the product contains added iron.

The company further agrees not to publish or cause to be published any testimonial containing any representation contrary to the foregoing agreement. (02702)

Quill Club—Violet F. Bezirjian, operating as The Quill Club, 3503 South Broadway, Englewood, Colo., engaged in selling lists of names purporting to be names of members of The Quill Club, for the alleged purpose of promoting social intercourse, has agreed to

cease and desist from representing that The Quill Club is a permanently established organization, or an organization of any kind; that she guarantees or assures the introduction of applicants to congenial people of the ages specified, or issues guaranties; that her statements relating to the financial or other standing, education, character, age, occupation or profession of those whose names appear on lists, are other than the mere statements of those persons themselves in the absence of some reasonable investigation into the truth or falsity of such statements, or that her method is exclusive, unique, or different from the methods of others engaged in competition with her in promoting social intercourse. (02697)

E. A. Stephens & Company, Inc., 1843 Wazee St., Denver, Colo., engaged in the purchase of raw furs from trappers and dealers, has entered into a stipulation in which it agrees to cease and desist from the use in its advertisements, and advertising or printed matter, or in any other way, of the picturization of any building, either alone or in connection with its corporate or trade name, or in any other manner the effect of which may convey the belief to customers or prospective customers that it occupies or conducts its business from such building, when such is not the fact. (3014)

Trabulsi Textile Company, Inc., 387 Fourth Ave., New York, engaged in the sale and distribution of men's neckware, has stipulated that it will forthwith discontinue selling or offering for sale any silk product which contains any metallic weighting, without full and non-deceptive disclosure, in or on the labels, tags, or brands attached to the merchandise and in the invoices and all advertising matter, sales promotional descriptions or

representations however disseminated or published, of the presence of such metallic weighting together with the proportion or percentage thereof, as, for example, "Silk with 55% Metallic Weighting," or "Silk, Weighted up to 55%," with the word "weighting" and the percentage thereof printed in conspicuous type. (3018)

Valortone Herb Company—The Julius Skinder, Clinton, Ind., operating under the trade names Valatone Herb Co. and Lavelle Sales Co., has entered into a stipulation in which he agrees to cease advertising that "Valortone," a cosmetic, restores natural luster and loveliness to hair; is an herbal hair treatment and achieves results not obtainable by use of any other preparation.

Under his stipulation, the respondent further agrees to discontinue representing that the preparation is a color restorer; will enable users to regain natural color or health of hair, and will stop or banish dandruff or falling hair, or, by any other terminology, that it is a competent treatment or an effective remedy for either of these conditions.

The respondent also agrees to cease advertising that any offer is "special," unless it is for an expressly limited time, after which acceptances of the offer are refused. (02704)

FTC DISMISSES COMPLAINT

The Federal Trade Commission has dismissed a complaint charging the Robeson-Rochester Corporation, Rochester, N. Y., with unfair practices in the sale of pocket knives so marked as to indicate that they were approved by The Boy Scouts of America. The Commission was informed that the respondent corporation has been dissolved and is out of business.

October 1940 Broadcast Advertising Unit Report

Broadcast advertising volume, in terms of units, is presented on the following pages as reported by 200 broadcasting stations and the national networks. The report is complete for national networks, including the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the National Broadcasting Company. Regional network, national non-network and local business are not complete for the entire industry; the figures represent the total of such business placed on the 200 stations reporting.

On the last page of this analysis, there appears a complete roster of the 200 stations reporting their October business. There is included also in the list five additional stations whose reports were received too late for inclusion in this tabulation.

Comparison with the list of stations reporting September business discloses that a majority of stations reported their business for both months. The total stations reporting October business is 200 as compared with 206 for September. However, some stations reporting October business had not submitted September business. The significance of this situation is that there is not a constant sample as between the two months which will permit of direct accurate comparison.

What Does It Show?

All stations having national network affiliation carried 3,058,101 program units of network business in the month of October. This represents a 58% increase over the 1,938,928 program units reporting for September. Since these are complete figures for national network business, the comparison is completely accurate. The increases in network business were as follows:

Political advertising rose from September program units of 28,863 to an October total of 480,091, an increase of 1,563.7%. Since political business is carried largely as a substitute for existing business, it is notable that there were other substantial increases which, by far, offset the expected decreases by business classifications. In general advertising, the building materials classification rose 180%; toilet requisites rose 71.9%; jewelry and silverware increased 69.2%; medical up 56.9%; groceries up 25.4%; automotive up 25.2%; publications up 22.6%. The most notable decreases were found in transportation with a decrease of 38.5%, wearing apparel down 20.6% and miscellaneous down 38.6%.

In the field of station business, exact movements of business between September and October cannot be given. However, it is obvious that station business increased upward of 9%. In retail advertising, station business held its own or possibly decreased slightly. National spot retail business rose sharply, but with small unit volume did not offset the material drop in locally placed retail advertising.

Station business in general advertising increased to the order of 12%. Some of this is due to a 170% increase in political advertising. In so far as unit volume is concerned, the increase is most largely to be accounted for in a 56% increase in toilet requisites advertising, wearing apparel increase of 46%, a 99% increase in the medical classification, a 6.7% increase in agriculture, and a building materials increase of 104%. All of the above percentages are based on program units without reference to announcement units. Announcement units rose approximately 20%; in retail classification the increase was approximately 11%, and in the general classification an increase of approximately 33%.

To Review

A program unit equals one minute of program time. An announcement unit is equal to one announcement, unless the time consumed is one and one-half minutes or longer, in which case the units are calculated to the nearest number of minutes.

Advertising business placed in radio is classified under two major headings—"Retail" and "General." Retail advertising is defined as the advertising placed by businesses which sell direct to consumers. General is that advertising placed by businesses which sell for resale and not direct to consumers.

In retail advertising the analysis presented here classifies retail businesses according to their principal retail line. No attempt is made to classify according to specific product advertised. This classification is most useful to the broadcasting industry since advertising is placed by the individual retail store and such buying units as have similar business are grouped together.

In general advertising the classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale. The significance of this to the radio industry is that

advertising campaigns are carried for individual products and in this analysis similar products are grouped together. Also included in the general classification are such service businesses as financial, insurance, professional and service, and transportation which, because of their nature, could not properly be considered retail.

There appears on the following page Table I of the October, 1940 Broadcast Advertising Unit Report. In this table, program and announcement units are presented for retail and general advertising with a total of the two showing the source of such business by national network, regional network, national non-network and local placement. The tables which follow present: Table II program units by type of sponsoring business and source of business, first for retail and then for general advertising. Table III presents program and announcement units by type of sponsoring business by class of station, first for retail advertising and then for general advertising. Table IV presents program and announcement units by type of sponsoring business and by station metropolitan district or city population, first for retail, then for general advertising.

How to Use It

In the September unit report, it was pointed out that the value of this analysis could be found in the comparison of your station's business with that of the industry as a whole or with the business of stations like yours—same power, same Commission classification, etc.; and, further, with stations located in cities approximately the same size as the one in which your station operates. The purpose of such comparison is to determine whether you have succeeded in selling all of those types of business which are using radio advertising. For example, if drug stores are using radio advertising anywhere in the United States and continue over a period of time to do so, your logical conclusion would be to approach the drug stores in your city fortified with this report which shows that drug stores are using radio advertising.

Going beyond the suggestions made in the September report, the October report furnishes new clues of value in your sales activity. Let's consider first your quest for new business. In retail advertising, which is largely locally placed, amusements are making a greater use of radio. One encouraging aspect of this increase is that program units are completely accountable for the increase since there was a slight decrease in announcement units. In theatre advertising both program units and announcement units are up. In miscellaneous program units are materially up and announcement units down. There's a double clue—go after your local theatre and amusement people to place advertising. And, if you already have them as announcement accounts, use this material to convert their business to programs. Building supplies and contractors show an increase in business placed. Drug stores are materially up. Heating and plumbing program units increased more than 150%.

In general advertising, agriculture is up; building materials more than 100% up; hotels and restaurants materially increased; housing equipment and supplies 50% up. Industrial advertising, though small in volume, increased more than six times in units. Medical up almost 100%. Public utilities increased; publications increased; toilet requisites and wearing apparel rose sharply.

There is another side to examine in this analysis. Where business is dropping off, there is an indication for sales effort and service to hold accounts. Automotive advertising, both retail and general, declined in non-national network business. True enough this is largely due to auto show advertising in the month of September which did not repeat in October, but the automotive field is a large one and the station will want to make every effort to hold that business. Professional and service advertising dropped sharply. The business placed by opticians-optometrists and chiropractors accounts largely for the decreases, although dentists placed materially more advertising.

It is realized that there exists serious limitation in the use of the unit report since only two months' analyses are available. However, with each successive month, the value of the report increases.

Future Reports

The NAB Research Committee at its meeting January 10th heard a report of the unit plan operation. The Committee was pleased with the cooperation of the industry in this undertaking. However, it is not satisfied that a sufficient number of stations are reporting to enable industry projection at this time. They were particularly reluctant to attempt estimates of industry totals on a sample of cooperating stations which changes from month to month.

In the near future the unit analysis will be presented in summary form in the NAB REPORTS and the complete analysis will be sent to only those stations cooperating.

The reference filed by advertiser is receiving special attention at this time and this work is progressing rapidly. When the file is complete, reference work will be done for cooperating stations on a cost basis.

The value of the broadcast advertising unit analysis is dependent upon the cooperation of the industry. By all means, see to it that your station is included.

TABLE I

BROADCAST ADVERTISING—200 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail		General		Total	
	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units
National Network.....	.....	.....	3,058,101	.....	3,058,101	3,058,101
Regional Network.....	3,292	479	87,838	6,082	91,130	6,561
National Non-Network.....	42,328	8,751	399,356	76,247	441,684	84,998
Local.....	438,524	176,853	224,566	50,890	663,090	227,743
TOTAL other than National Network..	484,144	186,083	711,760	133,219	1,195,904	319,302
Grand TOTAL.....	484,144	186,083	3,769,861	133,219	4,254,005	319,302

TABLE II

BROADCAST ADVERTISING—200 STATIONS AND ALL NATIONAL NETWORKS
BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

RETAIL ADVERTISING UNITS

October 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements.....
011 Theaters.....
019 Miscellaneous.....
Automotive.....
021 Aviation.....
022 Garages and Service Stations.....
024 Parts and Accessories.....
025 Passenger Cars.....
026 Tires and Tubes.....
027 Trucks.....
028 Tractors.....
029 Miscellaneous.....
Bakeries.....
039 Miscellaneous.....
Book Stores.....
049 Miscellaneous.....
Boots and Shoes.....
051 Men's.....
052 Men's and Women's.....
053 Women's.....
059 Miscellaneous.....
Building Supplies and Contractors.....
069 Miscellaneous.....
Clothing Stores.....
071 Men's.....
072 Men's and Women's.....
073 Women's.....
074 Credit Clothing.....
079 Miscellaneous.....
Dairies.....
099 Miscellaneous.....
Department and Dry Goods Stores.....
159 Miscellaneous.....
Drug Stores.....
169 Miscellaneous.....

179	Educational.....	37	3,618	1,486	5,230	1,523	5,230	1,523
	Miscellaneous.....	37	3,618	1,486	5,230	1,523	5,230	1,523
189	Electric and Gas Appliances and Supply.....	81	8,260	3,575	8,260	3,690	8,260	3,690
	Miscellaneous.....	81	8,260	3,575	8,260	3,690	8,260	3,690
219	Furniture and Home Furnishings.....	6	55,160	15,687	55,850	15,693	55,850	15,693
	Miscellaneous.....	6	55,160	15,687	55,850	15,693	55,850	15,693
221	Grocers and Food Stores.....	703	17,509	4,819	24,534	5,522	24,534	5,522
222	Chain.....	330	1,710	72	7,460	402	7,460	402
222	Independent.....	330	1,395	162	7,395	162	7,395	162
239	Miscellaneous.....	373	15,404	4,585	16,679	4,958	16,679	4,958
249	Heating and Plumbing.....	162	8,598	4,738	9,098	4,900	9,098	4,900
	Miscellaneous.....	162	8,598	4,738	9,098	4,900	9,098	4,900
259	Hotels and Restaurants.....	111	9,296	6,854	10,968	7,021	10,968	7,021
	Miscellaneous.....	111	9,296	6,854	10,968	7,021	10,968	7,021
279	Jewelers.....	463	27,189	17,313	27,189	17,776	27,189	17,776
	Miscellaneous.....	463	27,189	17,313	27,189	17,776	27,189	17,776
299	Merchandized Chains.....	301	1,162	409	1,727	750	1,727	750
	Miscellaneous.....	301	1,162	409	1,727	750	1,727	750
301	Agriculture.....	476	63,964	19,808	67,221	20,353	67,221	20,353
302	Auctions.....	65	6,527	970	7,052	1,035	7,052	1,035
303	Beverages.....	5	2,002	234	15	15	15	234
304	Cleaners-Dyers-Laundries.....	40	22,928	10,076	22,943	10,121	22,943	10,121
305	Farms and Orchards (Produce).....	18	469	273	634	311	634	311
306	Florists-Nurseries.....	86	834	1,263	1,734	1,349	1,734	1,349
307	General Stores.....	11	3,834	474	3,834	485	3,834	485
308	Confectionery (Ice Cream, etc.).....	51	1,750	1,501	1,755	1,552	1,755	1,552
311	Shoe Repairing.....	194	4,901	2,609	6,473	2,829	6,473	2,829
312	Specialty Shops.....	20	3,310	616	3,310	636	3,310	636
315	Undertakers.....	9	17,102	1,395	17,177	1,404	17,177	1,404
349	Miscellaneous.....	75	6,434	1,234	6,969	1,323	6,969	1,323
359	Musical Instruments.....	58	535	1,224	1,224	1,323	1,323	1,323
	Miscellaneous.....	58	535	1,224	1,224	1,323	1,323	1,323
369	Office Equipment.....	41	285	254	445	445	445	254
	Miscellaneous.....	41	285	254	445	445	445	254
409	Radio.....	98	3,710	2,893	3,710	2,991	3,710	2,991
	Miscellaneous.....	98	3,710	2,893	3,710	2,991	3,710	2,991
419	Real Estate.....	531	3,884	531	3,884	531	3,884	531
	Miscellaneous.....	531	3,884	531	3,884	531	3,884	531
439	Sporting Goods.....	120	898	235	1,018	235	1,018	235
	Miscellaneous.....	120	898	235	1,018	235	1,018	235
449	Stationers.....	136	435	136	435	136	435	136
	Miscellaneous.....	136	435	136	435	136	435	136
459	Toilet Goods and Beauty Shops.....	304	1,559	2,304	1,559	2,304	1,559	2,304
	Miscellaneous.....	304	1,559	2,304	1,559	2,304	1,559	2,304
	Totals.....	479	438,524	176,853	484,144	186,083	484,144	186,083

GENERAL ADVERTISING UNITS

October 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
	Type of Sponsoring Business											
Agriculture.....												
501 Cattle Foods.....	183		1,229	860	10,035	860	6,291	1,837	17,545	2,890	17,545	2,890
502 Seeds.....	76		360	249	6,533	249	995	725	7,878	1,050	7,878	1,050
503 Farm Machinery.....	76		254	337	1,105	337	1,110	186	2,469	599	2,469	599
504 Nurseries.....			405	60	1,362	60	1,485	162	3,252	222	3,252	222
505 Live Stock.....			31	101	585	101	1,701	404	1,005	536	2,051	536
509 Miscellaneous.....				113	300	113	1,590	360	2,051	473	2,051	473
Alcoholic Beverages.....												
511 Beers.....			468	3,145	22,200	3,145	13,470	2,894	39,214	6,507	39,214	6,507
512 Wines.....			468	2,748	20,255	2,748	12,750	2,476	35,974	5,692	35,974	5,692
513 Liquors.....				397	1,710	397	315	34	2,600	781	2,600	781
519 Miscellaneous.....							405		640		640	
Amusements.....												
529 Miscellaneous.....			45	12	315	12	865	72	1,225	84	4,990	84
			45	12	315	12	865	72	1,225	84	4,990	84
Automotive.....												
531 Aviation.....			11,415	3,347	42,938	3,347	9,128	2,632	63,511	6,293	294,286	6,293
533 Gas and Oil.....	173		1,053	1,252	34,123	1,252	7,419	2,104	52,595	3,529	142,150	3,529
534 Parts and Accessories.....	81		217	144	150	144	268	635	635	434	434	434
535 Passenger Cars.....	60		175	871	8,050	871	871	159	9,096	2,062	53,896	2,062
536 Tires and Tubes.....				4	60	4	135	169	195	173	6,615	173
537 Trucks.....				13		13				13		13
538 Tractors.....				7	555	7	405		960	7	960	7
539 Miscellaneous.....				19		19	30	56	30	75	30	75
Building Materials.....												
549 Miscellaneous.....			255	273	1,570	273	2,485	463	4,310	785	18,260	785
			255	273	1,570	273	2,485	463	4,310	785	18,260	785
Confections.....												
559 Miscellaneous.....			713	4,169	8,300	4,169	810	311	9,823	4,642	58,803	4,642
			713	4,169	8,300	4,169	810	311	9,823	4,642	58,803	4,642
Educational.....												
569 Miscellaneous.....				44	865	44	120	11	985	77	3,130	77
				44	865	44	120	11	985	77	3,130	77
Financial.....												
571 Banks and Trust Companies.....			255	741	2,390	741	18,079	6,938	20,724	7,699	25,359	7,699
572 Real Estate and Home Financing.....			120	11		11	8,550	3,481	8,670	3,512	9,090	3,512
573 Stock and Bond Houses.....			75	74	275	74	2,429	384	2,779	458	2,779	458
579 Miscellaneous.....			60	83	15	83	410	43	425	126	425	126
Groceries.....												
581 Baking Products.....			32,334	21,591	151,417	21,591	47,565	12,028	234,456	35,373	1,233,836	35,373
582 Beverages.....	5,640		3,000	2,949	9,785	2,949	13,100	4,272	25,885	7,449	31,525	7,449
583 Coffee and Tea.....			208	116	75	116	3,885		75	116	75	116
584 Soft Drinks.....			208	888	13,805	888	3,309	1,123	20,675	2,219	78,635	2,219
585 Miscellaneous.....			405	46	28,775	46	996	228	34,579	8,752	51,799	8,752
586 Shortening.....			2,415	979	5,975	979	345	70	2,536	274	33,496	274
587 Cereals and Breakfast Foods.....			121	1,215	14,715	1,215	360	188	8,735	1,116	79,235	1,116
588 Condiments.....			60	172	200	172	399	22	15,825	1,524	147,244	1,524
589 Dairy Products.....			175	1,080	4,345	1,080	4,510	933	10,717	2,188	70,547	2,188
591 Meats-Fish-Poultry.....			27	115	9,065	115	4,335	1,104	13,515	1,608	23,895	1,608
592 Laundry Soaps and Cleansers.....			124	2,807	36,893	2,807	655	410	50,693	3,341	376,528	3,341
593 Flour.....			4,475	427	12,400	427	3,298	492	20,173	1,071	95,182	1,071
594 Sugar.....			124	161	54	161	270		639	285	639	285
595 Disinfectants and Exterminators.....				28	510	28	780	72	100	100	780	100
599 Miscellaneous.....			511	3,323	16,485	3,323	10,243	1,285	29,630	5,119	230,777	5,119
Hotels and Resorts.....												
609 Miscellaneous.....				17		17	726	24	726	41	726	41
				17		17	726	24	726	41	726	41
Housing Equipment and Supplies.....												
611 Air Conditioning.....			480	1,274	6,752	1,274	6,199	2,125	13,431	3,645	37,401	3,645
612 Automatic Heating.....				3	195	3	90	33	285	36	285	36
613 Automatic Refrigeration.....				68	125	68	225	97	350	165	350	165
614 Fixtures.....				35	165	35	810	25	975	60	23,425	60
615 Fuel.....				208	1,275	208	1,053	1,043	2,583	1,303	5,103	1,303
616 Furniture and Furnishings.....				183	3,552	183	2,655	498	6,432	681	6,432	681
617 Heaters and Stoves.....				58	1,425	58	1,076	336	2,501	1,151	2,501	1,151
629 Miscellaneous.....				24	15	24	230	41	305	123	305	123
Industrial.....												
639 Miscellaneous.....			60	1	315	1	870	85	1,245	88	16,005	88
			60	1	315	1	870	85	1,245	88	16,005	88

Insurance.....	16,815	480	32	5,805	773	9,489	1,326	26,304	1,326
649 Miscellaneous.....	16,815	480	32	5,805	773	9,489	1,326	26,304	1,326
Jewelry and Silverware.....	6,600	---	---	---	---	---	23	6,600	23
659 Miscellaneous.....	6,600	---	---	---	---	---	23	6,600	23
Medical.....	270,295	11,705	1,150	57,377	961	70,678	21,345	349,973	21,345
669 Miscellaneous.....	270,295	11,705	1,150	57,377	961	70,678	21,345	349,973	21,345
Miscellaneous.....	21,990	1,760	89	8,969	1,888	16,557	3,657	38,547	3,657
671 Cards and Stationery.....	2,595	---	---	195	1,035	2,526	18	2,595	18
672 Chamber of Commerce and Merchants Associations.....	10,320	240	---	1,660	114	12,846	1,180	12,846	1,180
673 Pet Foods.....	1,770	75	---	3,810	19	5,205	330	5,205	330
674 Phonograph Records.....	690	690	---	471	78	940	490	5,205	490
675 Veterinary and Animal Medicine.....	65	65	23	410	465	940	158	1,481	158
689 Miscellaneous.....	7,305	690	66	2,477	642	6,061	1,481	13,366	1,481
Political.....	*180,191	9,866	324	7,076	4,005	40,360	5,673	520,551	5,673
701 Local.....	---	270	3	2,917	765	3,352	802	3,352	802
702 State.....	---	2,346	91	1,225	429	9,339	799	9,339	799
703 National.....	480,191	5,720	217	2,530	396	12,010	1,363	212,925	1,363
709 Miscellaneous.....	---	1,530	13	3,156	281	15,659	2,709	15,659	2,709
Professional and Service.....	---	---	18	1,070	5,597	16,555	5,685	16,555	5,685
711 Opticians-Optometrists.....	---	---	18	1,070	5,597	16,555	5,685	16,555	5,685
712 Chiropractors.....	---	---	---	---	4,476	5,150	4,549	5,150	4,549
713 Dentists.....	---	---	---	---	875	875	231	875	231
714 Physicians (Medical).....	---	---	---	---	7,180	7,180	713	7,180	713
715 Hospitals.....	---	---	---	---	540	540	9	540	9
719 Miscellaneous.....	---	---	15	270	48	550	63	550	63
Public Utilities.....	10,760	270	62	12,050	904	21,521	2,547	32,282	2,547
721 Electric Companies.....	---	150	62	5,090	275	8,620	1,166	8,620	1,166
722 Gas Companies.....	---	---	---	570	336	1,746	523	1,746	523
723 Electric and Gas Companies.....	---	---	---	5,355	69	8,095	214	8,095	214
724 Telegraph Companies.....	10,760	120	---	1,035	108	1,695	244	1,695	244
725 Telephone Companies.....	---	---	---	---	660	660	255	660	255
729 Miscellaneous.....	---	---	---	---	116	960	145	960	145
Publications.....	21,465	165	41	5,220	1,651	11,208	2,282	32,673	2,282
731 Books.....	4,950	---	---	813	82	813	89	5,763	89
732 Magazines.....	16,515	150	41	3,150	32	3,360	339	19,875	339
733 Newspapers.....	---	---	---	240	1,133	6,000	1,308	6,000	1,308
739 Miscellaneous.....	---	---	---	1,020	404	1,035	546	1,035	546
Religion.....	36,540	6,160	12	9,420	464	57,468	476	94,008	476
749 Miscellaneous.....	36,540	6,160	12	9,420	464	57,468	476	94,008	476
Radio.....	---	---	---	3,380	460	4,370	853	4,370	853
751 Sets.....	---	---	---	2,780	391	3,770	762	3,770	762
752 Stations.....	---	---	---	60	---	60	---	---	---
753 Tubes.....	---	---	---	540	69	540	91	540	91
759 Miscellaneous.....	---	---	---	---	---	---	---	---	---
Sporting Goods.....	---	---	---	---	---	---	---	---	---
769 Miscellaneous.....	---	---	---	---	---	---	---	---	---
Tobacco.....	268,480	2,325	142	10,417	1,008	15,767	2,369	284,247	2,369
771 Cigars.....	21,825	390	58	2,147	234	2,657	384	24,482	384
772 Cigarettes.....	180,255	1,005	54	3,305	14	4,910	1,046	185,135	1,046
773 Tobacco.....	66,430	240	13	2,045	60	2,425	186	68,555	186
774 Miscellaneous Tobacco.....	---	---	---	710	643	2,875	660	2,875	660
779 Miscellaneous.....	690	690	17	2,210	57	2,900	93	2,900	93
Toilet Requisites.....	645,675	3,690	116	23,680	4,587	29,065	5,437	674,740	5,437
781 Antiseptics.....	2,505	---	---	150	58	150	139	2,655	139
782 Dentifrices.....	94,665	495	22	2,290	207	4,165	429	98,830	429
783 Perfumes-Cosmetics-Lotions.....	50,205	20	2	1,625	420	1,825	2,635	52,030	2,635
784 Toilet Soaps.....	173,235	130	24	8,610	11	8,740	790	181,975	790
789 Miscellaneous.....	325,065	3,045	68	11,005	22	11,185	1,444	339,250	1,444
Transportation.....	3,300	585	51	405	2,729	5,318	3,613	8,618	3,613
791 Airways.....	600	---	---	---	14	600	42	600	42
792 Bus Lines.....	---	120	43	---	501	920	889	920	889
793 Railroads.....	2,700	465	---	---	119	2,125	327	4,825	327
794 Steamships.....	---	---	---	405	2	405	27	405	27
795 Tours.....	---	---	---	---	---	---	---	---	---
799 Miscellaneous.....	---	---	8	---	270	270	---	---	---
Wearing Apparel.....	5,530	272	372	4,260	115	5,054	1,035	10,604	1,035
801 Men's Wear.....	4,950	---	---	435	18	485	21	5,435	21
802 Women's Wear.....	---	---	---	---	54	---	63	---	63
809 Miscellaneous.....	600	272	372	3,825	476	4,569	951	5,169	951
Watches.....	---	---	465	140	150	1,155	8,747	1,155	8,747
810 Miscellaneous.....	---	---	465	140	150	1,155	8,747	1,155	8,747
MBS Locally Sponsored.....	19,080	---	---	---	---	---	---	19,080	---
Totals.....	3,038,101	87,898	6,082	399,356	76,247	711,760	133,219	3,769,861	133,219

TABLE III
STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)
BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION
RETAIL ADVERTISING UNITS
October 1940

Type of Sponsoring Business	Clear Channel Stations						Regional Stations						Local Stations			Totals		
	Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day	Part-Time	Pgm.	Ann.	Pgm.	Ann.
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Total Commercial Operating Stations.....	45		8		240		67		31		361		10				787	
Total Stations Reporting.....	23		5		8		19		4		61		0				200	
Amusements	469	332	60	72	9,760	3,130	1,797	1,113	35	64	12,645	4,511			94	24,961	9,316	
011 Theaters.....	290	171	60	72	2,034	1,080	1,047	647	30	40	6,070	2,771			4	9,471	3,385	
019 Miscellaneous.....	179	161	60		7,726	1,450	750	466	5	24	6,575	1,740			195	15,490	3,931	
Automotive	1,734	480	60	57	20,243	7,712	3,210	7,670	329	358	28,837	9,512			532	54,868	26,344	
021 Aviation.....	30	35			8							10				30	18	
022 Garages and Service Stations.....	600	35		4	2,551	1,556	1,015	985	269	23	9,919	3,011			4	14,354	5,018	
024 Parts and Accessories.....		53	60		3,709	639	20	86	103	103	930	1,035			398	4,719	2,315	
025 Passenger Cars.....	969	384		53	11,519	4,685	1,935	6,322	60	206	14,538	4,234			450	29,571	15,887	
026 Tires and Tubes.....	120	5			2,269	612	240	176			3,220	761			130	5,849	1,687	
027 Trucks.....					115		14				60	67				60	199	
028 Tractors.....	15	3			197	51		43			70	255				282	352	
029 Miscellaneous.....					3	61		44		26		134				3	265	
Bakeries	205	127	375		4,242	1,621	992	539		42	5,288	2,001			3	11,072	4,333	
039 Miscellaneous.....	205	127	375		4,242	1,621	992	539		42	5,288	2,001			3	11,072	4,333	
Book Stores					249	91						75				249	166	
049 Miscellaneous.....					249	91						75				249	166	
Boots and Shoes	1,280	36	75	59	2,795	1,555	702	1,136	270	55	2,665	1,588			90	7,787	4,548	
051 Men's.....					120	107		48	60		40	92				220	199	
052 Men's and Women's.....						81		3				72			30	170		
053 Women's.....					59	2,675	1,275	1,085	210	55	2,625	1,429			90	7,537	4,020	
059 Miscellaneous.....	1,280	36	75	59	2,675	1,275	1,085	1,085	210	55	2,625	1,429			90	7,537	4,020	
Building Supplies and Contractors	520	46		14	7,641	2,100	482	749		87	6,670	2,996			180	15,493	6,081	
069 Miscellaneous.....	520	46		14	7,641	2,100	482	749		87	6,670	2,996			180	15,493	6,081	
Clothing Stores	4,070	665	650	181	31,682	12,205	3,245	3,763	385	318	19,112	11,042			370	59,514	28,462	
071 Men's.....	2,970	420	115	52	15,593	4,505	385	1,038	270	69	7,077	3,778			60	26,470	10,077	
072 Men's and Women's.....					46	430		63			620	278				1,050	937	
073 Women's.....	675	214	190	23	7,869	3,813	2,560	1,963	115	205	2,100	3,053			270	13,779	9,338	
074 Credit Clothing.....					48	1,854	705	210			2,731	1,221				4,584	2,184	
079 Miscellaneous.....	425	31	355	12	5,936	2,629	300	472		44	6,615	2,712			26	13,631	5,926	
Dairies					237		2,710	1,064	115	84	2,909	1,129				5,950	2,599	
099 Miscellaneous.....					237		2,710	1,064	115	84	2,909	1,129				5,950	2,599	
Department and Dry Goods Stores	5,105	688	510	137	27,138	7,464	9,393	1,078	540	108	17,625	5,250			120	60,341	15,020	
159 Miscellaneous.....	5,105	688	510	137	27,138	7,464	9,393	1,078	540	108	17,625	5,250			120	60,341	15,020	
Drug Stores	420	56	1,620		7,597	1,551	1,592	521	60	7	4,553	1,990			90	15,842	4,215	
169 Miscellaneous.....	420	56	1,620		7,597	1,551	1,592	521	60	7	4,553	1,990			90	15,842	4,215	
Educational	230	195		10	2,553	370	805	52	115	59	1,527	349			488	5,330	1,523	
179 Miscellaneous.....	230	195		10	2,553	370	805	52	115	59	1,527	349			488	5,330	1,523	
Electric and Gas Appliances and Supply	270	147			3,972	1,137	570	243		93	3,293	1,920			155	8,260	3,630	
189 Miscellaneous.....	270	147			3,972	1,137	570	243		93	3,293	1,920			155	8,260	3,630	
Furniture and Home Furnishings	2,683	545	240	242	22,030	5,929	6,957	2,666	30	144	23,919	5,311			856	55,850	15,693	
219 Miscellaneous.....	2,683	545	240	242	22,030	5,929	6,957	2,666	30	144	23,919	5,311			856	55,850	15,693	
Grocers and Food Stores	2,265	85	5	129	12,929	2,364	712	334	130	46	8,493	2,532			37	24,531	5,522	
221 Chain.....	1,650				4,545	174	129	10			195	211				7,461	402	
222 Independent.....					200	6						165				395	162	
239 Miscellaneous.....	615	85	5	129	8,184	2,185	592	314	130	46	7,153	2,162			37	16,679	4,958	
Heating and Plumbing	275	111			4,409	2,105	592	1,204		123	3,822	1,352			4	9,098	4,909	
249 Miscellaneous.....	275	111			4,409	2,105	592	1,204		123	3,822	1,352			4	9,098	4,909	
Hotels and Restaurants	645	243		78	5,200	2,180	225	1,515		61	4,838	2,768			60	10,968	7,021	
259 Miscellaneous.....	645	243		78	5,200	2,180	225	1,515		61	4,838	2,768			60	10,968	7,021	
Jewelers	60	642	69	281	8,059	5,728	1,370	2,082	75	133	17,565	8,648			314	27,189	17,776	
279 Miscellaneous.....	60	642	69	281	8,059	5,728	1,370	2,082	75	133	17,565	8,648			314	27,189	17,776	
Merchandise Chains					567	110				5	655	400				1,727	750	
299 Miscellaneous.....					567	110				5	655	400				1,727	750	

TABLE III—Continued

GENERAL ADVERTISING UNITS

October 1940

Total Commercial Operating Stations	Clear Channel Stations				Regional Stations				Local Stations				Totals				
	Unlimited		Part-Time		Unlimited		Limited & Day		Unlimited		Day			Part-Time			
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.		Pgm.	Ann.		
501 Agriculture.....	3,411	366	1,040	118	7,551	1,480	1,968	338	240	59	3,305	519	---	---	17,545	2,880	
502 Cattle Foods.....	1,470	43	515	23	3,325	756	1,158	70	210	57	1,200	101	---	---	7,878	1,050	
503 Seeds.....	1,869	211	---	68	1,495	122	105	145	---	---	1,470	53	---	---	2,469	599	
504 Farm Machinery.....	517	---	405	10	630	72	230	36	---	---	---	104	---	---	3,232	222	
505 Nurseries.....	30	---	---	---	850	---	95	---	30	---	---	---	---	---	1,005	---	
506 Live Stock.....	345	39	---	17	1,191	301	380	64	---	2	135	113	---	---	2,051	536	
509 Miscellaneous.....	180	73	120	---	90	229	23	---	---	---	500	148	---	---	890	473	
Alcoholic Beverages.....	4,655	123	870	121	14,335	3,411	3,030	281	1,520	104	14,774	2,467	---	---	39,214	6,507	
511 Beers.....	4,060	123	870	121	12,110	2,898	2,945	281	1,380	104	14,609	2,165	---	---	35,974	5,692	
512 Wines.....	625	---	---	---	1,670	479	---	---	140	---	165	302	---	---	2,600	781	
513 Liqueurs.....	---	---	---	---	---	34	---	---	---	---	---	---	---	---	---	34	---
519 Miscellaneous.....	---	---	---	---	555	---	85	---	---	---	---	---	---	---	640	---	
Amusements.....	15	4	---	---	120	14	310	42	---	---	780	24	---	---	1,255	84	
529 Miscellaneous.....	15	4	---	---	120	14	310	42	---	---	780	24	---	---	1,225	84	
Automotive.....	12,454	712	1,191	133	34,567	3,594	4,855	553	760	54	9,684	1,209	---	---	63,511	6,293	
531 Aviation.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
533 Gas and Oil.....	9,214	167	906	23	28,491	2,287	4,795	115	660	27	8,529	910	---	---	52,595	3,529	
534 Parts and Accessories.....	---	24	---	---	390	140	---	190	---	2	245	78	---	---	635	434	
535 Passenger Cars.....	3,240	514	285	130	4,561	1,036	---	118	100	25	910	221	---	---	9,096	2,062	
536 Tires and Tubes.....	---	---	---	---	135	43	60	130	---	---	---	---	---	---	195	173	
537 Trucks.....	---	---	---	---	---	13	---	---	---	---	---	---	---	---	---	13	
538 Tractors.....	---	7	---	---	960	---	---	---	---	---	---	---	---	---	960	7	
539 Miscellaneous.....	---	---	---	---	30	75	---	---	---	---	---	---	---	---	30	75	
Building Materials.....	1,025	133	60	29	1,505	320	25	37	---	4	1,695	262	---	---	4,310	785	
549 Miscellaneous.....	1,025	133	60	29	1,505	320	25	37	---	4	1,695	262	---	---	4,310	785	
Confections.....	5,188	1,577	---	262	3,595	2,267	120	4	---	149	920	383	---	---	9,823	4,642	
559 Miscellaneous.....	5,188	1,577	---	262	3,595	2,267	120	4	---	149	920	383	---	---	9,823	4,642	
Educational.....	---	---	180	24	310	31	495	22	---	---	---	---	---	---	985	77	
569 Miscellaneous.....	---	---	180	24	310	31	495	22	---	---	---	---	---	---	985	77	
Financial.....	2,200	297	---	29	11,017	4,114	1,850	357	130	91	5,527	2,811	---	---	20,724	7,699	
571 Banks and Trust Companies.....	1,185	130	---	13	4,152	1,502	740	194	---	14	2,593	1,659	---	---	8,670	3,512	
572 Real Estate and Home Financing.....	1,465	49	---	16	1,055	216	220	---	---	2	1,039	175	---	---	2,779	458	
573 Stock and Bond Houses.....	75	28	---	---	270	81	---	---	---	---	80	17	---	---	425	126	
579 Miscellaneous.....	475	90	---	---	5,540	2,315	890	163	130	75	1,815	960	---	---	8,850	3,603	
Groceries.....	50,919	4,922	8,790	526	119,991	18,176	14,600	3,498	2,325	265	46,211	8,166	---	---	234,456	35,373	
581 Baking Products.....	3,655	340	210	123	12,730	4,400	1,405	505	---	---	7,245	2,021	---	---	25,885	7,449	
582 Beverages.....	---	23	---	---	75	---	---	---	---	---	---	93	---	---	75	116	
583 Coffee and Tea.....	3,590	500	1,055	---	10,190	1,457	2,520	30	345	13	2,975	219	---	---	20,675	2,219	
584 Soft Drinks.....	925	324	495	---	9,944	2,253	2,805	2,088	40	20,410	3,927	---	---	34,579	8,752		
589 Miscellaneous.....	315	2	255	---	1,746	198	120	34	---	---	100	103	---	---	2,536	274	
585 Shortening.....	2,595	329	1,260	---	3,900	684	---	---	345	---	635	103	---	---	8,735	1,116	
586 Cereals and Breakfast Foods.....	3,710	338	900	148	7,505	867	600	74	---	15	705	82	---	---	15,825	1,524	
587 Condiments.....	195	107	---	---	464	104	---	---	---	---	---	---	---	---	659	211	
588 Dairy Products.....	2,245	408	---	66	6,497	1,101	250	8	---	---	1,725	605	---	---	10,717	2,188	
591 Meats-Fish-Poultry.....	3,440	153	390	20	7,695	1,084	53	---	600	92	985	298	---	---	13,515	1,608	
592 Laundry Soaps and Cleansers.....	15,920	1,010	1,260	67	25,753	1,873	2,280	91	600	26	4,130	208	---	---	50,033	3,341	
593 Flour.....	3,610	265	1,710	27	12,170	546	705	110	600	26	1,378	97	---	---	20,173	1,071	
594 Sugar.....	249	---	195	---	195	---	---	---	---	---	---	---	---	---	639	285	
595 Disinfectants and Exterminators.....	---	45	---	---	780	49	---	---	---	---	---	6	---	---	780	100	
599 Miscellaneous.....	8,470	1,078	1,000	75	11,357	3,215	2,910	205	---	79	5,923	467	---	---	29,630	5,119	
Hotels and Resorts.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
609 Miscellaneous.....	---	---	---	---	726	17	---	---	---	---	---	---	---	---	726	41	
Housing Equipment and Supplies.....	4,735	323	329	---	5,211	1,424	1,580	1,084	---	45	1,605	740	---	---	13,431	3,645	
611 Air Conditioning.....	---	---	---	---	285	74	---	---	---	---	---	33	---	---	285	36	
612 Automatic Heating.....	---	---	---	---	225	76	---	---	---	---	---	76	---	---	350	165	
613 Automatic Refrigeration.....	---	---	---	---	45	60	---	---	---	---	---	---	---	---	973	60	
614 Fixtures.....	120	---	---	---	1,218	271	---	---	---	6	450	93	---	---	2,583	1,303	
615 Fuel.....	---	66	---	---	2,312	43	---	---	---	26	60	315	---	---	6,432	681	
616 Furniture and Furnishings.....	2,335	24	300	---	1,111	636	---	---	---	---	25	162	---	---	2,501	1,151	
617 Heaters and Stoves.....	1,365	219	---	29	1,111	636	---	---	---	---	---	---	---	---	2,305	1,123	
629 Miscellaneous.....	---	14	---	---	15	31	155	17	---	---	---	---	---	---	---	---	

639	Industrial.....	60	2	60	13	1	800	51	1,125	21	1,245	88
	Miscellaneous.....	60	2	60	13	1	800	51	1,125	21	1,245	88
649	Insurance.....	1,565	97	865	132	4,464	467	201	1,475	423	9,489	1,326
	Miscellaneous.....	1,565	97	865	132	4,464	467	201	1,475	423	9,489	1,326
659	Jewelry and Silverware.....											
	Miscellaneous.....											
669	Medical.....	24,148	3,757	4,645	1,171	29,314	11,011	1,956	11,061	3,073	70,678	21,345
	Miscellaneous.....	24,148	3,757	4,645	1,171	29,314	11,011	1,956	11,061	3,073	70,678	21,345
671	Cards and Stationery.....	5,800	466		78	8,728	1,973	251	1,015	830	16,557	3,657
672	Chamber of Commerce and Merchants Associations.....	15	8		9			54				18
673	Pet Foods.....	1,050	71		13	1,775	246		315	534	2,526	1,180
674	Phonograph Records.....	3,450	93			1,755	382				1,825	330
675	Veterinary and Animal Medicine.....	1,195	23		56	3,957	118	17			5,205	490
699	Miscellaneous.....	1,090	181				764	180	535	296	6,061	1,481
701	Political.....	5,855	217	2,231	203	21,256	2,503	45	8,963	2,110	40,360	5,673
	Local.....	385	33			1,739	438	9	1,078	322	3,352	802
702	State.....	2,080	49	255		5,324	442	124	1,175	184	9,339	799
703	National.....	180	63	390	47	8,160	822	158	2,070	273	12,010	1,363
709	Miscellaneous.....	3,210	72	1,556	156	6,033	801	345	4,040	1,331	15,659	2,709
711	Professional and Service.....	210	189	60		11,725	3,105	379	3,405	1,911	16,555	5,685
	Opticians-Optometrists.....	90	189			3,510	2,518	232	78	445	5,150	4,549
712	Chiropractors.....			60		3,220	81	150	885	1,532	875	231
714	Physicians (Medical).....					5,920	410	137	1,260	143	7,180	713
715	Hospitals.....					540	9		75	39	550	63
719	Miscellaneous.....	120				1,315	63	10	740	47	2,260	120
721	Public Utilities.....	1,720	210	470	46	12,881	1,158	178	4,985	920	21,521	2,547
	Electric Companies.....	420	19			3,400	645	690	3,660	348	8,620	1,166
722	Gas Companies.....		139		46	931	147	24	335	167	1,746	523
723	Electric and Gas Companies.....	265	3			6,960	55		870	156	8,095	214
724	Telephone Companies.....	1,035	45			600	102	8		100	1,695	244
729	Miscellaneous.....	1,518	188			840	78		120	67	960	145
731	Books.....	133	1			5,860	1,137	211	2,690	746	11,208	2,282
732	Magazines.....	1,055		25		1,545	87	1	195	17	3,360	339
733	Newspapers.....	360	187	445		1,715	192	130	2,480	325	6,000	1,308
739	Miscellaneous.....					2,580	728	68	15	404	1,035	546
749	Religion.....	4,785				1,020	130		22,025	357	57,468	476
	Miscellaneous.....	4,785				21,873	81	33	22,025	357	57,468	476
751	Radio.....	1,295	67		10	1,560	418	60	1,455	181	4,370	853
	Stations.....	1,295	67		10	1,020	396	108	1,455	181	3,770	762
753	Tubes.....	60									60	
759	Miscellaneous.....					540		69			540	
769	Sporting Goods.....		6									
	Miscellaneous.....		6									
771	Tobacco.....	7,292	289	825	96	3,950	1,198	29	3,700	617	15,767	2,369
	Cigars.....	1,402	32		27	865	229	29	330	67	2,657	381
772	Cigarettes.....	2,475	97		69	855	692		1,580	205	4,910	1,046
773	Tobacco.....	1,070	32	465		605	141		285	13	2,425	186
774	Miscellaneous Tobacco.....	1,135	191	360		875	164		1,505	305	2,875	660
779	Miscellaneous.....	2,150	34			739	2			57	2,900	93
781	Toilet Requisites.....	6,355	1,358	1,200	177	13,795	2,579	746	5,930	551	29,065	5,437
	Antiseptics.....					150	127			12	150	139
782	Dentifrices.....	615	33		23	2,200	141	22	1,350	207	4,165	429
783	Perfumes-Cosmetics-Lotions.....	3,450	911	345	127	685	834	665		98	1,823	2,685
784	Toilet Soaps.....	3,430	164	705	14	4,340	588	21	265	24	8,740	790
789	Miscellaneous.....	1,725	250	150	13	6,420	886	59	4,315	210	14,185	1,411
791	Transportation.....	2,115	266		26	2,325	1,612	149	772	1,453	5,318	3,613
	Airways.....					920	378	44		440	920	889
792	Bus Lines.....	1,680	41		4	385	216		60	56	2,125	327
793	Railroads.....	405			14					25	405	27
794	Steamships.....					270					270	
795	Tours.....	60	202		8	731	978	96	712	934	1,598	2,328
799	Miscellaneous.....	2,835	203	495	75	1,602	583	131	122	20	5,051	1,035
	Wearing Apparel.....	345	21		27	95		27	45		485	21
801	Men's Wear.....											63
802	Women's Wear.....							107			4,569	951
809	Miscellaneous.....	2,490	182	495	48	1,507	583				1,155	8,747
	Watches.....				543	165	3,909				1,155	8,747
819	Miscellaneous.....				543	165	3,909				1,155	8,747
	Totals.....	150,215	19,785	23,357	3,861	329,457	66,600	44,297	151,211	30,210	711,760	133,219

TABLE IV

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)
 BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION
 RETAIL ADVERTISING UNITS
 October 1940

	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	
Total Commercial Operating Stations.....	52	60	44	93	106	58	104	160	110	787									
Total Stations Reporting.....	10	18	17	41	28	17	29	19	21	200									
Type of Sponsoring Business.....																			
Amusements.....	465	52	6,009	817	1,471	3,773	931	4,969	1,523	1,640	1,656	1,682	850	24,961	9,316				
011 Theaters.....	210	30	340	193	883	2,770	538	2,005	732	1,138	1,138	1,467	535	9,471	5,385				
019 Miscellaneous.....	195	38	5,979	477	588	1,003	393	2,964	791	518	518	215	232	15,490	3,931				
Automotive.....	430	209	4,650	1,550	8,469	3,530	2,116	14,825	3,303	5,309	2,729	5,715	3,304	54,968	26,311				
021 Aviation.....	---	---	---	---	---	---	10	30	8	---	---	---	---	30	18				
022 Garages and Service Stations.....	---	---	---	750	1,439	945	478	6,212	1,011	2,339	700	1,835	1,114	14,354	5,618				
024 Parts and Accessories.....	---	---	---	830	374	345	276	949	356	60	269	75	455	4,719	2,315				
026 Passenger Cars.....	---	---	---	4,691	6,724	5,287	1,299	5,894	1,232	2,105	1,421	3,245	1,278	29,571	15,887				
026 Tires and Tubes.....	---	---	---	600	377	164	950	80	556	730	167	395	89	5,849	1,687				
027 Trucks.....	---	---	---	---	---	---	---	---	29	60	54	---	---	60	199				
028 Tractors.....	---	---	---	10	---	15	---	---	70	15	36	---	---	252	352				
029 Miscellaneous.....	---	---	---	61	---	---	3	---	41	---	82	---	---	43	---				
Batteries.....	69	11	965	125	2,955	990	3,162	3,462	1,162	773	854	402	567	11,072	4,333				
039 Miscellaneous.....	60	41	965	125	2,955	990	3,162	3,462	1,162	773	854	402	567	11,072	4,333				
Book Stores.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---				
049 Miscellaneous.....	---	---	---	2	4	---	1	9	3	---	17	---	---	54	219				
Boots and Shoes.....	1,035	52	1,110	93	765	305	225	1,105	711	370	196	332	303	7,787	1,548				
051 Men's.....	---	---	---	120	40	---	40	---	13	---	10	---	---	39	199				
052 Men's and Women's.....	---	---	---	29	---	---	---	---	21	---	---	---	---	49	30				
053 Women's.....	---	---	---	50	---	---	5	---	13	---	---	---	---	12	169				
059 Miscellaneous.....	---	---	---	1,395	1,210	305	170	1,075	667	370	486	332	203	7,537	4,020				
Building Supplies and Contractors.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---				
069 Miscellaneous.....	---	---	---	1,955	5,028	611	786	3,133	1,249	2,875	1,054	1,077	618	15,493	6,081				
Clothing Stores.....	2,710	374	10,721	1,832	3,716	3,071	6,817	4,282	4,282	3,198	2,139	3,655	2,082	59,514	28,462				
071 Men's.....	---	---	---	8,907	5,070	1,481	2,963	1,880	1,880	953	715	415	691	26,470	10,077				
072 Men's and Women's.....	---	---	---	3,505	324	355	54	125	127	---	12	---	135	1,050	937				
073 Women's.....	---	---	---	2,470	1,175	602	782	2,154	996	1,695	1,047	1,660	996	13,779	9,338				
074 Credit Clothing.....	---	---	---	1,175	602	---	---	---	---	---	---	---	---	26	184				
079 Miscellaneous.....	---	---	---	2,310	704	60	335	60	202	150	60	---	---	264	584				
099 Miscellaneous.....	---	---	---	3,745	2,495	1,855	419	1,513	1,077	400	305	1,550	234	13,631	5,926				
Dairies.....	125	150	396	454	1,785	125	111	1,539	511	1,820	212	150	53	5,950	2,599				
099 Miscellaneous.....	---	---	---	526	396	111	111	1,530	511	1,820	212	150	53	5,950	2,599				
Department and Dry Goods Stores.....	1,310	66	9,630	1,679	10,607	5,885	1,397	7,999	2,395	4,390	1,509	4,825	1,564	60,311	15,020				
159 Miscellaneous.....	---	---	---	8,265	2,079	2,418	5,885	1,397	2,395	4,390	1,509	4,825	1,564	60,311	15,020				
169 Drug Stores.....	---	---	---	75	2,895	374	615	658	607	1,198	826	2,087	1,035	15,812	4,215				
179 Educational.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---				
189 Electric & Gas Appliances & Supply.....	---	---	---	2,097	674	297	157	165	156	80	110	405	54	5,230	1,523				
199 Miscellaneous.....	---	---	---	70	2,097	297	157	165	156	80	110	405	54	5,230	1,523				
219 Furniture and Home Furnishings.....	---	---	---	2,010	554	2,210	688	1,446	1,722	810	741	790	518	8,260	3,690				
219 Miscellaneous.....	---	---	---	13,183	5,068	7,990	1,133	9,653	2,315	1,985	1,569	4,717	965	55,850	15,693				
219 Grocers and Food Stores.....	---	---	---	5,045	1,041	4,121	596	4,226	907	1,493	787	3,529	1,031	21,334	5,522				
221 Chain.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---				
222 Independent.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---				
239 Miscellaneous.....	---	---	---	4,065	839	---	---	---	---	---	---	---	---	---	---				
249 Heating and Plumbing.....	---	---	---	1,349	1,571	823	2,165	1,991	643	1,030	741	442	361	9,698	4,900				
249 Miscellaneous.....	---	---	---	1,349	1,571	823	2,165	1,991	643	1,030	741	442	361	9,698	4,900				
259 Hotels and Restaurants.....	---	---	---	1,760	2,145	1,503	602	392	1,394	1,047	698	761	658	10,968	7,021				
259 Miscellaneous.....	---	---	---	1,760	2,145	1,503	602	392	1,394	1,047	698	761	658	10,968	7,021				
279 Jewelers.....	---	---	---	1,365	4,675	3,215	2,933	6,150	3,400	1,410	1,066	285	2,201	27,189	17,776				
279 Miscellaneous.....	---	---	---	1,365	4,675	3,215	2,933	6,150	3,400	1,410	1,066	285	2,201	27,189	17,776				
299 Merchandized Chains.....	---	---	---	930	218	---	---	---	---	---	---	---	---	---	---				
299 Miscellaneous.....	---	---	---	930	218	---	---	---	---	---	---	---	---	---	---				

Miscellaneous.....	375	112	4,449	454	6,740	1,150	17,062	7,561	10,044	2,366	3,174	1,415	10,165	2,798	7,030	2,099	8,182	2,368	67,221	20,353
301 Agriculture.....		10				14	1,030	101	1,570	83	95	2	1,435	53	1,155	241	1,457	341	7,052	1,035
302 Auctions.....							2,002		4,149	1,109	1,995	344	2,705	1,298	2,870	749	774	630	22,943	10,121
303 Beverages.....			3,195	69	1,430	757	5,825	5,165	4,149	1,109	1,995	344	2,705	1,298	2,870	749	774	630	22,943	10,121
304 Cleaners-Dyers-Laundries.....				2	90	10	60	37	78	29	165	95	165	78	165	95	64	42	634	311
305 Farm and Orchards (Produce).....		18	225	35	60	80	225	313	340	173	70	120	209	154	270	202	335	264	1,734	1,349
306 Florists-Nurseries.....		8	24	60	120	13	60	40	680	79	150	141	465	92	570	21	3,225	90	3,894	1,485
307 General Stores.....		22	60	60	60	63	871	88	88	88	88	56	35	35	570	207	140	158	1,755	1,582
308 Confectionery (Ice Cream, etc.).....		9	30	5	5	54		71	60	78	120	98	12	38	65	26		23	292	1,387
311 Shoe Repairing.....		42	655	193		152	800	644	1,190	434	324	277	2,032	591	1,235	274	162	222	6,473	2,829
312 Specialty Shops.....		75	60	40	210	8	750	141	980	112	60		685	162	425	120	190	50	3,310	636
315 Undertakers.....		3	200	49	4,455	29	6,310	178	1,110	181	360	258	2,332	185	275	158	1,835	366	17,177	1,404
349 Miscellaneous.....																				
Musical Instruments.....		4	1,269	27	120	104	1,535	325	740	142	754	71	1,590	91	360	472	610	87	6,969	1,323
359 Miscellaneous.....		4	1,269	27	120	104	1,535	325	740	142	754	71	1,590	91	360	472	610	87	6,969	1,323
Office Equipment.....				4	120		40	14	75	26	120	17	30	52	60	141			415	254
369 Miscellaneous.....				4	120		40	14	75	26	120	17	30	52	60	141			445	254
Radio.....		42	120				195	1,191	2,505	432	350	134	420	541		213	120	336	3,710	2,991
409 Miscellaneous.....		42	120				195	1,191	2,505	432	350	134	420	541		213	120	336	3,710	2,991
Real Estate.....		36	885	104	495	22	440	209		43	300	27	364	31	440	29	960	30	3,884	531
419 Miscellaneous.....		36	885	104	495	22	440	209		43	300	27	364	31	440	29	960	30	3,884	531
Sporting Goods.....					420	10	310	29	41	93		14	192	27		26	55	36	1,018	235
439 Miscellaneous.....					420	10	310	29	41	93		14	192	27		26	55	36	1,018	235
Stationers.....							180	20	255	54				59		3			435	136
449 Miscellaneous.....							180	20	255	54				59		3			435	136
Toilet Goods and Beauty Shops.....			180	13	330	75	255	235	30	106	55	3	62	234	480	242	167	1,396	1,559	2,304
459 Miscellaneous.....			180	13	330	75	255	235	30	106	55	3	62	234	480	242	167	1,396	1,559	2,304
Totals.....	9,855	1,528	64,512	10,771	42,020	11,719	90,636	51,259	77,424	25,898	37,128	15,133	81,998	28,896	39,574	20,372	40,917	20,507	484,144	186,083

GENERAL ADVERTISING UNITS
October 1940

Total Commercial Operating Stations— Total Stations Reporting.....	2,500,000 and over		1,000,000 to 2,500,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals				
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.					
Type of Sponsoring Business																					
Agriculture.....	1,190	118	840	31	1,300	207	3,019	247	2,022	396	2,216	293	1,185	298	4,178	1,242	17,545	2,880			
Cattle Foods.....	635	23	660	7	1,200	33	1,500	42	1,390	108	15	64	1,020	110	1,798	7,878	7,050	1,050			
Seeds.....	405	10	30		405	9	449	89	310	167		24	135	66	105	122	2,469	599			
Farm Machinery.....	30		30		100		80		112	9		72	30	53	555	78	3,282	222			
Nurseries.....	17		90		60		960	61	90			43		58	675	108	1,005	536			
Live Stock.....	120		60	24	15		33	55	129	40	150	90	410	205	410	205	893	473			
Miscellaneous.....	1,975	75	5,365	588	4,550	633	5,219	1,035	1,600	830	6,535	1,512	3,965	354	2,000	502	39,214	6,507			
Alcoholic Beverages.....	75	75	5,225	536	4,215	493	8,695	603	4,499	839	6,295	1,460	3,965	502	2,000	502	35,974	5,692			
Beers.....	1,405		140	52	335	140	345	162		240	240	52					2,600	781			
Wines.....																		31			
Liquors.....																		31			
Miscellaneous.....																		640			
Amusements.....		12			30	6	520	38		15	570	24			90	4	1,225	84			
Miscellaneous.....		12			30	6	520	38		15	570	24			90	4	1,225	84			
Automotive.....	2,295	157	3,943	319	8,435	1,578	7,677	1,087	6,469	497	10,843	401	4,468	632	5,490	237	63,511	6,293			
Aviation.....	1,905		2,038	97	6,100	1,352	5,617	620	5,944	86	10,262	238	3,463	522	5,490	127	52,595	3,529			
Gas and Oil.....		2		28	28	28	485	20	150	40		14		29		70	635	434			
Parts and Accessories.....	390	165	1,905	222	2,335	298	400	990	340	371	521	145	600	81		40	9,096	2,062			
Passenger Cars.....																		173			
Tires and Tubes.....																		13			
Trucks.....																		7			
Miscellaneous.....																		30			
Tractors.....																		7			
Miscellaneous.....																		30			
Building Materials.....	135	29	195	55	360	96	900	107	320	81	1,095	157	750	137	465	66	4,310	785			
Miscellaneous.....	135	29	195	55	360	96	900	107	320	81	1,095	157	750	137	465	66	4,310	785			
Confections.....	1,315	258	883	414	2,540	625	1,820	1,495	665	661	2,060	574	540	427			169	9,823	4,642		
Miscellaneous.....	1,315	258	883	414	2,540	625	1,820	1,495	665	661	2,060	574	540	427			169	9,823	4,642		
Educational.....		6	100				120			21								47	985	77	
Miscellaneous.....		6	100				120			21								47	985	77	
Financial.....	1,125	4	1,265	832	2,565	569	4,770	1,498	3,219	839	3,257	2,403	2,218	834	905	286	20,724	7,699			
Banks and Trust Companies.....	795		370	237	220	277	1,465	342	930	295	1,062	1,310	1,093	344	650	6	8,670	3,512			
Real Estate and Home Financing.....	270				44	425			334	80	875	116	15	101	130	34	2,779	458			
Stock and Bond Houses.....			75	55						26					80			425	126		
Miscellaneous.....	60		565	516	1,920	292	2,470	680	1,360	477	240	296	1,050	482	125	246	8,850	3,603			
Groceries.....	11,682	1,612	19,160	3,266	30,920	4,727	45,231	8,932	37,076	4,348	25,881	3,130	32,739	4,538	13,890	1,864	234,456	35,373			
Baking Products.....	1,670	412	870	391	3,430	1,383	4,135	1,437	5,170	1,306	3,015	554	4,140	753	1,220	794	25,885	7,440			
Beverages.....	1,175	158	1,925	358	2,895	138	3,460	312	3,255	224	2,205	427	1,420	245	1,820	166	20,675	2,219			
Coffee and Tea.....	390	14	1,000	800	1,505	384	8,590	3,539	3,244	512	7,885	365	3,244	1,646	4,540	2,160	34,579	8,752			
Soft Drinks.....			705		45		585	59	30	90	30	23	345	12	345	26	2,536	274			
Miscellaneous.....					2					445								8,735	1,116		
Shortening.....		48	795	83	1,725	61	2,805	263	1,445	300	840	108	780	146			63	8,735	1,116		
Cereals and Breakfast Foods.....	1,770	29	2,220	69	2,670	248	2,700	332	2,145	221	345	245	2,655	161	390	199	15,825	1,524			
Condiments.....	60	75	135	6	65	29		82		15							54	689	211		
Dairy Products.....	1,515	373	1,125	54	2,400	839	1,635	106	962	83	1,085	172	480	243	960	35	10,717	2,188			
Meats-Fish-Poultry.....	930	73	3,415	220	2,055	366	3,455	200	1,170	108	1,290	84	1,500	103	600	5	13,515	1,608			
Laundry Soaps and Cleaners.....	1,542	195	4,095	560	7,785	311	7,511	704	10,670	550	4,335	340	7,800	303	2,265	4,030	50,033	8,341			
Flour.....	555	37	285	73	2,085	24	4,360	208	4,955	69	2,760	251	2,485	77	45	2,643	206	20,173	1,071		
Sugar.....										121	54							639	285		
Disinfectants and Exterminators.....	2,075	175	2,500	636	4,095	926	6,510	1,227	2,967	691	1,705	516	6,238	511	2,545	270	29,630	5,119			
Miscellaneous.....																		780	100		
Hotels and Resorts.....																		262	29,630	5,119	
Miscellaneous.....																		7	726	41	
Housing Equipment and Supplies.....	765	53	1,070	93	2,130	443	1,250	1,607	2,543	342	2,110	121	1,653	179	405	1,475	677	13,431	3,645		
Air Conditioning.....																			285	36	
Automatic Heating.....																			350	165	
Automatic Refrigeration.....																			47	975	60
Fixtures.....																			93	2,583	1,303
Fuel.....		40	240		585	66	120	926	600	107	315	7	405	64	120	93	2,583	1,303			
Furniture and Furnishings.....	765		400	24	1,545	273	1,005	89	997	45	300	90	1,330	206	1,330	206	6,432	681			
Heaters and Stoves.....		13	480	62		39		335	626	190	880	50	540	134		307	2,501	1,151			
Miscellaneous.....																		24	305	123	

Industrial	13	---	---	51	120	---	---	930	21	195	---	---	1,245	88	
639 Miscellaneous.....	13	---	---	51	120	---	---	930	21	195	---	---	1,245	88	
Insurance	47	785	690	965	2,995	86	715	764	256	900	172	1,135	9,489	1,336	
649 Miscellaneous.....	47	785	690	965	2,995	86	715	764	256	900	172	1,135	9,489	1,336	
Jewelry and Silverware	23	---	---	---	---	---	---	---	---	---	---	---	---	23	
659 Miscellaneous.....	23	---	---	---	---	---	---	---	---	---	---	---	---	23	
Medical	2,328	7,055	2,695	5,462	6,650	2,786	6,260	9,010	2,024	9,715	1,020	2,005	70,678	21,345	
669 Miscellaneous.....	2,328	7,055	2,695	5,462	6,650	2,786	6,260	9,010	2,024	9,715	1,020	2,005	70,678	21,345	
Miscellaneous	347	4,080	2,265	2,640	2,040	503	2,365	369	734	325	55	1,794	16,557	3,637	
671 Cards and Stationery.....	14	205	60	1,020	345	195	625	100	510	230	20	45	2,526	1,180	
672 Char. of Com. & Merch. Assn.....	36	720	270	75	225	---	---	---	---	---	---	---	1,825	330	
673 Pet Foods.....	111	1,860	1,545	780	150	18	690	12	---	---	10	---	5,205	490	
674 Phonograph Records.....	90	65	---	---	125	36	65	29	---	---	---	---	80	940	
675 Veterinary and Animal Medicine.....	48	1,140	390	765	119	245	985	228	207	105	25	1,019	6,061	1,481	
699 Miscellaneous.....	15	---	---	---	---	---	---	---	---	---	---	---	---	---	
Political	112	7,770	2,961	6,692	6,367	728	1,689	196	845	1,134	738	3,818	40,360	5,673	
701 Local.....	3	525	38	1,038	171	12	195	38	89	165	323	53	3,352	802	
702 State.....	14	795	170	6,070	514	25	754	25	855	514	70	1,558	9,339	799	
703 National.....	79	2,120	135	1,540	1,291	93	85	31	4,664	284	84	1,535	12,010	1,363	
709 Miscellaneous.....	275	4,330	110	2,444	2,645	456	655	102	2,475	335	261	645	15,659	2,709	
Professional and Service	26	2,875	1,410	4,555	4,455	1,051	145	304	1,056	490	96	645	16,555	5,685	
711 Opticians-Optometrists.....	26	60	405	1,727	1,100	754	85	304	891	72	60	198	5,150	4,549	
712 Chiropractors.....	---	---	85	215	60	32	---	---	275	---	14	110	40	231	
713 Dentists.....	27	2,055	375	940	2,205	178	---	---	1,125	285	195	7	7,180	713	
714 Physicians (Medical).....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
715 Hospitals.....	---	---	---	---	---	24	---	---	75	---	10	255	540	63	
719 Miscellaneous.....	---	220	---	465	1,090	63	60	---	15	---	75	25	2,260	120	
Public Utilities	1,395	3,780	170	3,615	3,225	685	1,265	375	1,696	533	166	2,040	21,521	2,547	
721 Electric Companies.....	380	60	50	1,290	1,335	253	1,135	292	390	208	109	300	8,620	1,166	
722 Gas Companies.....	9	---	65	240	510	244	---	---	376	163	19	620	1,746	523	
723 Electric and Gas Companies.....	---	3,720	3	1,965	---	40	130	---	930	81	1,350	---	8,095	214	
724 Telegraph Companies.....	---	---	---	---	---	73	---	---	---	---	---	---	---	---	
725 Telephone Companies.....	16	---	25	---	660	59	---	---	35	---	---	---	1,695	255	
729 Miscellaneous.....	---	---	27	120	720	16	---	---	10	---	4	120	960	145	
Publications	823	1,775	1,120	1,785	2,380	105	125	5	865	184	315	585	11,208	2,282	
731 Books.....	3	75	4	165	525	1	---	---	45	---	---	---	83	89	
732 Magazines.....	285	470	24	290	475	63	125	---	325	7	---	160	3,360	339	
733 Newspapers.....	535	330	71	1,330	1,380	41	---	---	480	134	1,520	425	6,000	1,308	
739 Miscellaneous.....	---	900	---	464	---	---	---	---	15	43	---	---	1,035	564	
Religion	2,145	7,990	15	11,325	5,970	11	4,275	11	9,913	40	6,320	66	57,468	476	
749 Miscellaneous.....	2,145	7,990	15	11,325	5,970	11	4,275	11	9,913	40	6,320	66	57,468	476	
Radio	1,410	---	48	405	720	284	455	53	---	87	120	23	4,370	853	
751 Sets.....	870	---	48	405	720	284	455	53	---	18	120	23	4,370	853	
752 Stations.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
753 Tubes.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
759 Miscellaneous.....	540	---	---	---	---	---	---	---	---	---	---	---	---	---	
Sporting Goods	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
769 Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
Tobacco	590	1,525	3,092	2,895	1,575	55	2,830	354	1,950	331	405	155	15,767	2,369	
771 Cigars.....	390	640	682	390	420	2	15	12	120	48	---	---	2,657	384	
772 Cigarettes.....	120	885	1,920	225	405	53	410	99	945	21	---	---	4,910	1,046	
773 Tobacco.....	28	---	27	1,230	40	405	210	60	90	4	---	---	2,425	186	
774 Miscellaneous Tobacco.....	80	---	---	705	345	---	1,380	181	450	258	---	---	2,875	660	
779 Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	2,900	93	
Toilet Requisites	2,245	3,355	4,300	4,335	4,945	676	1,200	608	4,970	212	1,780	77	29,065	5,437	
781 Antiseptics.....	46	---	---	---	150	---	---	---	81	---	---	---	150	139	
782 Dentifrices.....	20	---	645	195	1,710	109	465	---	1,120	23	---	---	4,165	429	
783 Perfumes-Cosmetics-Lotions.....	345	550	300	435	1,650	238	---	---	30	92	---	---	1,825	2,635	
784 Toilet Soaps.....	425	1,530	2,010	2,250	1,720	101	480	114	325	54	---	---	8,740	790	
789 Miscellaneous.....	1,475	149	1,345	1,455	1,200	228	255	155	3,495	43	1,750	77	14,185	1,444	
Transportation	1,680	630	75	750	817	570	175	77	696	504	430	755	5,318	3,613	
791 Airways.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
792 Bus Lines.....	---	---	57	345	600	313	---	---	320	199	---	---	920	889	
793 Railroads.....	1,620	---	60	---	---	65	40	4	60	2	---	---	2,125	327	
794 Steamships.....	---	405	---	---	---	---	---	---	---	---	---	---	405	27	
795 Tours.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
799 Miscellaneous.....	60	225	15	405	217	190	135	73	316	303	270	75	1,598	2,328	
Wearing Apparel	1,110	1,080	46	1,210	355	103	1,005	346	159	37	13	---	5,034	1,035	
801 Men's Wear.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
802 Women's Wear.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
809 Miscellaneous.....	1,110	1,080	46	1,210	355	103	1,005	346	159	37	13	---	5,034	1,035	
Watches	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
819 Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
Totals	42,668	75,521	80,978	16,994	134,554	31,665	103,607	17,150	63,376	12,163	102,059	16,720	54,262	11,941	711,760
															133,219

STATIONS COOPERATING
in the
BROADCAST ADVERTISING UNIT VOLUME REPORT

DISTRICT 1

CONNECTICUT
WICC—Bridgeport
WDRG—Hartford
WTHT—"
WELI—New Haven
MAINE
WCOU—Lewiston
WCSH—Portland
MASSACHUSETTS
WAAB—Boston
WBZ—"
WNAC—"
WLAW—Lawrence
WLLH—Lowell
WBZA—Springfield
WORC—Worcester
NEW HAMPSHIRE
WHEB—Portsmouth
RHODE ISLAND
WEAN—Providence
VERMONT
WCAX—Burlington

DISTRICT 2

NEW YORK
WABY—Albany
WOKO—"
WENY—Elmira
WHCU—Ithaca
WJTN—Jamestown
WABC—New York City
WQXR—"
WHDL—Olean
WHAM—Rochester
WHEC—"
WTRY—Troy
WFAS—White Plains

DISTRICT 3

DELAWARE
NEW JERSEY
WSNJ—Bridgeton
WCAM—Camden
WOR—Newark
PENNSYLVANIA
WHJB—Greensburg
WHP—Harrisburg
WJAC—Johnstown
KYW—Philadelphia
WCAU—"
KQV—Pittsburgh
WCAE—"
WGBI—Scranton
WBAX—Wilkes-Barre

DISTRICT 4

DISTRICT OF COLUMBIA
WJSV—Washington
WMAL—"
WOL—"
WRC—"
MARYLAND
WCBM—Baltimore
WFBR—"
WTBO—Cumberland
WBOC—Salisbury
NORTH CAROLINA
WWNC—Asheville
WBT—Charlotte
WBIG—Greensboro
WGTC—Greenville
WPTF—Raleigh

WRAL—Raleigh
WSTP—Salisbury
WSJS—Winston-Salem
SOUTH CAROLINA
WTMA—Charleston
WCOS—Columbia
WIS—"
VIRGINIA
WCHV—Charlottesville
WSVA—Harrisonburg
WLVA—Lynchburg
WGH—Newport News
WTAR—Norfolk
WPID—Petersburg
WRNL—Richmond
WEST VIRGINIA
WJLS—Beckley
WMMN—Fairmont
WSAZ—Huntington
WPAR—Parkersburg
WWVA—Wheeling

DISTRICT 5

ALABAMA
WSGN—Birmingham
FLORIDA
WDBO—Orlando
GEORGIA
WGPC—Albany
WAGA—Atlanta
WSB—"
WMGA—Moultrie
WSAV—Savannah
WTOC—"
PUERTO RICO

DISTRICT 6

ARKANSAS
KFPW—Fort Smith
KARK—Little Rock
KUAO—Siloam Springs
LOUISIANA
WNOE—New Orleans
KTBS—Shreveport
KWKH—"
MISSISSIPPI
TENNESSEE
WOPI—Bristol

DISTRICT 7

KENTUCKY
WLBK—Bowling Green
WHAS—Louisville
OHIO
WJW—Akron
WICA—Ashtabula
WCKY—Cincinnati
WLW—"
WSAI—"
WCLE—Cleveland
WGAR—"
WHK—"
WBNS—Columbus
WCOL—"
WHIO—Dayton
WLOK—Lima
WPAY—Portsmouth
WSPD—Toledo
WHIZ—Zanesville

DISTRICT 8

INDIANA
WFBM—Indianapolis
WIBC—"

WIRE—Indianapolis
MICHIGAN
WELL—Battle Creek
WJR—Detroit
WWJ—"
WKZO—Kalamazoo
WKBZ—Muskegon

DISTRICT 9

ILLINOIS
WENR—Chicago
WLS—"
WMAQ—"
WCLS—Joliet
WMBD—Peoria
WTAD—Quincy
WHBF—Rock Island
WDZ—Tuscola
WISCONSIN
WTAQ—Green Bay
WCLO—Janesville
WIBA—Madison
WTMJ—Milwaukee
WRJN—Racine
WHBL—Sheboygan

DISTRICT 10

IOWA
WMT—Cedar Rapids
KRNT—Des Moines
KSO—"
WHO—"
KMA—Shenandoah
MISSOURI
KFRU—Columbia
KMBC—Kansas City
WIL—St. Louis
KMOX—"
NEBRASKA
KMMJ—Grand Island
KGFV—Kearney
KFAB—Lincoln
KFOR—"
KOIL—Omaha
WOW—"

DISTRICT 11

MINNESOTA
KATE—Albert Lea
WCCO—Minneapolis
WTCN—"
KSTP—St. Paul
NORTH DAKOTA
SOUTH DAKOTA
WNAX—Yankton

DISTRICT 12

KANSAS
KCKN—Kansas
KFBI—Wichita
OKLAHOMA
KOCY—Oklahoma City
KTOK—"

DISTRICT 13

TEXAS
KFDA—Amarillo
KGNC—"
KFDM—Beaumont
KRIS—Corpus Christi

WFAA—Dallas
KTSM—El Paso
KGKO—Fort Worth
WBAP—"
KPRC—Houston
KPDN—Pampa
KPAC—Port Arthur
KONO—San Antonio
WOAI—"
KRGV—Weslaco

DISTRICT 14

COLORADO
KIDO—Boise
KFEL—Denver
KIUP—Durango
IDAHO
KRLC—Lewiston
MONTANA
KFBB—Great Falls
KGVO—Missoula
UTAH
KVNU—Logan
KDYL—Salt Lake City
KSL—"
WYOMING

DISTRICT 15

CALIFORNIA
KHSL—Chico
KYOS—Merced
KROW—Oakland
KFBK—Sacramento
KROY—"
KJBS—San Francisco
KYA—"
KQW—San Jose
KWG—Stockton

HAWAII
KGMB—Honolulu
NEVADA
KOH—Reno

DISTRICT 16

ARIZONA
KOY—Phoenix
KYUM—Yuma
NEW MEXICO
KICA—Clovis
KAWM—Gallup

CALIFORNIA
KFOX—Long Beach
KECA—Los Angeles
KFI—"
KNX—"
KTMS—Santa Barbara

DISTRICT 17

ALASKA
OREGON
KBND—Bend
KALE—Portland
KOIN—"
KWJJ—"
WASHINGTON
KVOS—Bellingham
KWLK—Long View
KIRO—Seattle
KJR—"
KOMO—"
KFPY—Spokane
KGA—"
KHQ—"
KVI—Tacoma

THE WEEK IN WASHINGTON

FRENESI led the list in a popularity poll of top tunes of the day staged last week by a Detroit theater. BMI tunes were 1-2-3 last week on the coin machines. Seven of the first ten best sellers in the sheet music field were BMI. (p. 77)

NAB Code Committee will meet in New York, February 4-5. (p. 79)

District meetings were held this week in Los Angeles, San Francisco and Portland with banner attendance at each. (p. 80)

The networks reached new agreements with the A. F. of M. covering musicians employed in New York and Chicago. (p. 81)

Technical representatives of parties to the Havana Treaty reported progress in ironing out problems incident to reallocation of frequencies. Ohio State's Broadcast Engineering Conference opens at Columbus, February 10. (p. 82)

The study of how to sell the laundry business has gone out to all members from the NAB Bureau of Radio Advertising. (p. 82)

Senator Johnson (D.-Colo.) reintroduced his bill to prohibit the advertising of alcoholic beverages by radio. (p. 83)

The FCC renewed the license of Station WAAB, Boston, saying that stations should not express their own editorial opinion on controversial issues to the exclusion of others. The FCC will meet with the National Television Systems Committee on Monday, January 27. The licenses of Stations WTMC and WDLP were revoked because of false testimony and concealment of ownership.

BMI

Despite the fact that the great majority of motion picture theatres are not playing BMI music, due to the bans that have been put into effect by Loew's and other prominent theatrical chains, *Frenesi* led the list in a popularity poll of top tunes of the day staged last week in the Fox Theatre in Detroit to determine what selections Kay

Kayser's band should play during his week's engagement there. In addition to the poll, the theatre conducted a survey of radio audience preferences on two Detroit stations—CKLW and WMBC—which carry both BMI and ASCAP music. The audiences, both theatrical and radio, after having ample opportunity to hear ASCAP's best product, not only gave *Frenesi* the top position by a wide margin, but picked BMI's *There I Go* as number four, BMI's *I Give You My Word* as number five, and BMI's *I Hear a Rhapsody* and *So You're The One* as eight and nine respectively.

The ten best sellers of the week on coin machines include *Frenesi*, *There I Go* and *I Give You My Word* as one, two and three. *I Hear A Rhapsody*, said by the BMI Sales Department to be the fastest rising song in the country, landed as number six, and *So You're The One* as number ten.

National sheet music sales for the past week, as revealed in Billboard's popularity chart, show seven out of the first ten are BMI. In the east, on the west coast and in the
(Continued on page 78)

BMI FEATURE TUNES

January 27-February 3

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 77)

mid-west, *Frenesi* and *I Hear A Rhapsody* lead all the rest. The first six are BMI (though not identical) on both the east and west coast. Among the best selling retail records, *I Hear A Rhapsody* carries away second and third positions; the interpretation by Charlie Barnett leading that by Jimmie Dorsey by a small margin; Artie Shaw's *Frenesi* is the top in every record classification, east, mid-west, west coast and south.

BMI Now Clearing for 111 Publishers

BMI's list of affiliated publishers now includes 111 organizations ranging from catalogues containing a few dozen selections to those numbering in the tens of thousands. There are thirty-four publishers of popular music; eight of Latin-American and foreign; ten of hill-billy, racial and traditional American music; nine of patriotic and band music; ten of operatic, standard and classical music; thirty-nine of sacred, gospel and spiritual music; and one of the original music of the American Indian, known as the Redskin Publishing Company. Redskin was formed by Chief Truhart to popularize and preserve the original music of the American Indian. Two of the numbers with dance band arrangements are *Allegheny Mountain Swing* and *Ski-Ga-Gi-Wa-Gi*. They are both by the Supreme Prince of the Sun, a descendant of an Inca chieftan and a colorful character in Tin Pan Alley. One category of BMI compositions has been replenished rapidly since the first of the year. It is that of swing music, and the acquisition of the Benny Goodman catalogue—Regent Publishing Company—the Glenn Miller and the Sammy Kaye catalogues in addition to the Jimmy Lunceford and Larry Clinton books gives BMI a position in this field second to none. Originals are available now by Benny Goodman, Count Basie, Eddie Sauter, Fletcher Henderson, Jimmie Mundy, Cab Calloway, Lionel Hampton, as well as by members of the Glenn Miller and Sammy Kaye bands. So much rich material is available for performance in the newly acquired BMI catalogues that it is probably safe to say that the reservoir of popular tunes has been increased by 60% since the first of the year. These new acquisitions and the wealth of unexplored

material in the E. B. Marks, the Peer catalogues, and others, are bringing many performing artists to BMI on treasure hunts. Many hours are spent there in the Research and Copyright Departments going over new material. E. B. Marks, in the current issue of *Variety*, lists fourteen new popular tunes which have just been released, and hundreds of standards and "unforgettable old timers" now available for licensees of BMI. It is worth noting that the works of many prominent composers are available through the Marks and Peer catalogues as well as through those of SESAC and AMP. A hasty glance at the Marks list in *Variety* reveals numbers by Rodgers and Hart, Oscar Straus, Franz Lehar, Ernesto Lecuona, Xavier Cugat and Eliseo Grenet. Ralph Peer is calling attention to three Hoagy Carmichael songs—*Georgia On My Mind*, *Lazy River*, and *Rockin' Chair*, written by Hoagy before he became a member of ASCAP, which have been transferred to Peer International and thus made available to BMI.

Band Leaders Have No Complaint

A survey by the BMI Public Relations Department of the music situation, as reflected in interviews with band leaders, shows no decrease in fan mail since January 1st. These interviews revealed that about 60% of the requests for tunes these days are for numbers published or cleared through BMI. *I Hear A Rhapsody* is running close to *Frenesi* in current requests. Leaders reported no serious complaints regarding the new music and offered several constructive suggestions, among them, that the broadcasters reinforce the rule to allow at least two hours between the performance of a given song and restrict the performance of certain public domain numbers. Several leaders just under top recognition said that they liked the "new set-up" better than the old, as they are getting an even break as regards new music. They noted more interest in the interpretation given a number than had formerly been the case. All of the leaders (in particular those who are "on the way up") said that it was very important for them to retain their radio wires and that they are making every effort to do so. Several had selected BMI numbers for special treatment in regular performances and had been encouraged by the reception received. Executive managers of leading New York City hotels during the survey reported that business was quite good at the dinner and supper dance periods and that their orchestras are playing an increasing proportion of BMI music.

What Is ASCAP's Policy?

The following letter from Leon de Costa, prominent composer of musical comedies, is offered as a sequel to the statement by Art Kassel, composer and band leader, published in last week's *REPORTS*:

"According to press releases dated January 15, 1941, Mr. Gene Buck, president of ASCAP, defends his refusal to accept Mr. Art

Kassel's resignation from ASCAP by stating: 'that in the 26 years of ASCAP's existence no member has ever sought to resign.'

"Mr. Gene Buck's statement constitutes a deliberate falsehood: after a membership of twelve years I resigned from ASCAP as a writer-member a little over three years ago and refused to renew the radio royalty contracts between ASCAP and myself, having found my relations with that organization extremely unsatisfactory, disagreeable and humiliating.

"Upon request I will furnish an affidavit to that effect.

"I am leaving behind about 200 songs published by T. B. Harms, H. H. Remick and other ASCAP affiliates, numbers used in my musical scores of *The Blond Sinner*, *Kosher Kitty Kelly*, etc., and am now publishing with BMI, Associated Music Publishers, and SESAC firms. The musical score of my forthcoming *Dancy* will also be published by a non-ASCAP firm.

"Thought you might like to have this data."

(Signed) LEON DE COSTA.

Change of Heart

Many editorials are being received by BMI favoring the broadcasters' cause, but it was a red letter day when the following comment came in from the Hollywood Citizen of January 11th:

"Childish.

"Some persons are trying to make a complex situation out of ASCAP's battles to get more of the profits of radio broadcasting. There is nothing involved that isn't very simple. ASCAP has something to sell to the radio stations. The radio stations will be willing to buy what ASCAP has for sale when they can buy it at the price they think it worth to their business.

"Appeals of ASCAP for the public to help it get more money than the broadcasters are willing to pay are childish. ASCAP has been getting four and a half million dollars a year of radio broadcasters' money. That makes it a big business institution. It needs no help from the public in a purely selfish scramble for money.

"Anyway, what does the public know about whether ASCAP is entitled to one million dollars a year or nine million dollars a year?"

The Hollywood Citizen ran the columns by Morton Thompson which were strongly pro-ASCAP. Mr. Thompson has left the Citizen to take charge of ASCAP's publicity on the west coast. And while we are out on the west coast, we believe you would be interested in reading the following from the Citizen's editorial columns:

"Persons with ASCAP money are said to have persuaded U.C.L.A. students to stage a purported protest against the radio networks for refusing to pay the price ASCAP demands for the use of its music on the radio.

"ASCAP money is said to have bought quantities of old radios while the newspapers told their readers that the radios were contributed by university students for burning in connection with the so-called protest.

"Let's not censure the U.C.L.A. students for falling for this. If one will note carefully some of the stories appearing in some of the newspapers of the city he will determine that a lot of newspaper readers are being betrayed as a result of ASCAP influence.

"U.C.L.A. students merely wanted a little fun. They are youths. Newspapermen don't betray their readers for fun. They are seasoned with years of experience in the world."

And just opposite under the heading, "Town Meeting," which publishes letters to the editor, we read:

"Too bad the students and others who burned up some old radio sets a few days ago didn't realize that there are a lot of shut-ins like the veterans at hospitals and myself who would have been glad to have old radio sets to use."

Support from Canada

The Canadian Association of Broadcasters at a meeting in Montreal at which practically every station in Canada was represented, decided to join the National Association

of Broadcasters in supporting Broadcast Music, Inc. The resolution as passed and released to the Canadian press reads as follows:

"Unanimously resolved that the CAB congratulate BMI on its spectacular success; and stands wholeheartedly behind BMI in its efforts to get a fair deal for broadcasters and the public in musical copyright matters. The CAB members pledge their full support to this great effort."

With more than 15,000 pieces of mail coming into BMI weekly, it is highly desirable that the mail intended for a particular department be sent to that department. BMI is now divided into the following departments:

Station Relations Department
Logging Department
Cataloguing Department
Professional Department
Arranging Department
Production Department
Editorial Department
Sales Department
Agency Relations Department
Research Department
Continuity Department
Public Relations Department

Statement of John G. Paine, General Manager of ASCAP, before the Committee on Patents, House of Representatives, March 26, 1936, page 564, of "Copyright Hearings":

"You can tune in any night—this is not a question of my personal observation but it is the observation, I am sure, of every single member of this committee—and you will be able to hear in your own parlor ways and means of keeping yourself from smelling bad, ways and means of regulating your bowels and the bowels of your family, ways and means of keeping your scalp from becoming scurvy, and recommendations that you eat fungus of some kind to keep yourself from having a pimply skin.

"I admit that you think I am crude and coarse and crass and vulgar because I have said that. But that is radio.

"Radio does not have in its own business operation, in that which it has created itself, one feature which will make it acceptable in your home or my home, one feature that lends a single degree of respectability except what is created by the men and women that you have heard down here opposing the bill. That is what makes radio acceptable and that alone."

That in a word is what ASCAP's General Manager thinks of the American system of broadcasting . . . Thus Mr. Paine informs advertisers, their agencies and the listening audience that Jack Benny, Fred Allen, Helen Hayes, Lowell Thomas, Raymond Gram Swing, Walter Winchell and Elmer Davis must use ASCAP music before they can even be called "acceptable" . . . that the Metropolitan Opera broadcasts, the programs of the New York Philharmonic, "Great Plays," "Invitation to Learning" are without "a single degree of respectability" without the creations of ASCAP composers!

NAB

CODE COMMITTEE TO MEET

Featured by a luncheon to be attended by outstanding national and state officers of leading women's and parents'

organizations, and by a luncheon-conference with representatives of the New York advertising agencies, the NAB Code Compliance Committee will hold one of its most important sessions since the inauguration of the Code, Edgar Bill, WMBD, Chairman of the Committee announced today. The meeting will be held at the Hotel Roosevelt, New York City, February 4 and 5.

The women's luncheon is by way of fulfillment of a promise made at a similar luncheon in the fall of 1939 when the Code Committee promised the organized women of the country that it would conduct research and surveys leading the way to improved standards for children's programs, both commercial and sustaining. Since that time, the Radio Council on Children's Programs has been organized by the women, and, in cooperation with the NAB, a nationwide survey has just been completed. Mrs. Dorothy Lewis, vice chairman of the Council, who conducted the field work for the Council, will present the findings.

The conference with New York advertising agency people will be held in conjunction with the regular weekly *Broadcasters Bull Session* at the Stouffers Restaurant at 12:30 P. M., Wednesday, February 5. Filling in the spot usually occupied by the regularly scheduled weekly guest speakers will be Mr. Bill, and Ed Kirby, retiring secretary of the Code Compliance Committee, who will talk briefly on a War Department policies governing the origination of commercially sponsored programs from Army posts. A general discussion of the Commercial Section of the NAB Code, with particular reference to time limitations, will follow the usual luncheon period.

Paul Peter, NAB Director of Research, and Russell Place, NAB Counsel, who will serve as Secretary of the Code Compliance Committee during Mr. Kirby's leave of absence at the War Department—both of whom have been conferring with the AAAA on the development of new types of time-contract—will be present to take part in the discussions.

Members of the Code Compliance Committee as recently appointed by Neville Miller, NAB president, are:

Edgar L. Bill, WMBD, Peoria, Illinois—Chairman
Hugh A. L. Halff, WOAI, San Antonio, Texas
Earl J. Glade, KSL, Salt Lake City, Utah
Henry P. Johnston, WSGN, Birmingham, Alabama
Gilson Gray, CBS, New York City
J. O. Maland, WHO, Des Moines, Iowa
Frank Mullen, NBC, New York City
Calvin J. Smith, KFAC, Los Angeles, California
Theodore C. Streibert, MBS, New York City
Russell P. Place, NAB, Washington, D. C.—Secretary

PEABODY AWARDS

The University of Georgia faculty committee which will make the preliminary selections for the George Foster Peabody Radio Awards has been announced by Dean John E. Drewry of the Henry W. Grady School of Journalism, as follows:

Willett Main Kempton, assistant professor of journalism; Miss Carolyn Vance, head, department of speech; Edward C. Crouse, department of drama; Michael A. McDowell, assistant professor of music; Dr. B. O. Williams, professor and head of sociology department; and Dr. Merritt B. Pound, professor of history and government.

The recommendations of this faculty group will be presented to the Advisory Board, which will make the final selections and announcements at a time and place to be decided upon by its members, probably New York in March.

The Peabody Radio Awards were set up by the Regents of the University System of Georgia with the cooperation of the National Association of Broadcasters as a means "whereby the oldest chartered state university would recognize and encourage the social responsibilities of the youngest of the media of communication—and also honor a distinguished American.

Members of the Advisory Board are Chancellor S. V. Sanford, University System of Georgia, ex officio; Bruce Barton, president, Batten, Barton, Durstine, and Osborn, advertising, New York City; John H. Benson, president, American Association of Advertising Agencies, New York City; Virginius Dabney, editor Richmond (Va.) Times-Dispatch; Norman H. Davis, chairman, American Red Cross, formerly acting secretary of state, etc., Washington, D. C.; Jonathan Daniels, editor, Raleigh (N. C.) News and Observer; Mark F. Ethridge, vice president and general manager, Louisville (Ky.) Courier-Journal and Times; Waldemar Kaempffert, science editor, New York Times; Alfred A. Knopf, publisher, New York City; Grace Moore, Metropolitan Opera Company, New York City; Dr. John W. Studebaker, United States Commissioner of Education and chairman, Federal Radio Education Committee, Washington, D. C.; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody, "Yaddo," Saratoga Springs, New York; and Edward Weeks, editor, Atlantic Monthly, Boston, Mass.

1941 NAB REPORTS BINDERS

Binders for the 1941 NAB REPORTS were sent to all NAB members on January 1. Additional binders may be secured from NAB headquarters at a price of \$1.00 each postpaid.

District Meetings

DISTRICT 15

The broadcasters of the Fifteenth District—Northern California, Nevada and Hawaii—met in San Francisco, on Saturday, January 18. Forty-four persons, representing 21 stations, were in attendance.

The NAB Staff was represented by C. E. Arney, Jr., and Harry Engel, Pacific Coast Manager of BMI, was in attendance.

It was an enthusiastic meeting devoted for the most part to a discussion of the music situation. The public reaction to the transition from ASCAP music was reported by all present as extremely gratifying. Full confidence was expressed in the ability of BMI to fulfil the music requirements of the stations.

A brief discussion of the Code was had and it was agreed that legislative proposals or proposed initiatives or referenda as well as recall proceedings came within the definition of Controversial public issues until they had been qualified for the ballot in full accordance with State law.

The election of a District Director for the ensuing two-year term resulted in the unanimous endorsement of Howard Lane and he is returned to the Board.

Those registered:

William B. Smullin, KIEM; Alvor Olson, KIEM; Lee Goldsmith, KSAN; Harold H. Meyer, KYA; C. L. McCarthy, KQW; Robert W. Dumm, KSFO; Wilt Gunzendorfer, KSRO; Howard Lane, KFBK; Clyde F. Coombs, KARM; F. Wellington Morse, KSL; Lou Keplinger, KSAN; R. V. Bence, KFRC; Eddie Calder, KHUB; A. E. Nelson, KGO-KPO; Howard V. Walters, KDON; Charles P. Scott, KTKC; Preston D. Allen, K LX; Arthur Westlund, KRE; M. L. Bertsch, KHUB; Orel Phillips, KDON; Kay Barr, KGO-KPO; Carl E. Wieninger, KGO-KPO; Frank N. Cope, KJBS; Fred Ruegg, KQW; Ray Lewis, KQW; John Brunton, KQW; H. H. Wickersham, KJBS; Florence Crowell, KGO-KPO; W. B. Ryan, KGO-KPO; Clare Patrick, KPO-KGO; Glenn R. Dolberg, KGO-KPO; Will Thompson, Jr., KROY; Keith Kerby, KROW; Edward K. House, KROW; S. H. Patterson, KSAN; Don Hambly, KRE; Clifton Howell, KSFO; Wallace A. Gade, KJBS; Walter H. Conway, KMYC; Harry Engel, BMI; and M. McKinley Selleman, SESAC.

DISTRICT 16

The Sixteenth District meeting in Los Angeles on Monday, January 20th, attracted over 50 representatives of 17 broadcasting stations and incidental industries. Many CBS, NBC and NBS officials attended.

In addition, Carl Haymond, KMO, Tacoma, Washington; John Patt of WGAR, Cleveland, Ohio, and Leo Fitzpatrick of WJR, Detroit, participated.

Present, too, was Harry Engel, Manager of BMI's West Coast office; McKinley Sillerman, Station Relations Manager of SESAC; Ralph Peer of Peer International; Gerald King of Standard Radio; Pat Campbell of World Broadcasting Service, as well as representatives of NBC Thesaurus.

Carl Haverlin, Station Relations Manager of Broadcast Music, Inc., outlined the present status of BMI catalogs and music availabilities.

A thorough discussion of methods by which broadcasters may avoid complications and continue to serve public interest with good music was had.

C. E. Arney, Jr., of the NAB staff, detailed other NAB activities.

Don Thornburg of KNX made a stirring appeal for 100 per cent membership, stating that NAB has demonstrated its effectiveness and was entitled to the universal support of Broadcasters.

The following Resolution was adopted at the conclusion of the meeting:

"Resolved: That the NAB members of the 16th District express full and complete confidence in Broadcast Music, Inc., and commend it for the manner in which it has provided an adequate supply of acceptable music for the use of broadcasters. The evidence of the acceptability of the music made available is testified by the public acceptance which the musical programs, since January 1, 1941, have received."

The newspapers of Hollywood and Los Angeles where ASCAP propagandists have been unusually active gave unusually fine and fair treatment to the publicity emanating from the Broadcasters meeting.

In addition, Los Angeles Advertising Club invited Mr. Arney to speak at its regular Tuesday noon meeting on the 21st. His presentation of the Broadcasters' side of the music controversy was enthusiastically received.

Those registered:

S. D. Taylor, Don Otes, KFAC; Harrison Holliday, John I. Edwards, Glan Heisch, Ernest Felix, Theresa Aeger and Bernie Smith, KFI-KECA; L. W. McDowell, KFOX; Leah McMahon and John Babcock, KFSD; Hal Lea, KFVD; Gene W. Lee, KFXM; Lee Wynne and Helene Smith, KGER; Ben S. McGlashan, H. D. Hancock, and Thelma Kinchner, KGFJ; R. A. Shepher, KHJ; L. W. Peters and Wally McLain, KIEV; Carl E. Haymond, KMO; Leo Fitzpatrick, Leo B. Tyson, Alan Cameron, and Bill Conrad, KMPC; Vic Dalton and Lyman Smith, KMTR; D. W. Thornburgh, Hal Locke, Ben Paley, Harry W. Witt, KNX; L. A. Schamblin, KPMC; John Austin Driscoll and Hazel Ryan, KRKD; Ernest L. Spencer, KVOE; John W. Swallon, Lew Frost, Alexander Petry, W. L. Marshall, Max Hutto, Don E. Gilman and Sam Hayes, NBC; John F. Patt, WGAR.

Harry Engel, Ralph Peer, Artie Mehlinger, Rudy Block and Eddie Jones, BMI; Pat Campbell, World Broadcasting System; Don Allen and Gerald King, Standard Radio; W. H. Beltz, RCA; Dave Gleckman, Broadcasting Magazine; A. J. Schrade, Transco; F. S. Kollenberg and W. B. Hupple, Best Drug and United Cigar; M. McKinley Sillerman, SESAC; and Speed Kendall, Los Angeles Times.

DISTRICT 17

Seventeenth District Broadcasters elected Harry R. Spence of Aberdeen, Washington, to a two-year term as District Director at a meeting January 22 in Portland, Oregon. This was largest meeting in District's history with over 60 in attendance. Charles Couche, Sales Manager of KOIN, Portland, was named chairman of this District's Sales Managers group. A Resolution of appreciation for constructive service rendered by C. W. Myers, Retiring Director, was unanimously adopted.

Labor

NETWORKS, A. F. OF M. MAKE CONTRACTS

CBS, NBC, WOR-WGN-Mutual have reached agreements with the American Federation of Musicians cover-

ing musicians at the network key stations in New York and Chicago.

The New York agreements will continue in effect until January 31, 1944. They provide, among other things, that CBS will employ a minimum of 65 staff musicians; NBC, 130 (115 during three consecutive months of the year), and WOR, 40.

"Regular Hourly Rate"

There still seems to be some confusion in the industry about how to determine the "regular hourly rate" of employees covered by the Wage and Hour law.

The regular hourly rate of salaried employees is determined two ways.

(1) *For those employees who work a regular number of hours each week and whose salary, by custom or agreement, covers those hours.* Divide the weekly salary by the number of hours in the regular work week. These employees are entitled to one and one-half times this rate, extra, for each hour they work above 40 each week.

(2) *For those employees whose hours fluctuate each week, or nearly every week, and who were hired with the understanding that their regular weekly salary was to cover a fluctuating number of hours.* Each week, divide the weekly salary by the number of hours worked *that week*. These employees are entitled to that rate for each hour they work, plus one half of that rate for each hour they work above 40.

Any further questions about this will be answered gladly by the NAB Labor Relations Department.

Engineering

FREQUENCY REALLOCATION

The chief technical representatives from Canada, Cuba, Haiti, the Dominican Republic, Mexico and the United States, who are attending a regional broadcasting conference in Washington announced Wednesday that the technical committee of the conference, which is meeting at the Federal Communications Commission, is making very satisfactory progress in the solution of the engineering details arising from the radio frequency notifications of the various Governments which are parties to the North American Regional Broadcasting Agreement, Habana, 1937. While some rectifications of a minor character are required in the various notifications by reason of unavoidable conflicts of an engineering nature, all delegates are most optimistic of an early solution.

The work of the technical committee involves the assignment of frequencies in the standard broadcast band to nearly 1300 radio broadcasting stations in the North American region, so that these stations may operate simul-

taneously with a minimum of interference to their respective services.

This constitutes an engineering problem which requires consideration of each separate frequency assignment. Obviously, no valid statement of frequency assignments can be made until the work of the committee has been completed and referred back to the conference as a whole which holds its plenary sessions at the Department of State.

The FCC notified the State Department last September that the reallocation of frequencies in this country would go into effect March 29, 1941 (NAB REPORTS, 1940, p. 4571).

OHIO STATE CONFERENCE

Indications are that there will be a record attendance at the Fourth Ohio State Broadcast Engineering Conference to be held at Ohio State University at Columbus, February 10-21.

Dr. Everitt, Director of the Conference, has assembled an unusually fine group of speakers and lecturers for the Conference.

Those who would like to submit questions concerning FCC engineering matters to be discussed at the conference are asked to submit the questions in advance. The questions will be discussed during the "General Discussion and Question Box" conducted by Andrew D. Ring, Assistant Chief Engineer of the FCC in charge of broadcasting, on Wednesday and Thursday, February 12 and 13.

Engineers are also asked to submit in advance questions on FM which they would like to hear discussed during the "Round Table on FM Problems" to be held on Thursday and Friday, February 20 and 21. The Chairman of this Round Table will be Paul deMars of the Yankee Network. E. J. Content of WOR and Dan Gelerup of WTMJ will also be at the table.

Engineers who would like to submit questions for discussion during either of these two periods, are asked to submit them to the Director of Engineering at NAB headquarters.

Further information and details concerning the Engineering Conference can be obtained by addressing Dr. W. L. Everitt, Director of the Conference, Ohio State University, Columbus, Ohio.

Sales

TRADE STUDY ON LAUNDRIES

"Results from Radio," Vol. 2, No. 1, has gone out to all members from the NAB Bureau of Radio Advertising.

The current study, which is the eleventh to be released by the Bureau since its inception a year and a half ago, tells the success story of the Model Laundry in using radio extensively over WIOD, Miami.

With 65% of its total ad budget devoted to radio, Model reports sales up 95% in four years. In a letter to Mr. Richard Porterfield, Carlton-Porterfield Agency, in charge of the account, Model states, ". . . we firmly believe radio has done the job for us." The letter and full details of Model's extensive use of radio are included in the study.

Extra copies of the "Results from Radio" folders are available to NAB members on request.

Legislation

JOHNSON BILL

Senator Johnson (D.-Colo.) on Thursday reintroduced his bill (S. 517) which would amend the Communications Act to prohibit the advertising of alcoholic beverages by radio.

The broadcasting industry was very much interested in this bill at the last session of Congress and undoubtedly will be at the present session. At the last session the bill was favorably reported by the Senate Committee on Interstate Commerce and was on the Senate Calendar. The Johnson Bill, which has the same number that it had at the last session of Congress, has been referred to the Committee on Interstate Commerce.

FEDERAL LEGISLATION HOUSE

H. R. 2526 (WATER, D., Penna.)—To govern practice before Federal administrative agencies. Referred to Committee on Judiciary.

STATE LEGISLATION

CALIFORNIA:

A. 229 (VOIGT) BOOKING AGENTS AND AGENCIES—An act regulating and licensing booking agents and booking agencies. Referred to Committee on Labor and Capital.

A. 435 (MALONEY) CHILD LABOR—Permits minors to work at night in theatrical and radio productions. Referred to Committee on Labor.

A. 436 (MALONEY) CHILD LABOR—Permits minors to work at night in theatrical and radio productions. Referred to Committee on Labor.

A. 437 (MALONEY) CHILD LABOR—Permits minors to work at night in theatrical and radio productions. Referred to Committee on Labor.

A. 508 (CRONIN) EMPLOYMENT AGENCIES—Requires a \$2,000 surety bond for all employment agencies. Referred to Committee on Labor.

A. 509 (CRONIN) EMPLOYMENT—Requires a \$100 fee for all employment agencies and labor contractors. Referred to Committee on Labor.

S. 331 (BIGGAR) LABOR—MINORS—Permits minors to work evenings in theatrical and radio productions. Referred to Committee on Labor.

S. 332 (BIGGAR) LABOR—MINORS—Permits minors to work evenings in theatrical and radio productions. Referred to Committee on Labor.

S. 333 (BIGGAR) LABOR—MINORS—Permits minors to work evenings in theatrical and radio productions. Referred to Committee on Labor.

COLORADO:

S. 276 (HIRSCHFELD) LIBEL—Relating to libel and slander. Referred to Committee on Judiciary.

S. 292 (HIRSCHFELD) LIBEL—Relating to libel, protecting citizens in their legal rights, fixing penalties and establishing cause of action. Referred to Committee on Judiciary.

S. 293 (HIRSCHFELD) LIBEL—Relating to libel, protecting citizens in their legal rights and fixing penalties and establishing cause of action. Referred to Committee on Judiciary.

S. 294 (HIRSCHFELD) LIBEL—Relating to libel, protecting citizens in their legal rights and fixing penalties and establishing cause of action. Referred to Committee on Judiciary.

S. 584 (ELDER) MUSIC COMPOSERS LICENSES—An act concerning the regulation and use in public performance of vocal and instrumental music and provides for the licensing of authors, composers and publishers.

GEORGIA:

H. 10 (EVANS, ET AL.) RADIO COMMISSION—To repeal an Act approved March 30, 1937, establishing the Georgia Radio Commission. Referred to Committee on State of Republic.

S. 8 (REDWINE, ET AL.) RADIO COMMISSION—To repeal an Act approved March 30, 1937, establishing the Georgia Radio Commission. Referred to Committee on State of Republic.

MICHIGAN:

H. 35 (M. O'BRIEN, ET AL.) EMPLOYMENT AGENCIES—Amends C. L. 8603 by limiting employment agencies fees from an employee to 10 per cent of first month's salary. Referred to Committee on Labor.

NEW YORK:

A. 204 (CREWS) EMPLOYMENT AGENCIES—DISCRIMINATION—Prohibits discrimination by employment agencies on account of race, color or religion and authorizes suspension or revocation of license for violation. Referred to Committee on Judiciary.

A. 214 (SCHWARTZ) EMPLOYMENT AGENCIES—Regulates private fee-charging employment agencies and appropriates \$40,000 to labor dept. Referred to Committee on Ways and Means.

S. 175 (PHELPS) PROPAGANDA—Prohibits dissemination, circulation or publication of propaganda or statements by book, newspaper, speech, radio or other means of communication, to create hatred, violence or hostility against people of this state by reason of their race, color, religion or manner of worship, and fixes penalties for violations. Referred to Committee on Codes.

NORTH CAROLINA:

H. 11 (Same as S. 11) (BRYANT) REVENUE ACT AMENDMENTS—Amends and supplements the Revenue Act of 1939, Chap. 158. Amends following taxes: Inheritance, License, Franchise, Income, Sales, Intangibles, Compensating Use, General Administration. Referred to Committee on Finance.

S. 11 (Same as H. 11) (McbRYDE) REVENUE ACT AMENDMENTS—Amends and supplements the Revenue Act of 1939, Chap. 158 of the Public Laws. Amends following taxes: Inheritance, License, Franchise, Income, Sales, Intangibles, Compensating Use, General Administration. Referred to Committee on Finance.

OKLAHOMA:

H. 14 (MESKOVSKY, ET AL.) SALES BELOW COST—To prohibit the selling of items of merchandise below cost as a trade leader. Referred to Committee on Labor and Arbitration.

TENNESSEE:

S. 201 (HEADDEN, ET AL.) TAX—RADIO STATIONS—Provides for 3 per cent gross receipts tax on radio stations.

FEDERAL COMMUNICATIONS COMMISSION

"The public interest—not the private—is paramount" in radio broadcasting declared the FCC in renewing the

li of the Yankee Network, Inc., station WAAB at Boston with a reprimand for past practices and, at the same time, denying the application of the Mayflower Broadcasting Corp., for a new station in the same city to take over WAAB's present operating facilities of 1410 kilocycles with power of 500 watts night and 1 kilowatt day, unlimited time.

"Under the American system of broadcasting," says the Commission in its decision and order (B-107), "it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of . . . partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. . . . Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues."

The Commission by unanimous decision (Commissioner Thompson absent), affirmed its Proposed Findings of Fact and Conclusions of May 31 last, which held that the Mayflower Broadcasting Corp. was not shown to be financially qualified and, moreover, made misrepresentations in its application, but observed with respect to the Yankee Network station in the light of subsequent oral argument:

"The record shows without contradiction that beginning early in 1937 and continuing through September, 1938, it was the policy of Station WAAB to broadcast so-called editorials from time to time urging the election of various candidates for political office or supporting one side or another of various questions in public controversy. In these editorials, which were delivered by the editor-in-chief of the station's news service, no pretense was made at objective, impartial reporting. It is clear—indeed the station seems to have taken pride in the fact—that the purpose of these editorials was to win public support for some person or view favored by those in control of the station.

"The material in the record has been carefully considered and compels the conclusion that this licensee during the period in question has revealed a serious misconception of its duties and functions under the law. Under the American system of broadcasting it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of his own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

"Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the

public of all sides of public issues. Indeed, as one licensed to operate in a public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively, and without bias. The public interest—not the private—is paramount. These requirements are inherent in the conception of public interest set up by the Communications Act as the criterion of regulation. And while the day to day decisions applying these requirements are the licensee's responsibility, the ultimate duty to review generally the course of conduct of the station over a period of time and to take appropriate action thereon is vested in the Commission.

"Upon such a review here, there can be no question that The Yankee Network, Inc., in 1937 and 1938 continued to operate in contravention of these principles. The record does show, however, that in response to a request of the Commission for details as to the conduct of the station since September, 1938, two affidavits were filed with the Commission by John Shepard, 3rd, President of The Yankee Network, Inc. Apparently conceding the departures from the requirements of public interest by the earlier conduct of the station, these affidavits state, and they are uncontradicted, that no editorials have been broadcast over Station WAAB since September, 1938, and that it is not intended to depart from this uninterrupted policy. The station has no editorial policies. In the affidavits there is further a description of the station's procedure for handling news items and the statement is made that since September, 1938, 'no attempt has ever been or will ever be made to color or editorialize the news received' through usual sources. In response to a question from the bench inquiring whether the Commission should rely on these affidavits in determining whether to renew the licenses, counsel for The Yankee Network, Inc., stated at the second argument, 'There are absolutely no reservations whatsoever, or mental reservations of any sort, character or kind with reference to those affidavits. They mean exactly what they say in the fullest possible amplification that the Commission wants to give to them.'"

"Relying upon these comprehensive and unequivocal representations as to the future conduct of the station and in view of the loss of service to the public involved in the deletion of this station, it has been concluded to grant the applications for renewal. Should any future occasion arise to examine into the conduct of this licensee, however, the Commission will consider the facts developed in this record in its review of the activities as a whole."

Adds the Commission:

"One further point must be dealt with in view of certain contentions made in the course of this proceeding. It has been pointed out that The Yankee Network, Inc., is also the licensee of a second regional station in Boston, Station WNAC, and the contention has been made that the applications for renewal for WAAB should, therefore, be denied. This argument raises a serious and troublesome question of policy to which the Commission has given considerable attention and which is presently under consideration in connection with the Commission's investigation into chain broadcasting. The question is peculiarly one which cannot be effectively and fairly dealt with by singling out individual instances for treatment. It should be understood, therefore, that the grant of these applications of The Yankee Network, Inc., for renewal is without consideration of the question of dual ownership. The Commission will reserve its decision on that point until such time as it is prepared to consider a more general policy for application on a country-wide basis."

The renewal grant includes WAAB's main and auxiliary transmitters.

FCC TELEVISION REPORT

The FCC will meet with the National Television Systems Committee on Monday, January 27, at which time the latter will make a progress report on its study of the television situation.

The conference, which is not in the nature of a hearing but will be open to the public, will be held in Hearing Room A of the Interstate Commerce Commission Building, starting at 10 a. m. The various panels assigned to specific studies will report through their respective chairmen.

The National Television Systems Committee, comprising engineers representative of the industry, was created July 31, 1940, by the Radio Manufacturers Association in cooperation with the Commission for the purpose of exploring existing television systems with a view to developing and formulating standards which would be acceptable to the industry as a whole and so expedite the inauguration of a basically sound national television system.

As a preliminary to receiving this over-all report of the National Television Systems Committee, members of the Commission will visit New York Friday, January 24, for the purpose of witnessing various demonstrations of late television developments.

INTERNATIONAL BROADCAST STATIONS

The FCC has extended to July 1 next the time in which international broadcast stations in this country must operate on power of at least 50 KW. This is the minimum power deemed necessary by the Commission to render satisfactory international service, particularly to South America.

This extension has been granted in view of the fact that 11 of these stations have construction permits authorizing installation of new equipment but plead that time has not permitted completion of the work. The single exception is WCAB, Newton Square, Pa., licensed to the WCAU Broadcasting Co., which will be deleted upon erection of a new international broadcast station by the Columbia Broadcasting System to supplant WCAB.

All international stations will be expected to conform to the minimum power requirement during this period, as no further extension of time is contemplated.

LICENSE REVOCATIONS

The FCC has authorized issuance of orders to revoke the licenses of radio broadcast stations WTMC and WDLP, in Ocala and Panama City, Florida, respectively.

False testimony and concealment of ownership are charged.

Investigation disclosed that in both cases the actual operator is John H. Perry, of New York and Florida, who owns the Panama City News-Herald, the Pensacola News-Journal, and the Jacksonville Journal.

Inquiry was instituted when applications were made to transfer control of these stations to Perry properties. Station WTMC, which operates on 1500 kilocycles with 100 watts power, is licensed to the Ocala Broadcasting Co., Inc., of which John T. Alsop, Jr., of Jacksonville, was declared to be the principal owner. Transfer was sought to the Pensacola News-Journal Co.

Station WDLP, operating on 1200 kilocycles with 250 watts power by day and 100 watts at night, is licensed to the Panama City Broadcasting Company, which sought transfer to the Bay County Publishers, Inc., a wholly owned subsidiary of the Pensacola News-Journal Company which publishes the Panama City News-Herald.

The revocation orders allege that the real party in interest from the outset in the present licensees has been Perry, and that his

interest in the licensees has been deliberately concealed from the Commission.

UNLICENSED OPERATOR CAUGHT

Field inspectors of the FCC's Huntington, W. Va., office, acting in cooperation with the local United States Marshal, apprehended at Hubbell, that state, a youth who is alleged to have engaged in unlicensed broadcast which caused interference to authorized radio programs.

Using the non-existent call letters WBBQ, this offender transmitted entertainment that "collided" with regular services. Amateurs, particularly, complained of the resultant interference.

The illegal station, which used a transmitter of approximately 25 watts and a steel vertical radiator, was located by means of the Commission's new direction finding equipment.

The operator has been charged with violation of Sections 301 and 318 of the Communications Act.

FROM THE FCC MAIL BAG

A doctor inquires about requirements that broadcast program continuities regarding foods be submitted to medical authorities prior to transmission. The Federal Communications Commission has no such regulations. Existing legislation places the initial responsibility for the selection of program material upon the individual stations. The Commission, however, will consider specific complaints regarding broadcast material in connection with a station's renewal of license. The National Association of Broadcasters has a code of ethics for the guidance of broadcasters, and many of its provisions deal with advertising. The Federal Trade Commission is the Government agency vested with authority to consider matters involving misrepresentations or fraudulent methods of competition in interstate commerce.

Various inquirers are informed that there is no provision in the Communications Act, nor has the Commission promulgated any rule or regulation, specifically concerning the solicitation of new bank accounts by radio, or the broadcast of grain price quotations.

A New York firm wants to know whether an additional charge may be made for broadcasting a program by means of FM simultaneously with the same program over standard broadcast facilities. The provisions of the Communications Act which authorize the Commission to pass on the amount of charges for communications service relate to common carriers only. A person engaged in radio broadcasting is not deemed a common carrier under this statute. Hence the Commission has no say in individual program rate charges.

A letter requests "forms" to be used in making complaint concerning alleged violations of law by a radio station. The Commission does not have or supply forms for this purpose. The person is told that he may summarize and submit to the Commission, in an affidavit executed before a notary public, any facts in his possession to support his complaint. Such affidavit should, among other things, state the type of station referred to, its call letters and location; the name of the owner and operator; the various dates and, as nearly as possible, the definite time the alleged violations were committed. This information should be accompanied by the names and post office addresses of witnesses, together with a brief summary of the facts to which they would testify.

A lawyer who asks about the effect of designating applications for broadcast facilities for hearing on the same day is advised:

Such action does not in and of itself operate to consolidate the hearings on these two applications, nor does it have the effect of making each applicant an intervenor in the hearing on the other's

application. Section 1.194 of the Commission's Rules of Practice and Procedure provides:

"The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (a) any cases which involve the same applicant or arise from the same complaint or cause, or (b) any applications which by reason of the privileges, terms or conditions requested present conflicting claims of the same nature."

Where the Commission orders a consolidation of the hearing on two or more applications, such order has the effect of permitting the respective applicants to participate in the hearing on the other application or applications.

If participation is desired by either applicant in the hearing on another's application, a petition to intervene or a motion to consolidate the hearings may be presented to the Commission. If it is proposed to file a petition to intervene, attention is called to Section 1.102 of the Commission's Rules of Practice and Procedure and to the Commission's decision dated September 29, 1939, interpreting this rule. (In re Hazlewood, Inc., Docket No. 5698.) In the event of intention to file a motion to consolidate these hearings, the motion should show wherein these applications "present conflicting claims of the same nature," and, also, that consolidation "will best conduce to the proper dispatch of business and to the ends of justice."

It should be pointed out that neither intervention in nor consolidation of hearings on conflicting applications is necessary to a comparative consideration of such applications by the Commission. Comparative consideration can be given by the Commission in such cases notwithstanding the fact that separate hearings are held and the applicants do not intervene in each other's hearing. Nor does consolidation of hearings necessarily mean that simultaneous action on the conflicting applications will be taken by the Commission where a proper dispatch of business and the ends of justice require separate action.

Reply to a number of inquiries states that as of January 1 there were 831 standard broadcast stations licensed and 51 outstanding construction permits.

BROADCAST MEASUREMENTS

During December FCC experts measured 720 broadcast stations with 155 not measured.

Of the 720, 669 stations showed a maximum deviation within 0-10 cycles; 49 stations a maximum deviation of 11-25 cycles; 2 stations with a maximum deviation within 26-50 cycles. No stations showed a deviation over either 20 or 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard by the Commission during the week beginning Monday, January 27. They are subject to change.

Monday, January 27

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., 1340 kc., 1 KW night, 1 KW day, unlimited, DA day and night.

Thursday, January 30

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., 1370 kc., 250 watts, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

February 13

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., 1340 kc., 1 KW, unlimited, DA day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., 1340 kc., 1 KW, unlimited, DA day and night.

March 4

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P., 680 kc., 5 KW, unlimited, DA day and night.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 680 kc., 50 KW, unlimited, DA day and night.

KMBC—Midland Broadcasting Co., Kansas City, Kans.—C. P., 690 kc., 50 KW, unlimited, DA night; requests facilities of KGGF, KFEQ and WNAD as proposed by N.A.R.A.

KOMA—KOMA, Inc., Oklahoma City, Okla.—C. P., 690 kc., 50 KW, unlimited, DA night.

KGGF—Hugh J. Powell, Coffeyville, Kans.—C. P., 690 kc., 5 KW, specified hours, DA night.

March 12

NEW—Thumb Broadcasting Company, Brown City, Mich.—C. P., 600 kc., 250 watts daytime.

March 21

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—C. P., 600 kc., 500 watts night, 1 KW LS.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Farnsworth Television and Radio Corp., Fort Wayne, Ind.—Granted construction permit for a new research and experimental television broadcast station to operate on frequencies 66000-72000 kc. (Channel No. 3), 1 KW aural and visual power, A3 and A5 emission (B4-PVB-48).

KGW—Oregonian Publishing Co., Portland, Ore.—Granted construction permit to install directional antenna for day and night use and increase nighttime power from 1 to 5 KW; 620 kc., 5 KW day, unlimited time (B5-P-2954).

WSUN—City of St. Petersburg, St. Petersburg, Fla.—Granted modification of license to change hours of operation from specified hours to unlimited time; 620 kc., 5 KW, using directional antenna at night (facilities of WFLA) (B3-ML-1045).

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Granted reinstatement of construction permit (B1-P-2161 as modified) to install new transmitter and directional antenna system for day and night use and to move transmitter to a new site about 12 miles southeast of Boston (B1-P-2998).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted modification of license to change hours of operation from L-KOB to unlimited and power from 1 KW night, 5 KW to local sunset, to 5 KW day, 1 KW from local sunset to sunset at KOB and 250 watts after sunset KOB; 1180 kc. (B3-ML-1037).

KWLC—Luther College, Decorah, Iowa.—Granted construction permit to change frequency from 1270 to 1210 kc.; increase hours of operation from daytime only share KGCA, to daytime; increase power from 100 to 250 watts; install new transmitter and move transmitter site locally to 0.146 mile from present site.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted construction permit to move transmitter site; install new equipment; install directional antenna system for night use; change frequency from 1210 kc. to 1220 kc.; increase power from 250 watts to 1 KW, unlimited time (B3-P-2985).

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted construction permit to increase night power from

1 to 5 KW, and install directional antenna system for night use; 1290 kc., unlimited time, 5 KW day (B4-P-2821).

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW; 1290 kc., unlimited time, 5 KW day, subject to approval of antenna and transmitter site (B2-P-2947).

DESIGNATED FOR HEARING

WLAK—J. P. Marchant, D. J. Carey, Melvin Mayer (Transferor), The Tribune Company (Transferee), Lakeland, Fla.—Application for authority to transfer control of Lake Region Broadcasting Co., Inc., licensee of station WLAK, to The Tribune Company; 1310 kc., 250 watts, unlimited time. The transfer involves 98/100 of capital stock of licensee corporation for a consideration of \$12,500 (B3-TC-255).

Granite District Radio Broadcasting Co., Murray, Utah.—Application for new station to operate on 1500 kc., 250 watts, unlimited time; transmitter location and antenna system to be determined subject to Commission approval (B5-P-2750).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Application for construction permit to move transmitter southeast of Decatur; make changes in equipment; change frequency from 1310 kc. to 1290 kc.; increase power from 250 watts to 1 KW night, 5 KW LS; and install directional antenna for night use (B4-P-3028).

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Application for construction permit to change frequency from 560 kc. to 740 kc. (under NARBA); increase power from 1 KW night, 5 KW day, to 50 KW; move transmitter site locally to southwest of Alvarado, Calif.; install new transmitting equipment and directional antenna for both daytime and nighttime use (B5-P-2776).

KWBG—The Nation's Center Broadcasting Co., Hutchinson, Kans.—Application for authority to transfer control of corporation from W. B. Greenwald (Transferor) to O. L. Taylor 50%, William Wyse 49.9%, Wesley E. Brown, 0.1% of capital stock, for a cash consideration of \$40,000; 1420 kc., 100 watts, unlimited time (C. P. for 250 watts) (B4-TC-251).

KFIO—Spokane Broadcasting, Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (January, 4:30 p. m., PST) to the conclusion of high school basketball games on January 14, 16, 21, 23, 26, and 30, 1941, in order to broadcast said games only; from 7:15 p. m., PST, to the conclusion of college basketball games on January 17, 18, 21, 22, 24, 25, February 1, 7 and 8, 1941, in order to broadcast said games only.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate unlimited time for the period February 18, 1941 to not later than February 22, 1941, in order to broadcast annual event known as The Fur Rendezvous.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with Radio Station WFAM from 7:30 p. m., CST, to the conclusion of high school basketball games on January 17, 24, 31, February 7, 14, 1941, in order to broadcast said games only.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago, Ill.; Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX 25 watts power to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests, for the period January 19, 1941 to not later than February 17, 1941, in accordance with construction permit (File No. B4-PVE-50).

WDBJ—Times-World Corp., Roanoke, Va.—Granted modification of construction permit which authorized installation of directional antenna for night use and increase in power, for approval of transmitter location at present licensed site, and approval of directional antenna as specified under construction permit; 930 kc., 5 KW, unlimited time, directional antenna night (B2-MP-1136).

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on 117190 kc., 5000 watts power, special emission for frequency modulation, with transmitter located at 544 North Broadway, Yonkers, N. Y.,

and described as: Composite, maximum rated carrier power 5000 watts for a period ending in no event later than March 1, 1941.

W10XR—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate developmental broadcast station W10XR on the frequency 39460 kc., using frequency modulation with a maximum swing of 15 kilocycles, as a relay broadcast station in connection with remote program pickup service preliminary to and during the Presidential Inaugural Ceremonies in Washington, D. C., for the period beginning January 18, 1941, to not later than January 20, 1941, in order to permit Commission personnel to observe the performance of this type equipment and to conduct program service during the Inaugural Ceremonies.

KIDW—Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for the period ending not later than March 30, 1941 from 9:30 p. m. to midnight MST pending submission of application for change of frequency to comply with the Havana Treaty.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 p. m. to 9:30 p. m., CST, on February 1, 3, 8, 17, 22, 24, from 6:30 p. m. to 9:30 p. m.; February 15, from 7 p. m. to 12 p. m., February 19, from 7 p. m. to 11 p. m., February 27, from 10 a. m. to 11 a. m., February 28, from 5 p. m. to 6 p. m., February 28, and from 7 p. m. to 10 p. m., CST, February 28, 1941, in order to broadcast Golden Gloves Finals, High School Sectional Tourney, and Purdue University basketball games only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January, 4:30 p. m. EST) to 5:15 p. m., EST, January 18 and 25, 1941, in order to broadcast a program of the National Youth Administration only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign off (January, 7:15 p. m., EST) January 25, 1941 to 1 a. m., EST, January 26, 1941, in order to broadcast the Metropolitan Opera performance of "Daughter of the Regiment" for the benefit of the Free Milk Fund for Babies.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Denied special temporary authority to operate from midnight to 1 a. m., CST, for a period not to exceed 30 days, in order to broadcast a variety program.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 7:30 p. m., EST, to conclusion of addresses following the banquet for Pennsylvania State Commanders of American Legion on January 22 in order to broadcast said addresses only.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted construction permit to install new directional antenna for night use (B2-P-3060).

WBRY—American-Republican, Inc., Waterbury, Conn.—Granted modification of construction permit (B1-P-2756) which authorized changes in directional antenna, installation of new transmitter and increase in power, for extension of commencement date from Dec. 22/40 to Jan. 22/41 (B1-MP-1138).

WRC—National Broadcasting Co., Washington, D. C.—Granted modification of construction permit (B1-P-245) which authorized increase in power and installation of directional antenna for night use, for extension of completion date to March 5/41 (B1-MP-1139).

KLS—Warner Brothers, Oakland, Cal.—Granted modification of construction permit (B5-P-2826 which authorized increase in power, changes in antenna and installation of new transmitter), for installation of new transmitter (B5-MP-1140).

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-631).

Lehigh Valley Broadcasting Co., Portable-Mobile, area of Allentown, Pa.—Granted construction permit for new relay broadcast station to be used with applicant's broadcast stations WCBA and WSAN; frequencies 1622, 2058, 2150, 2790 kc., 3 watts.

Jack R. Butler, West Palm Beach, Fla.—Granted special temporary authority to operate ship transmitter aboard yacht *Duchess II*, call letters WPYW, on frequency 2790 kc., for period January 19 to February 9, in order to relay broadcast the Silver Sailfish Derby to station WJNO and make recordings at the studio in West Palm Beach.

N 1 Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to transmit to Cuban Station MQ for rebroadcast by that station Spanish Program entitled "Life of Desi Arnaz with Songs and Music" transmitted by International Broadcast Station WRCA from 9:15 p. m. to 9:30 p. m., EST, on January 21, 1941.

Puerto Rico Advertising Co., Inc.—Denied petition to intervene in the hearing on the application of Caribbean Broadcasting Assn., Inc., San Juan, for a new station to operate on 1500 kc., 250 watts, unlimited time, and on its own motion the Commission consolidated the hearing on the Caribbean Broadcasting Assn. application with the application of Puerto Rico Advertising Co., Inc., for a new station in San Juan, requesting the same facilities.

KMBC—Midland Broadcasting Co., Kansas City, Kans.—Granted motion to accept appearance filed late in re application for construction permit to change frequency from 950 to 690 kc., and increase power to 50 KW.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to accept appearance filed late in re application for construction permit to change frequency from 1350 to 680 kc., and increase power to 50 KW.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted petition for continuance of hearing now scheduled for February 19 for a period of 30 days, on application for construction permit to operate on 600 kc., 500 watts night, 1 KW day, unlimited time.

WSAY—Brown Radio Service and Lab., Rochester, N. Y.—Granted petition insofar as consolidation and continuance of hearing in re application of Edward J. Doyle, for a new station in Rochester, N. Y., to use 1310 kc., 1 KW, unlimited time; dismissed petition in re intervention, and ordered date for consolidated hearing be fixed at February 13 on Doyle application and WSAY's application for same facilities, and that separate hearing heretofore scheduled be cancelled.

W3XP—Philco Radio & Television Corp., Philadelphia, Pa.—The frequency band authorized for channel No. 13 heretofore authorized for experimental television relay station W3XP, was changed from 234000-240000 kc. to 230000-236000 kc., and the frequency band authorized for channel No. 14 from 240000-246000 to 236000-242000 kc.—the authorization otherwise to remain the same.

W6XLA—Television Productions, Inc., Los Angeles, Cal.—The frequency band authorized for channel No. 13 heretofore authorized for experimental television relay station W3XP, was changed from 234000-240000 kc. to 230000-236000 kc., and the frequency band authorized for channel No. 14 from 240000-246000 to 236000-242000 kc.—the authorization otherwise to remain the same.

MISCELLANEOUS

WKGA—The Tribune Company, Tampa, Fla.—The call letters WFLA, formerly used by Florida West Coast Broadcasting Co., Inc., were assigned to the Tribune Company's station replacing WKGA, heretofore authorized. Under grant of modification of license for WSUN (listed above), the facilities of WFLA were granted WSUN.

KLPM—John B. Cooley, Minot, N. Dak.—Adopted order withholding action on petition for rehearing filed by the Enid Radiophone Co. (KCRC), Enid, Okla., directed against the action of the Commission October 22, 1940, granting the application of John B. Cooley (KLPM), Minot, N. Dak., for modification of license to increase power output from 500 watts night, 1 KW day, unlimited time on frequency 1360 kc., to 1 KW, unlimited time on that frequency, and withholding action upon the application of Enid Radiophone Co. (KCRC) for construction permit (B3-P-2810) for a period of 30 days from date of this order, within which time petitioner and John B. Cooley (KLPM) shall submit to the Commission a plan for a directional antenna for Station KLPM, which will permit maximum use to be made of the frequency 1360 kc. (B4-ML-651).

WTJS—Sun Publishing Co., Inc., Jackson, Tenn.—Adopted order withholding action on petitions for rehearing filed by Onondaga Radio Broadcasting Corp. (WFBL), Syracuse, N. Y., and Enid Radiophone Co. (KCRC), Enid, Okla., and withholding action on application of Enid Radiophone Co. (KCRC) for construction permit, for a period of 30 days from the date of this order within which time petitioners and the Sun Publishing Co. (WTJS), shall submit

to the Commission a plan of directional antennas for night-time use for Stations WTJS and KCRC which will permit these stations to operate on the frequency 1360 kc. with 1 KW power, unlimited time, and at the same time permit maximum use of the frequency 1360 kc. (B3-P-2525).

Community Broadcasting Co., Inc., Wheeling, W. Va.—Adopted order granting request of The Exponent Co. (WBLK), Clarksburg, W. Va., to withdraw petition for rehearing filed by it directed against the action of the Commission November 26, 1940, granting the application of Community Broadcasting Co., Inc., for construction permit for new broadcast station (which said request was considered as a motion to dismiss). (B2-P-2967)

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Adopted order extending effective date of provision (3) of Commission order of December 5, 1938, till 60 days from January 22, 1941, thus continuing temporary authority to Station WWRL to operate during the hours formerly used by Station WMBQ.

WCSC—South Carolina Broadcasting Co., Inc., Charlestown, S. C.—Adopted order denying joint petition for reconsideration and grant without hearing filed by The Liberty Life Insurance Co., transferor, and John M. Rivers, transferee, for transfer of control of South Carolina Broadcasting Co., Inc., licensee of Station WCSC (Docket No. 5922). (B3-TC-231)

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchison, Kans.—Denied modification of construction permit (which authorized a change in the transmitter site, changes in equipment, and increase in power from 100 to 250 watts), for an extension of completion date to June 20, 1941; denied on the ground that the licensee corporation under the present control is not financially able to carry out the terms of the construction permit (B4-MP-1112).

APPLICATIONS FILED AT FCC

570 Kilocycles

WWNC—Asheville Citizens-Times Co., Inc., Asheville, N. C.—Construction permit to install new transmitter, directional antenna for night use, increase power from 1 KW to 5 KW, and move transmitter from 20 Battery Park Place, Asheville, N. C., to Emma and Maple Crest Road, Near Emma, N. C. Amended to request power of 1 KW; 5 KW-Local Sunset, change antenna system to vertical antenna and transmitting equipment.

620 Kilocycles

WSUN—City of St. Petersburg, St. Petersburg, Fla.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of WFLA.

640 Kilocycles

WNAD—University of Oklahoma, Norman, Okla.—Construction permit to install new antenna system, change frequency from 1010 to 640 kc., and move transmitter .35 mile from Engineering Building, University of Oklahoma, Norman, Oklahoma to East Stadium, Norman, Oklahoma. Amended: To request change in hours of operation from specified hours to daytime.

780 Kilocycles

WTAR—WTAR Radio Corporation, Norfolk, Va.—License to cover construction permit (B2-P-2737) for authority to make changes in directional antenna system, and increase power.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Authority to determine operating power by directional measurement of antenna power.

1050 Kilocycles

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power on 1070 kc. under North American Regional Broadcasting Agreement.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Texas.—Modification of construction permit (B3-

MP-1006) for a new transmitter, and increase in power, requesting extension of commencement date from December 22, 1940 to March 29, 1941.

1210 Kilocycles

WKOK—Sunbury Broadcasting Corp., Sunbury, Penna.—Authority to determine operating power by direct measurement.

1310 Kilocycles

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to transfer control of corporation from J. P. Marchant (63 shares), D. J. Carcy (25 shares) and Melvin Meyer (10 shares) to The Tribune Co.

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power on 1340 kc. under North American Regional Broadcasting Agreement.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Modification of license to increase power from 100 watts to 250 watts.

WBRK—Harold Thomas, Pittsfield, Mass.—Voluntary assignment of license from Harold Thomas to Monroe B. England.

1370 Kilocycles

WBLK—The Exponent Co., Clarksburg, W. Va.—Voluntary assignment of license from The Exponent Co., to Charleston Broadcasting Co.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—License to cover construction permit (B2-P-2565) as modified for a new station.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Authority to determine operating power by direct measurement of antenna power.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of construction permit (B5-P-2027) from Lee E. Mudgett to The Everett Broadcasting Company, Inc.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Authority to transfer 49 percent of common stock, of Carolina Advertising Corporation, from A. B. Langley (24½ percent), and Ames Haltiwanger (24½ percent), to Carolina Life Insurance Company.

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

1380 Kilocycles

NEW—A. M. Burton, Nashville, Tenn.—Construction permit for new station on 1380 kc., 1 KW, unlimited. Studio site to be determined. Transmitter—near Nashville, Tennessee. Directional antenna day and night use.

1420 Kilocycles

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Transfer of control of corporation from The Exponent Co. to Charleston Broadcasting Co., 47 shares common stock.

KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Authority to determine operating power by direct measurement of antenna power on 1450 kc. under North American Regional Broadcasting Agreement.

1440 Kilocycles

WMBD—WMBD Broadcasting Co., Peoria, Ill.—Construction permit to install directional antenna for night use and increase power from 1 KW; 5 KW day to 5 KW day and night; make changes in vertical antenna. Amended to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co.

1500 Kilocycles

KPLC—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean and L. M. Sepaugh), Lake Charles, La.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

WALB—The Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) as modified for a new station, requesting authority to install a new transmitter and extend commencement and completion dates from De-

ember 19, 1940, and March 19, 1941, to thirty days after grant and 90 days thereafter, respectively.

1550 Kilocycles

WRGA—Rome Broadcasting Corp., Rome, Ga.—Authority to install automatic frequency control equipment.

1560 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new station on 1560 kc. (under North American Regional Broadcasting Agreement), 1 KW, unlimited time; install directional antenna for day and night use; transmitter site: corner Washtenaw and Platt Road, Ann Arbor, Mich.; studio site to be determined, Ann Arbor, Mich.

FM APPLICATIONS

NEW—Edwin H. Armstrong, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, 43100 kc.; coverage, 15,610 square miles; population, 12,237,173. Location: Transmitter and studio, Route 9W, Alpine, N. J. (Composite, maximum 40 KW).

NEW—City of New York, Municipal Broadcasting System, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, 46700 kc.; coverage, 3,889 square miles; population, 11,550,274. Location: Transmitter, Centre and Duane Streets, New York, N. Y.; studio, Municipal Building, Centre and Chambers Streets, New York, N. Y. (Western Electric Type 503 A-1, maximum 1 KW).

NEW—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Construction permit for new high frequency broadcast station. Frequency, 48300 kc.; coverage, 9,600 square miles; population, 2,900,000. Amended re change population from 2,900,000 to 3,900,000.

TELEVISION APPLICATIONS

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for new television broadcast station. Frequencies, 384000-396000 kc.; power, 10 watts; emission, A3 & A5; location, Portable-Mobile, area of Chicago, Illinois.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new television station. Frequencies, 384000-396000 kc.; power, 10 watts; emission, A3 & A5; location, 190 North State Street, Chicago, Illinois.

MISCELLANEOUS APPLICATIONS

KEHS—WDAY, Inc., area of Fargo, N. Dak.—License to cover construction permit (B4-PRE-372, which authorized change in frequencies, increase in power, and new equipment).

WDAC—State of Wisconsin, University of Wisconsin, area of Madison, Wis.—License to cover construction permit (B4-PRY-227) for a new relay station.

NEW—The Yankee Network, Inc., Boston, Mass.—Construction permit for new relay broadcast station, frequencies 156750, 158400, 159300, 161100 kc., power 20 watts, emission special for frequency modulation. Location: Portable-Mobile, area of Boston, Mass.

NEW—Philco Radio & Television Corp., area of Philadelphia, Pa.—Construction permit to increase power from 15 watts to 125 watts, and install new equipment.

KFDB—Amarillo Broadcasting Corp., area of Amarillo, Tex.—License to cover construction permit (B3-PRY-229, which authorized a new relay broadcast station).

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Drug Profits, Inc.—Alleging misrepresentation in the sale of medicinal preparations designated “Phalene” and “Burtone”, a complaint has been issued against J. H. Camp, their distributor, trading as J. H. Camp and as Drug Profits, Inc., Ravenswood, W. Va.

In radio advertisements the respondent represented, according to the complaint, that “Phalene” is a liver tonic; that its use will help remove poisons which cause premature aging; that it is a competent treatment for sick headache, nausea, appetite loss, aching muscles and joints, restless sleep, rundown condition, indigestion and acid conditions, and that “Burtone” is effective for treating bilious attacks, stomach nausea, headaches, indigestion and tired-out feeling, and that it will correct faulty habits of elimination, produce free organic action of liver and lower bowel, and free the body of toxic poisons.

Alleging that the respondent's representations are exaggerated and untrue, the complaint charges that “Phalene” is primarily an irritant laxative; that its effect on the liver would be limited to tending to increase bile secretion, and that it has no therapeutic effect in treating the conditions mentioned in excess of affording temporary relief when such conditions are due to constipation.

The therapeutic property of “Burtone”, the complaint continues, is limited to that of a laxative and mild choleric. The complaint alleges that this preparation has no therapeutic value in treating the conditions mentioned in excess of affording temporary relief when due to constipation. (4446)

Milk Cap Statistical Bureau, Philadelphia, and 12 manufacturers representing more than 75 per cent of the total business of the paper disc milk bottle cap industry, are charged with conspiracy to prevent price competition and restrain trade in violation of the Federal Trade Commission Act in a complaint.

Included also as respondents are George J. Lincoln, Jr., Philadelphia, manager and executive secretary of the bureau, and the bureau's executive committee consisting of Ray W. Blodgett, Belvidere, Ill., George W. Rohrbeck, Detroit, and Robert H. Schulz, Piqua, Ohio.

The respondent manufacturers of milk bottle caps are: Atlas Paper Box Company, trading as Atlas Bottle Cap Company, Chattanooga, Tenn.; Great Lakes Bottle Cap Company, Detroit; Robert S. Leonard Company, Kansas City, Mo.; L. Levingston Company, San Francisco; Fowler E. Macy and Edna B. Macy, trading as Fowler E. Macy Company, Converse, Ind.; Mid-West Bottle Cap Company, Belvidere, Ill.; National Manufacturing Company, Kansas City, Mo.; Ohio Bottle Cap Company, Piqua, Ohio; Piqua Cap Company, Piqua, Ohio; Sealright Company, Inc., Fulton, N. Y.; Smith-Lee Company, Inc., Oneida, N. Y.; and Standard Cap and Seal Corporation, Chicago.

All the respondent manufacturers except Standard Cap and Seal Corporation are members of The Milk Cap Statistical Bureau, a trade association known until 1937 as National Association of Bottle Cap Manufacturers.

Approximately 21 concerns, composing the milk bottle cap industry, including the 12 respondent manufacturers, sell approximately 10,000,000,000 caps annually, valued at approximately \$4,500,000, to jobbers and dairies.

The Commission complaint alleges that the respondent bureau, its executive committee, manufacturer members and Standard Cap and Seal Corporation carried out understandings, agreements, combinations and conspiracies pursuant to which the respondent manufacturers fixed minimum prices, maintained uniform prices, and fixed and maintained uniform discounts and other conditions for the sale of their products; fixed and maintained, with dairies, uniform contract terms providing for the dairies' actual yearly requirements of bottle caps at a price dependent upon the quantity contracted for, and furnished the bureau with lists of such dairies under contract.

Pursuant to the agreements, the respondent bureau, according to the complaint, issued a “Jobber Rating Book” for use of the respondent manufacturers, classifying and rating all jobbers purchasing 350,000 or more paper disc milk bottle caps annually, and the respondent manufacturers allegedly abided by the Jobber Rating Books in determining prices and discounts allowed jobbers.

A “Dairy Rating Book”, and supplements thereto, classifying and rating the approximately 50,000 dairies in the United States, were issued from time to time by the respondent bureau, accord-

ing to the complaint, and the respondent manufacturers allegedly abided by the rating books in determining prices at which dairies would be sold. The rating book, it is alleged, classified dairies in groups using 25,000,000 or more, 12,000,000 to 25,000,000, and 5,000,000 to 12,000,000 caps yearly.

The complaint further charges that the respondent manufacturers furnished the bureau with copies of all invoices covering sales; changed, simultaneously, prices and discounts, and, in the event of a price advance, agreed that each respondent manufacturer would have the privilege of shipping customers under contract the same number of bottle caps in the succeeding two months as that customer purchased from the same manufacturer in the prior two months at the prior price.

According to the complaint, the respondent manufacturers, at the time of each price advance, furnished the respondent bureau the lists of customers under contract with them and records showing the quantity of paper disc milk bottle caps which had been shipped to such customers in the prior 60 days. (4448)

Montgomery Ward & Co., Inc., Chicago, has been served with a complaint alleging misleading representation in the sale of devices advertised in its mail order catalogs as “Ward's Posture-Aid Health Belts”, “Diab Reducers”, and “Du Pont Velutex Perforated Reducers”.

The complaint alleges that through various representations, illustrations and the use of the terms “Health” and “Reducers” in the trade names of the devices, the respondent corporation advertises that the devices when worn will reduce excess flesh, correct figure faults, reduce the wearer's diaphragm and abdomen, correct pendulous abdomens, take two to three inches from abdomen and diaphragm, and make reducing easy.

According to the complaint, the wearing of the respondent's devices will not cause a reduction of local or body tissue, and will not effectively remove fat or lessen excess weight. The products allegedly have no value in maintaining or restoring body health. However, the complaint continues, the devices will afford artificial support, lessen the prominence of pendulous abdomens and, by compressing the portion of the body about which they are placed, change the wearer's physical appearance. They will not correct this abdominal condition, according to the complaint, but instead will cause further loss of the functioning of the abdominal muscles. (4447)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Cord & Webbing Company—Max Krauss, trading as American Cord & Webbing Company, 394 Broadway, New York, has been ordered to cease and desist from misleading representations in the sale of cloth tape or web used in connection with the manufacture of Venetian blinds. The respondent sells this tape or web to manufacturers or wholesalers of the blinds.

Among the products sold by the respondent, according to Commission findings, are a variety of tapes colored by vat dyes, and some colored by other processes.

The Commission order directs the respondent to cease and desist from representing that products not dyed with vat dyes are vat dyed, and that colors of the respondent's products will not change or fade, or that they are impervious to the effects of sunlight, or will successfully resist the effects of sunlight for specified periods, when in fact the products do fade or change color because of such exposure.

The respondent also is directed to cease using the term “Lintex” to describe a product not composed of linen and the term “Siltex” to refer to a product not composed of silk; and to discontinue advertising, offering or selling articles composed wholly or partly of rayon without clearly disclosing the rayon content and, in the case of products composed partly of rayon and partly of other fibers or materials, naming all such fibers or materials, including the rayon, in the order of their predominance by weight, beginning with the largest single constituent. (4112)

Bowe & Hartman—An order has been issued directing R. G. Bowe and W. W. Hartman, trading as Bowe & Hartman, 101

Summit St., Toledo, to cease and desist from misleading representations in the sale of "Bowe's Tablets".

Advertisements disseminated by the respondents, according to Commission findings, represented that some 20 ailments, including ulcers of the stomach, duodenum and intestines, are due to, or persist because of, hyperacidity or the presence of excess acid in the body, and that the respondents' preparation is a cure or remedy for hyperacidity and consequently for the ailments mentioned.

The Commission order directs the respondents to cease and desist from disseminating advertisements representing that ulcers of the stomach, duodenum or intestines, gas on the stomach, sour stomach, indigestion, heartburn, constipation, nausea, pains around the heart, muscular pains, nervousness, melancholia, colds, headaches, dizziness, fatigue, lack of appetite, bad breath, or insomnia, are caused by, or persist solely because of, hyperacidity; that the respondents' preparation constitutes a cure or remedy for any of these ailments or conditions, or for hyperacidity; or that such preparation possesses any therapeutic value in their treatment in excess of such temporary and palliative relief as it may afford by the neutralization of gastric hyperacidity in those cases where gastric hyperacidity is a contributing factor.

The order also directs the respondents to cease representing that they are manufacturing pharmacists or that they manufacture the preparation they sell. (4373)

Pioneer Specialty Company—An order has been issued directing Harry A. Greenberg, trading as Pioneer Specialty Company and as The Candyland Company, 38 Crosby Ave., Brooklyn, to cease and desist from lottery practices and certain misleading representations in connection with the sale of candy to the consuming public through wholesalers, jobbers and retail dealers.

The respondent is ordered to cease and desist from selling and distributing any merchandise so packed and assembled that sales of such merchandise to the public may be made by means of a game of chance, gift enterprise or lottery scheme; supplying to or placing in the hands of dealers packages or assortments of any merchandise which may be used to conduct a lottery; supplying dealers with lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public; packing or assembling in the same package or packages of candy or other merchandise for sale to the public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, or other merchandise, or separately, which larger pieces or other merchandise may be given as prizes to purchasers procuring a piece of candy having a center of a particular color; and selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order also directs the respondent to cease using the word "Factory" in connection with his trade names, or otherwise representing that the respondent owns or operates a manufacturing plant, or manufactures his products. (4381)

Purex Corporation, Ltd., Southgate, Calif., has been ordered to cease and desist from making misleading representations in the sale of "Purex", a chemical preparation intended for use as a germicide.

The Commission order directs the respondent corporation to cease and desist from representing that a solution containing any amount less than 10 per cent of its preparation is a competent or effective germicide for the treatment of surface cuts or sores; that a solution containing two tablespoons of Purex to each gallon of water used is a competent or effective disinfectant or "disinfectant bath" for use on metal or wood surfaces, except in cases where the surfaces have been previously cleaned and thoroughly washed; or that a solution of these proportions is capable of killing all forms of bacterial life. (4074)

W. E. Robinson & Co., Inc., Bel Air, Md., has been ordered to cease and desist from violation of the brokerage provision of the Robinson-Patman Act.

The respondent, according to findings, has been engaged in the business of field broker, acting as the agent of sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

Commission findings are that the respondent has effected sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondent; that for its services to the sellers the respondent has received from

the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where such sales are effected through the aid and assistance of local brokers a portion of this brokerage fee is paid by the respondent to such local brokers for such sales assistance.

Further findings are that where the respondent has effected sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondent, such allowance and discount usually being the equivalent of the brokerage paid by the respondent to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the findings, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondent.

The Commission finds further that in connection with the respondent's purchase of canned products for its own account for resale to jobbers, wholesalers, retail chain stores and other purchasers, it has received and accepted from the sellers and has granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The order directs that the respondent cease granting or making any allowances or discounts in lieu of brokerage to any purchaser by selling commodities to any such purchaser at a price reflecting a reduction from the prices at which sales of the commodities are currently being effected by the respondent to other customers, such reduction being an amount representing, in whole or in part, brokerage currently being paid by the respondent to corresponding or local brokers for brokerage services or sales assistance rendered to the respondent in effecting sales of such commodities to other purchasers.

The order also directs that the respondent cease granting or allowing, in any manner, directly or indirectly, any commission, brokerage or other compensation or allowance or discount in lieu thereof to any purchaser in such transactions.

The order further directs that the respondent cease and desist from making purchases of commodities for its own account at a price or on a basis which reflects a deduction or reduction, or is arrived at or computed by deducting or subtracting, from the prices at which sellers are selling commodities to other purchasers thereof, any amount representing or reflecting, in whole or in part, brokerage currently being paid by sellers to their brokers on sales of commodities made for such sellers by, or by such sellers through, their brokers.

The order also directs the respondent to cease accepting from sellers in any manner any commission, brokerage or other compensation or allowance and discount in lieu thereof on purchases of commodities made for its own account. (4294)

United Factories, Inc., 13th and McGee Sts., Kansas City, Mo., has been ordered to cease and desist from misleading representations in the sale of oil burners for installation and use in stoves and furnaces.

The Commission order directs the respondent to cease and desist from representing that its oil burner is a new type invention involving a new principle of operation and furnishing more heat at smaller cost than other similar burners; that it burns cheap oil in a new way, performs perfectly, is automatic, or furnishes quick intense heat at the turn of a valve; and that burners are furnished to agents without cost and unconditionally for use in making demonstrations.

Under the order, the respondent is further directed to cease representing that its burner is "guaranteed", unless the terms and conditions of the "guarantee" are set out in immediate conjunction with the word "guarantee" or with any reference to such "guarantee" and the terms and conditions are such that they may reasonably be complied with. (4379)

U. S. Air Seal, Inc., Niles, Ohio, formerly of Girard, Ohio, has been ordered to cease and desist from making misleading representations in the sale of "Air Seal", an automobile accessory compound designed to prevent blow-outs in tires.

Commission findings are that use of the respondent's product will neither cause tires to be immune from blow-outs, nor accomplish other similar results claimed by the respondent.

The Commission order directs U. S. Air Seal, Inc., to cease and desist from representing that use of its product will cause tires to be safe from blow-outs, or will prevent blow-outs caused by large holes, tube punctures or broken beads; that its use will control a blown-out tire by retaining enough air in the tube for

safe stopping; that its use will eliminate friction, extend the life of the tube, preserve rubber, or produce a 25 per cent or other appreciable increase in tire mileage, or that the product is superior to similar products used to prevent the escape of air from tubes. (4187)

White King Soap Company—An order has been issued directing White King Soap Company, Los Angeles, to cease and desist from making misleading representations in the sale of a laundry soap and a toilet soap manufactured by its parent company, the Los Angeles Soap Company.

Commission findings are that in advertisements the respondent represented, among other things, that "White King Granulated Soap" is the only soap with which fabrics can be satisfactorily washed in cool water; that cool water washing causes fabrics to be brighter and whiter than hot water washing, and that the use of this soap in washing textiles makes it unnecessary to use bleaching and bluing.

According to Commission findings, "White King Granulated Soap" is not the only soap with which fabrics can be satisfactorily washed in cool water; some fabrics are preferably washed in cool and some in hot water, and washing of textiles with the respondent's soap does not make unnecessary the use of bleaching and bluing.

The Commission's order directs that the respondent cease and desist from these representations and that it also discontinue representing that the use of a jelly made from "White King Granulated Soap" will remove all spots or stains from fabrics; that this soap is superior to other similar soaps; that all fabrics fade or shrink when washed in hot water, and that the use of the respondent's laundry soap prevents fabrics from fading or shrinking.

Concerning its "White King Toilet Soap", the respondent is directed to discontinue representing that this product will keep the skin fresh or supple, or prevent or remove wrinkles in the skin. (3928)

Zone Company—Misrepresentation in the sale of medicinal preparations and devices for use in so-called feminine hygiene, is prohibited under an order issued against Harry S. Benham, 620 Orleans St., Chicago, who trades under the names The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company, and American Medicine Company.

The Commission order directs the respondent to cease and desist from disseminating advertisements representing that "Nu-Mode Vaginal Jelly" (also known as "A. M. Vaginal Jelly"), "Nu-Mode Hygiene Tablets", "Vaginal Suppositories and Douche Tablets", and "Speed Nu-Mode Hygiene Douche Tablets" form safe and effective preventives against conception or are a guaranteed method of preventing pregnancy; and that "Nu-Mode Ladies Womb Supporter" is comfortable, efficient, or sanitary, or has therapeutic value.

The order further directs the respondent to cease and desist from representing that "Athlete's Foot Salve" is a cure or remedy for athlete's foot or has therapeutic value in its treatment in excess of temporarily relieving symptoms of itching and in some cases destroying superficial fungi; that "A. M. Wonder Salve" is a cure or remedy for eczema or other forms of itch or rash or has therapeutic value in their treatment in excess of affording temporary relief from symptoms of itching, or that the preparation has any properties effective in preventing infection or in treating ulcers, old sores, leg sores, acne or pimples. (4352)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Albert Laboratories, Inc., 2535 North California Ave., Chicago, has entered into a stipulation in which it agrees to cease advertising that "Respirine", a medicinal product which formerly contained potassium iodide, is an effective remedy for asthma, bronchial coughs, bronchitis or whooping cough; that it will do any more with respect to these conditions than afford temporary relief from accompanying symptoms; that it relieves symptoms accompanying hay fever or constitutes a treatment for hoarseness, and that the preparation promotes healing, increases the flow of mucus from the nasal cavity, provides instant relief, is unique or distinctly new, represents a discovery, or is safe.

Relative to its agreement to cease representing that its product is safe, the respondent corporation avers that Respirine does not now contain potassium iodide; that that ingredient has not been used since February 1, 1940, and that when Respirine contained potassium iodide it was sold with a proper warning on the label concerning safety. (02709)

Chasers, Inc., 155 East 44th St., New York, stipulated that it will cease advertising that its product "Chasers", a breath lozenge, is the one effective tablet; that it will lastingly kill or permanently overcome bad breath due to tobacco, onions, alcohol or garlic or when due to organic derangements, infections and other conditions, or that it will do more than temporarily dispel such breath odors. The respondent corporation also agrees to desist from representing that its product will kill or effectively overcome or mask all types of unpleasant breath. (02710)

Magay Corporation, 41 East 57th St., New York, stipulated that it will cease advertising "Q-Loid", a medicinal preparation, as being capable of accomplishing results similar to those obtained by treatments administered to patients at the Veterans Administration Hospital, Bronx, N. Y., or by injections of colloidal sulphur; that Q-Loid is an effective arthritis remedy or has any therapeutic value in treating that condition in excess of the possibility of affording temporary symptomatic relief in some forms of arthritis when there is a sulphur deficiency, and that the sale of Q-Loid at any specified price represents a special offer, unless the offer is actually limited to purchasers under certain specified conditions. (02707)

Mitchell Battery Company, 1209-11 West Lake St., Minneapolis, a manufacturer of automobile batteries, has entered into a stipulation that in advertising its products it will cease using an amperage rating as descriptive of its batteries when in fact such rating indicates an electric current strength in excess of the batteries' capability to produce.

The respondent corporation also stipulates that it will desist from the use of an amperage rating or any statement concerning, or method of representing, the electric current productive capacity of its batteries, the effect of which tends to convey the impression that the batteries have such capacity in excess of that actually possessed. (3023)

Paragon Worsted Company, Providence, R. I., a manufacturer of cloth fabrics, entered into a stipulation in which it agrees to cease and desist from selling in commerce any fabric or product composed partly of wool and partly of rayon or other fiber without making complete disclosure of the fiber content on invoices and advertising matter.

Such disclosure, the stipulation continues, is to be made by stating the true names of the fibers present, in the order of their predominance by weight, and their percentages.

The stipulation provides that the respondent need not state the percentages of rayon or fiber other than wool, if the rayon or fiber other than wool are used solely for decoration, are plainly visible as a decoration, and are not more than five per cent of the whole fabric or product by weight. (3022)

S. & M. Tire Company—A stipulation to cease certain representations in the sale of automobile batteries has been accepted from Phil Sieff, Maurice Sieff, Minnie Sieff, and Ann Sieff, co-partners trading as S. & M. Tire and Auto Supply Company, 1215 Hennepin Ave., Minneapolis. The respondents agree that in advertising matter they will cease using an amperage rating as descriptive of batteries when in fact such rating indicates an electric current strength in excess of the batteries' capability to produce.

The respondents also stipulate that they will desist from the use of an amperage rating or any statement concerning, or method of representing, the electric current productive capacity of batteries, the effect of which tends to convey the impression that the batteries have such capacity in excess of that actually possessed. (3025)

St. Joseph Sales Company—J. B. Buller, trading as St. Joseph Sales Company, St. Joseph, Mo., entered into a stipulation in

which he agrees to cease advertising that hosiery sold by him is knitted from pure silk fiber when in fact certain portions are knitted from fibers other than silk; that hosiery is crepe silk when the twist of the silk fiber does not conform to the standard twist for crepe silk; that the fiber used is lisle when it does not conform to the standards of lisle fiber, and that the regular price is any amount greater than it is in fact. (02705)

Union Oil Company of California, Los Angeles, in a stipulation entered into, agrees to cease representing that by the use of its "Triton Motor Oil" the carbon ping in motors will be removed within 2,000 to 3,000 or any specified number of miles; oil consumption will decrease by 42 or any other percentage, and that conditions causing sticking valves or rings in automobiles will be eliminated or substantially improved. (02706)

Viobin Corporation, 155 North Clark St., Chicago, has made a stipulation in which it agrees to cease certain representations in the sale in commerce of "Rex Wheat Germ Oil".

According to the respondent's stipulation, it referred in advertising matter to a Government bulletin and accompanied the reference by a purported facsimile of "Table No. 1, Public Health Service Reprint No. 1990", when in fact certain words appearing in the original table had been deleted from the purported facsimile with the effect of changing the meaning conveyed by the original table.

The respondent agrees to cease representing, directly or inferentially, by use of "Facsimile" or similar words, that any tabulation or representation is a true or identical copy of the purported original thereof, unless such copy is a facsimile or identical copy of the original without additions or deletions.

The respondent further agrees to cease referring to any authority, governmental or otherwise, in a manner tending to cause the impression that any representation or claim made by the respondent corporation is based upon or supported by such authority, when such is not a fact.

Statements or representations to the effect that its product is superior to all similar products sold in competition therewith, also are to be discontinued by the respondent, according to its stipulation. (3024)

Warwick & Legler, Inc., an advertising agency, 230 Park Avenue, New York, has entered into a stipulation to cease and

desist from certain representations in the advertisement of "Tangee Lipstick" and "Tangee Theatrical Lipstick" on behalf of its client, The George W. Luft Company, Long Island City, N. Y., distributor of these cosmetics.

In its stipulation the advertising agency agrees to cease disseminating advertisements representing that Tangee Theatrical Lipstick ends a painted look; cannot make one look painted; contains no pigment or paint, and was created at the request of America's most prominent actresses; and, that either of the lipsticks is permanent. (02708)

FTC CLOSES CASES

The Federal Trade Commission has closed, without prejudice to its right to resume proceedings, should the facts so warrant, its case against Crowell-Collier Publishing Company and its subsidiary, P. F. Collier & Son Corporation, both of 250 Park Ave., New York, and 24 officers and directors of the corporations. These respondents had been charged in a Commission complaint issued in 1940 with violation of the Federal Trade Commission Act in the sale of books and encyclopedias with yearly supplements or revision services.

The respondents had petitioned for dismissal of the Commission complaint, their petition reciting that they had not engaged in the unfair practices alleged for a considerable time prior to issuance of the complaint; that the two corporate respondents had executed agreements to abide by the trade practice conference rules for the Subscription and Mail Order Book Publishing Industry promulgated by the Commission on September 3, 1940, and that they have complied with the rules since the promulgation thereof.

The proceeding has been closed as to the following 24 officers and directors of the two corporate respondents: J. P. Knapp, T. H. Beck, A. E. Winger, J. A. Welch, W. P. Larkin, J. S. Brehm, F. Braucher, G. B. Lane, C. J. Bevan, J. Ducey, D. O'Sullivan, A. B. Pursell, A. H. Lockett, Garden Hazen, H. G. Schackno, P. J. Dennerlein, T. L. Brantley, R. T. Messler, R. G. Smith, C. E. Stouch, A. Untermyer, W. L. Chenery, Mrs. G. Whiting, and J. C. Sterling.

The Commission has also closed its case against P. F. Collier & Son Corporation, 250 Park Ave., New York, which was charged in the complaint with unfair methods of competition in connection with the sale of encyclopedias through sales crews.

The respondent corporation has been dissolved, and the Commission, having considered the matter, has closed the case growing out of the complaint without prejudice to its right, should the facts so warrant, to reopen the case.

THE WEEK IN WASHINGTON

BMI signed a consent decree in the United States District Court for the Eastern District of Wisconsin, in which BMI agreed not to engage in activities which the Justice Department alleged would constitute violations of the Sherman Act. The Department then announced it would proceed criminally against ASCAP under the antitrust laws. (p. 95)

NAB and AAAA committees are continuing their efforts to compose any differences remaining between the two groups in respect to recommended station facilities contract. (p. 98)

FCC officials and members of the National Television Systems Committee on January 24 and 25 saw demonstrations of recent television developments. (p. 100)

District meetings were held in Districts 10, 14, and 17. (p. 102)

The Attorney-General's Committee on Administrative Procedure made public its report last Saturday. (p. 103)

The House of Representatives appropriated \$4,259,729 for the FCC for the fiscal year starting next July 1. (p. 105)

BMI Consent Decree

The Department of Justice announced last Monday that Broadcast Music, Inc., had signed a civil decree in the United States District Court for the Eastern District of Wisconsin, in which it agreed not to engage in activities which the Department alleged would constitute violations of the Sherman Act. Following is the Department's statements:

"In order to avoid placing Broadcast Music, Inc., at a competitive disadvantage, the decree will take effect only when similar restraints have been imposed upon the American Society of Composers, Authors and Publishers either by way of consent or litigation.

"In the light of this voluntary action, the Department will withdraw its previously announced prosecution against Broadcast Music, Inc., the National Broadcasting Company and the Columbia Broadcasting System. There is

no change in the Department's announced intention promptly to proceed criminally against the American Society of Composers, Authors and Publishers. Negotiations looking to a settlement in that case ended abruptly in late December.

"Under the decree signed Monday, Broadcast Music, Inc., agrees, when the decree become effective, not to engage in the following practices which the Department deems to be in violation of the antitrust laws:

"1. BMI agrees not to exercise exclusive control, as agent for any other person, over the performing right of music of which it does not own the copyright.

"2. BMI agrees never to discriminate either in price or terms among the users of copyrighted music. All BMI compositions will be offered for performance to all users of the same class on equal terms and conditions.

"3. BMI agrees to license music on a pay-when-you-play basis. That is, broadcasters will be enabled to buy BMI music either on a per piece or per program basis, if they desire, and in no case will a broadcaster be required to pay a fee which is based on programs which carry no BMI music.

"4. BMI will never require a license from more than one station in connection with any network broadcast. Licenses will be issued to networks or originating stations.

"5. Manufacturers of electrical transcriptions, or sponsors, or advertisers on whose behalf such electrical transcriptions are made, will, if they so desire, be able to obtain licenses for the use of such transcriptions for broadcast purposes.

"6. BMI agrees never to engage in an all-or-none policy in licensing its music. That is, motion picture exhibitors, restaurants, hotels, radio stations, and all commercial users of BMI music will be able to obtain the right to perform any BMI compositions desired without being compelled to accept and take the entire BMI catalogue.

"7. BMI agrees that it will not attempt to restrict the performance rights of its music for the purpose of regulating the price of recording its music on electrical transcriptions made for broadcast use."

Neville Miller issued the following statement in Washington after the Justice Department had issued the above statement:

"The provisions of the voluntary civil decree signed by BMI today embody both the spirit and intent behind the original organization of BMI. BMI was formed after the broadcasters of America had vainly struggled for ten years to induce the American Society of Composers, Authors and Publishers to discontinue its monopolistic practices. These practices compelled broadcasters to buy popular music as a whole, regardless of how little of it the

(Continued on page 96)



1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

BMI CONSENT DECREE

(Continued from page 95)

individual broadcaster might want to use, and to pay whatever percentage ASCAP might demand on the receipts of all programs, whether those programs used ASCAP music, other music or no music at all.

"BMI, both in its original resolutions and in all of its contracts, committed itself to offering music to broadcasters on a 'per piece' or 'per program' basis, and also to clearing music at the source, when the termination of the ASCAP monopoly made this course feasible. Having so announced its intentions ever since its inception, BMI has now formally agreed with the Department of Justice to carry out these commitments when the Department of Justice is able to compel ASCAP to adopt similar policies.

"BMI is owned by the broadcasting stations of America. Over 80 per cent of its stock is owned by approximately 670 broadcasting stations, and approximately 20 per cent of its stock is owned by the leading networks. Under the terms of the decree, broadcasters who do not wish to pay for music on a 'per piece' or 'per program' basis are not forced to do so, but may obtain another basis of payment if they so desire. The decree specifically provides that it does not constitute an admission or finding of any violation of law on the part of BMI."

Following is text of the decree:

IN THE DISTRICT FOUR OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF WISCONSIN

JANUARY TERM, 1941

UNITED STATES OF AMERICA, *Plaintiff*,

v.

BROADCAST MUSIC, INC., *Defendant*.

Civil Action File No. —

CONSENT DECREE

This cause came on to be heard on this — day of January, 1941, the plaintiff being represented by Thurman Arnold, Assistant Attorney General; J. B. Husting, United States Attorney for the Eastern District of Wisconsin; Victor O. Waters, Special Assistant to the Attorney General; and Warren Cunningham, Jr., Special Attorney; and the defendant being represented by its counsel, and having appeared and filed its answer to the complaint herein.

It appears to the Court that defendant, Broadcast Music, Inc., has consented in writing to the making and entering of this decree, without any findings of fact, upon condition that neither such consent nor this decree shall be construed as an admission or adjudication that said defendant has violated any law.

It further appears to the Court that this decree will provide suitable relief concerning the matters alleged in the complaint filed herein and that by reason of the aforesaid consent of defendant, Broadcast Music, Inc., and its acceptance by plaintiff it is unneces-

sary to proceed with the trial of the action, or to take testimony therein, or that any adjudication be made of the facts.

Now, therefore, upon motion of plaintiff, and in accordance with said consent, it is hereby

ORDERED, ADJUDGED AND DECREED

1. The Court has jurisdiction of the subject-matter set forth in the complaint and of the parties hereto with full power and authority to enter this decree and the complaint states a cause of action against defendant, Broadcast Music, Inc., under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and the acts amendatory thereof and supplemental thereto.

II. Defendant, Broadcast Music, Inc., its officers, directors, agents, servants, employees and all persons acting or claiming to act on its behalf are hereby perpetually enjoined and restrained from entering into or carrying out, directly or indirectly, any combination or conspiracy to restrain interstate trade and commerce, as alleged in the complaint, by doing, performing, agreeing upon, entering upon or carrying out any of the acts or things hereinafter in this paragraph II prohibited:

(1) Defendant, Broadcast Music, Inc., shall not, with respect to any musical composition, acquire or assert any exclusive performing right as agent, trustee or otherwise acting on behalf of any copyright owner or other owner of the performing right, or pursuant to any understanding or agreement with such owner to pay for such right a share of, or an amount measured by, the receipts or revenues of said defendant. Nothing contained in this sub-paragraph (1) shall be construed as preventing defendant, Broadcast Music, Inc., from acquiring or asserting exclusive performance rights (a) in any musical composition of which said defendant shall also own or acquire the copyright; (b) in any musical composition concurrently with the exclusive right to publish such composition in the United States of America; (c) in any musical composition as a purchaser, assignee or licensee (but not as agent, trustee or otherwise on behalf of another) in consideration of the payment or agreement to pay, as the sole compensation for such performing rights, a fixed sum stated in the contract of purchase, assignment or license; or (d) in any musical composition, as a purchaser, assignee or licensee (but not as agent, trustee or otherwise on behalf of another) in consideration of the payment or agreement to pay, as the sole compensation for such performing rights, an amount determinable by reference to the number of licensed performances of such composition at a fixed per performance price and basis stipulated in such contract.

(2) Defendant, Broadcast Music, Inc., shall not enter into, recognize as valid or perform any performing license agreement which shall result in discriminating in price or terms between licensees similarly situated; provided, however, that differentials based upon applicable business factors which justify different prices or terms shall not be considered discrimination within the meaning of this sub-paragraph; and provided further that nothing contained in this sub-paragraph shall prevent price changes from time to time by reason of changing conditions affecting the market for or marketability of performing rights.

(3) Defendant, Broadcast Music, Inc., shall not require, as a condition to any offer to license the public performance for profit of a musical composition or compositions for radio broadcasting, a license fee of which any part shall be (a) based upon a percentage of the income received by the broadcaster from programs in which no musical composition or compositions licensed by said defendant for performance shall be performed, or (b) an amount which does not vary in proportion either to actual performances during the term of the license of the musical compositions licensed by said defendant for performance, or to the number of programs

on which such compositions or any of them shall be performed; provided, however, that nothing herein contained shall prevent said defendant from licensing a radio broadcaster, on either or both of the foregoing bases, if desired by such broadcaster, or upon any other basis desired by such broadcaster.

With respect to any existing or future performing license agreement with a radio broadcaster, defendant, Broadcast Music, Inc., shall not, if required by such broadcaster, refuse to offer either or both of the following bases of compensation which may be specified by the broadcaster:

(i) in respect of sustaining programs a per program license fee, expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant shall be performed;

(ii) in respect of commercial programs, a per program license fee, either expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant for performance shall be performed, or, at the option of defendant, the payment of a percentage of the revenue derived by the licensee for the use of its broadcasting facilities in connection with such program.

In the event that defendant shall offer to license the public performance for profit of a musical composition or compositions for radio broadcasting upon one or more of the foregoing per program bases, and shall also offer to license such performance on a basis of compensation which shall not vary in direct proportion to the number of programs on which musical compositions licensed by defendant shall be performed, defendant shall establish, in good faith, a relationship between such per program basis and such other basis, justifiable by applicable business factors, so that there will be no frustration of the purpose of this sub-paragraph to afford radio broadcasters alternative bases of license compensation.

(4) Defendant, Broadcast Music, Inc., shall not license the public performance for profit of any musical composition or compositions except on a basis whereby, insofar as network radio broadcasting is concerned, the issuance of a single license, authorizing and fixing a single license fee for such performance by network radio broadcasting, shall permit the simultaneous broadcasting of such performance by all stations on the network which shall broadcast such performance, without requiring separate licenses for such several stations for such performance.

(5) With respect to any musical composition in defendant's catalog of musical compositions licensed for radio broadcasting and which is or shall be lawfully recorded on an electrical transcription or other recordation intended for broadcasting purposes, said defendant shall not refuse to license the public performance for profit by designated radio broadcasting stations of such composition by a single license to any manufacturer, producer, or distributor of such transcription or recordation or to any advertiser or advertising agency on whose behalf such transcription or recordation shall have been made who may request such license, which single license shall authorize the broadcasting of the recorded composition by means of such transcription or recordation by all radio stations enumerated by the licensee, on terms and conditions fixed by said defendant, without requiring separate licenses for such enumerated stations.

(6) Defendant, Broadcast Music, Inc., shall not, in connection with any offer to license by it the public performance for profit of musical compositions, refuse to offer a license, at a price or prices to be fixed by said defendant, for the performance of such individual musical compositions or catalogues of musical compositions the use of which shall be requested by the prospective licensee.

(7) Defendant, Broadcast Music, Inc., shall not assert or exercise any right or power to restrict from public performance for

profit by any licensee of said defendant any copyrighted musical composition in its licensed catalogue in order to exact additional consideration for the performance thereof, or for the purpose of permitting the fixing or regulating of fees for the recording or transcribing of such composition; provided, however, that nothing in this sub-paragraph shall prevent said defendant from restricting performances of a musical composition in order reasonably to protect the value of the public performance for profit rights therein or to protect the dramatic performing rights therein or as may be reasonably necessary in connection with any claim or litigation involving the performing rights in any such composition.

III. The terms of this decree shall be binding upon, and shall extend to each and every one of the successors in interest of defendant, Broadcast Music, Inc., and to any and all corporations, partnerships, associations and individuals who or which may acquire the ownership or control, directly or indirectly, or all or substantially all of property, business and assets of defendant, Broadcast Music, Inc., whether by purchase, merger, consolidation, reorganization or otherwise. None of the restraints or requirements herein imposed upon the Defendant shall apply to the acquisition of or licensing of the right to perform musical compositions publicly for profit outside of the United States of America, its territories and possessions.

IV. For the purpose of securing compliance with paragraph II of this decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on the written request of the Attorney General or an Assistant Attorney General and on reasonable notice to defendant, Broadcast Music, Inc., made to the principal office of said defendant, be permitted (a) reasonable access, during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant, relating to any of the matters contained in this decree. (b) subject to the reasonable convenience of said defendant and without restraint or interference from it, and subject to any legally recognized privilege, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters; and said defendant, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this decree; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings in which the United States is a party or as otherwise required by law.

V. The provisions of sub-paragraph (4) of paragraph II of this decree shall not become effective until nine months after the effective date of the other provisions of said paragraph.

None of the provisions of paragraph II of this decree shall become effective until 90 days after plaintiff shall have delivered to defendant, Broadcast Music, Inc., a certified copy of a consent decree or other final decree of a court of competent jurisdiction, not subject to further review, by which restraints and requirements in terms substantially identical with those imposed herein shall be imposed upon American Society of Composers, Authors and Publishers; provided, however, that if said defendant shall be of the opinion that the restraints and requirements so imposed against American Society of Composers, Authors and Publishers are not substantially identical with those imposed herein, and shall apply to the Court within 20 days after receipt of a certified copy of said decree, for a determination of that question, no provision of said paragraph II shall become effective until the Court shall have determined that such restraints and requirements are substantially identical with those imposed herein.

VI. Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this decree to make application to the Court at any time after the delivery to the defendant of a certified copy of a decree against American Society of Composers, Authors and Publishers complying with the provisions of Paragraph V hereof for such further orders and directions as may be necessary or appropriate in relation to the construction of or carrying out of this decree, for the modification hereof upon any ground, for the enforcement of compliance herewith and the punishment of violations hereof. Jurisdiction of this cause is retained for the purpose of granting or denying such applications as justice may require and the right of the defendant to make such application and to obtain such relief is expressly granted.

United States District Judge.

We hereby consent to the entry of the foregoing decree.

For the complainant:

(Signed) B. J. HUSTING,
United States Attorney,
Eastern District of Wisconsin.

(Signed) THURMAN ARNOLD,
Assistant Attorney General.

(Signed) VICTOR O. WATERS,
Special Assistant to the Attorney General.

(Signed) WARREN CUNNINGHAM, JR.,
Special Attorney.

For the defendant: Broadcast Music, Inc.

GODFREY GOLDMARK,
Counsel.

BMI

THE ROCK BOTTOM ISSUE

The consent decree which BMI signed in Milwaukee is of such a nature that no doubt can be left in the minds of the public as to the fundamental issues in the controversy between ASCAP and the broadcasting industry.

In spite of the printed statement on the BMI license contracts that NBC and CBS "have declared their approval of the principle of clearance at the source," ASCAP speakers have insisted vehemently even up to the last few days that opposition of the networks to this principle was the real basis of the difficulty. In light of the consent decree it will be impossible for them to squirt out that particular smoke screen any longer.

ASCAP propaganda has sought to minimize the importance of the question of a per-use form of contract and has challenged the sincerity of the official BMI statement, printed on its license contracts, "that such a basis of payment was the ultimate objective of BMI" and that BMI would offer that form of contract when the establishment of a free competitive market in the field of popular music made it possible. Following the refusal of ASCAP in December to sign a consent decree embodying an agreement to offer such a form of license,

the signature by BMI of the present decree sets forth clearly the fundamental difference between ASCAP and the broadcasters on this issue.

The great underlying issue also becomes unmistakable, even to the general public. The changes which ASCAP has sought to avoid are only changes which would deprive it of the monopolistic control which it has exercised over the popularization of music, but the broadcasters in working for "freedom of music" are in fact fighting for an even greater goal—the freedom of radio.

It is obvious, even to the ignorant, that the American system of broadcasting as a private enterprise can continue only if the broadcasters are permitted to make a fair profit and that the only alternative would be some form of government operation such as they have in Europe. The general public, however, has been slow to grasp the fact that this larger issue is involved in the present controversy. Every broadcaster has known that the ASCAP monopoly was in cold fact a continuing threat to his existence. The present status of the affair with the Department of Justice must at last awaken every man in the street to the real significance of the fight which BMI and the broadcasters are making.

There has been a tendency to say, "I can't believe that ASCAP really wants to wipe out the broadcasting industry."

The broadcaster could only reply, "Well, their policies certainly worked in that direction."

Now BMI has accepted for itself terms which make monopoly impossible, terms even more stringent than those which ASCAP refused to accept in December.

And ASCAP, as if to remove any lingering doubt, is making clear the fundamental nature of the struggle in the words of one of its most influential members, Irving Caesar, president of the Song Writers Protective Association and a member of the ASCAP Board of Directors. Last summer Mr. Caesar was quoted in a short newspaper item as pointing with favor to the position of the song writers under the British radio system. This month he returned to the same attack in a big way with a vitriolic, vituperative indictment of BMI and the radio industry delivered before a meeting of the Song Writers Protective Association.

Mr. Caesar has been quoted as saying, "For my own part I'll take my chances on government-run, non-commercial radio."

There lies the basic substance of the matter. Freedom of radio is the stake.

The radio is not only a means of entertainment; it is also one of the most important means for the spread of information and the expression of opinion. It will remain a fair and open forum only so long as it remains a private enterprise. In fighting for the existence of their industry,

the broadcasters are fighting for a principle which is as vital to American democracy as freedom of speech and freedom of the press.

BMI FEATURE TUNES

February 3-10

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT

The records of sheet music sales, phonograph record sales, and the records earning the biggest money in the coin machines all give the answer to ASCAP's propaganda which has sought to turn the public against BMI tunes. These records prove the influence of radio in popularizing music. They also prove that the music furnished by BMI is more pleasing to the public than the music of any other publishing house. Among the fifteen best sheet music sellers listed by *Variety* the top nine contain seven of BMI's own publications and two others licensed through BMI. On the coin machine list "Frenesi" ranks No. 1 and songs published by BMI appear at 2nd, 5th, 6th, and 10th places. No other publisher is represented by more than one song. BMI's "There I Go" and "I Give You My Word" are credited with having been on the list for eight and seven weeks respectively, a longer time than that shown by any other number. Among the ten best selling records as shown by *Billboard* six are records of BMI's publication or of music licensed through BMI.

BMI's sheet music sales are running around 130,000 copies a week. The leaders at present, together with their sales up to the end of last week, are "There I Go" (140,000), "I Hear a Rhapsody" (120,000), "I Give You My Word" (72,000), and "So You're the One" (60,000).

Notice

M. E. Tompkins, Vice President and General Manager of Broadcast Music, Inc., sends the following memorandum to all BMI member stations:

"We are informed that some stations are refraining from playing stock orchestrations of works in our catalogue of E. B. Marks compositions because of the fact that these works have been arranged or orchestrated by persons who are now members of ASCAP. These stock orchestrations are covered by Marks' indemnity to us and by our indemnity to you, and we see no reason why stations should avoid their performance. In all cases we are advised by E. B. Marks & Company that these orchestrations were made for hire and are the sole property of Marks, and our investigation discloses that this is the fact."

Coin Operators Support BMI

The BMI booth was a conspicuous landmark in the annual exhibition of the Coin Machine Industries held recently at the Hotel Sherman in Chicago. The operators of coin phonographs, music dealers, record distributors, and the proprietors of restaurants, grills, and other amusement places which rely upon coin phonographs for entertainment thronged the booth. They expressed warm and practically unanimous support of BMI. Several hundred added their names to the already impressive list of those who have requested notice of all new records of BMI music.

The automatic phonograph industry has two reasons to support BMI in its effort to establish an open market for music:

1. ASCAP's efforts to obtain a revision of the copyright law which would permit it to tax coin phonographs and its announced intention of levying a sixty-dollar-a-year tax on the machines;

2. The number of taverns and small night clubs which use phonographs or employ small orchestras one or two nights a week or for other circumstances are brought, even under the present law, within the range of ASCAP persecution.

Next to radio, the hundreds of thousands of coin phonographs are probably the most important means of popularizing music and the support of this industry is of great importance to BMI. The fact that BMI music is popular with the patrons of the phonographs has been well demonstrated by the number of records of BMI music which have appeared week after week on the lists of the biggest money makers in the coin machines.

BMI's exhibition at the coin machine show was welcomed by all parts of the industry as a demonstration of BMI's good will toward the phonograph operators. The number of delegates and visitors who requested releases of BMI records and printed music, the number who read the BMI and NAB pamphlets, and especially those who came back to ask for more of the pamphlets so that they might distribute them among their friends—all gave evidence that the automatic phonograph industry reciprocates BMI's good will in a very practical way.

Thus Saith the Preacher

Local minister wrote ASCAP that he had seen statement in newspaper that ASCAP would make no charge for use of its music in church services and was also willing to permit such services to be broadcast even though radio stations had no ASCAP license. ASCAP replied that church was at liberty to use ASCAP music and have same broadcast, *but, of course*, the minister was to announce during the service that music was being used by courtesy of ASCAP. Minister called manager of radio station on telephone to read him ASCAP letter. Said the dominie, "I'm going to write those fellows and tell them what I think. I'm going to give them hell".

Which illustrates ASCAP's failure in its efforts to use sacred music as a commercial shillelagh.

75 Per Cent Non-ASCAP

According to a report from WIS, in Columbia, S. C., the average South Carolina music lover is 75 per cent non-ASCAP. This was proved on January 22nd by no less a personage than the world famous pianist, Alec Templeton. Templeton played a concert with the Southern Symphony on that date.

During the course of Templeton's part of the program, he asked the audience to name four selections for him to use in a special improvisation. These selections were to include a popular number, a piano solo, a semi-classic, and a classical number. Immediately the audience shouted, "Frenesi—Frenesi!" This indicates the way the radio industry can popularize a tune. For the classical selection Templeton used music from Tannhauser, which is in public domain and was broadcast over WIS on January 18th from the Metropolitan Opera.

The semi-classic number was the Blue Danube Waltz—also in PD. The only ASCAP number in the group was the piano solo, "Nola," made familiar by Vincent Lopez over a period of many years. Thus, three out of four or 75 per cent of this particular group of songs were non-ASCAP tunes.

Sales

STATION FACILITIES CONTRACT

Numerous meetings, both joint and separate, of the NAB and AAAA committees will have been held by the end of this week in a final effort to compose any differences remaining between the two groups in respect of the Station Facilities Contract recommended by the NAB January 7. Col. Harry C. Wilder, WSYR, Chairman of the NAB committee, reports that it now seems likely that some alternative provisions may be recommended to

stations for the purpose of meeting certain agency views.

Col. Wilder added that the meetings of time-buyers and station managers this week revealed a spirit of harmonious cooperation.

It is believed that where on local accounts stations bill weekly or have special terms of payment, a separate local contract form might be desirable. The current AAAA negotiations pertain only to a station contract form for national spot business placed by agencies. The negotiations may result in making it advisable for stations to print a separate contract form for use on local business.

After a number of joint meetings, much progress has been made on the standard invoice form. The Fiscal Committee of AAAA and the Accounting Committee of the NAB will shortly confer on final details.

Engineering

TELEVISION DEMONSTRATIONS

Recent television developments were demonstrated to FCC officials and members of the National Television Systems Committee on January 24 and 25. Visits were made to the New York television laboratories of Du Mont, Bell Telephone, CBS, RCA and Scophony. Besides Chairman James L. Fly, the FCC officials present were Commissioners Norman Case, Paul Walker, William H. Bauer, head attorney, E. K. Jett, Chief Engineer, A. D. Ring, Assistant Chief Engineer, Nathan David of the legal staff and George Gillingham, director of information.

The Du Mont laboratories demonstrated their 629 line 15 frames per second transmission received on a 20-inch tube.

RCA demonstrated a new large screen home receiver. The screen on this receiver was 18 x 13½ inches. The picture was produced by a new 5-inch projection tube. The image of the tube was passed through a lense to a mirror on the cover of the receiver and from there was reflected to the screen standing perpendicular at the front of the receiver.

RCA demonstrated in the New York Theatre, television reproduction on a screen 15 x 20 feet. RCA also demonstrated relay television from camp Upton, 68 miles from New York. The scenes at Camp Upton were passed through 2 relay points.

The Bell Telephone Laboratories demonstrated the relay of television programs by means of coaxial cable. The programs were relayed from the Bell laboratories to Philadelphia and back again, a total distance of approximately 200 miles. The receiver was switched between the direct line and the picture relayed to Philadelphia in order to show the amount of quality lost in the transmission.

Columbia Broadcasting System demonstrated their color television both direct pick-up and pick-up from film.

Scophony, one of the leading television companies of England, demonstrated its mechanical system of reception on a 4-foot screen and on a larger screen of 9 x 12 feet. The Scophony mechanical system employs a system of revolving mirrors for moving a beam of light over the reception screen.

This series of demonstrations was a prelude to the report to be given the FCC by the National Television Systems Committee on January 27.

As reported in the NAB REPORTS for September 13 on page 4594, it will not be necessary to file an application for license renewal until after the provisions of the North American Agreement have been carried out.

NTSC REPORT

The report of the National Television Systems Committee was given to the FCC on Monday, January 27.

Chairman James L. Fly and Commissioners T. A. M. Craven, Paul Walker and Norman Case received the report. Chairman Fly opened the procedure by saying that former hearings on television found the industry's opinion divided on various significant standards. This division of opinion was enough to throw doubt on the adequacy of standards which could then be formulated and it seemed that further experimentation and study was necessary. Chairman Fly continued that Mr. James S. Knowlson and Mr. W. G. R. Baker of RMA took the lead in forming the National Television Standards Committee. Chairman Fly said he thought that the industry could justly take pride in the manner in which it turned to the solution of the problem of forming television standards. Chairman Fly continued that a hearing would be scheduled later at which argumentation and cross examination would be allowed on the various ramifications of television standards, and that today the reports of the NTSC would be received without argument or cross examination.

Chairman Fly then called on Mr. Baker, Chairman of the NTSC to render the television report. Dr. Baker outlined the organization of the NTSC and outlined its rules of procedure. He said that 60 meetings were held by the various panels of the NTSC and that approximately 5,000 man-hours had gone into carrying out the work of the Committee. Dr. Baker then called on the nine panel chairmen in turn to give a report on the work of their panels. Dr. Baker then turned over to the FCC the main report of the NTSC. At the end of the Conference, Chairman Fly complimented the NTSC on its work.

The report of the NTSC to the FCC reveals that the standards recommended are very little different from the old RMA standards. The main difference seems to be

that Frequency Modulation is recommended for the sound channel rather than Amplitude Modulation. Following is the report of the NTSC to the FCC:

The National Television System Committee recommends herewith transmission standards for commercial television broadcasting. The Committee recognizes the coordinate importance of standardization and the commercial application of technical developments now in the research laboratories. These standards will make possible the creation, in the public interest, of a nationally coordinated television service and at the same time will insure continued development of the art.

Monochromatic transmission systems other than those embodied in these standards should be permitted to operate commercially, when a substantial improvement would result, provided that the transmission system has been adequately field tested and that the system is adequately receivable on receivers responsive to the then existing standards.

This Committee believes that, although color television is not at this time ready for commercial standardization, the potential importance of color to the television art requires that—

- (a) A full test of color on the Group A channels be permitted and encouraged, and that
- (b) After successful field test, the early admission of color to the Group A channels on a commercial basis coexistent with monochromatic television be permitted employing the same standards as are herewith submitted except as to lines and frame and field frequencies. The presently favored values for lines, frame and field frequencies for such a color system are, respectively, 343, 60, and 120.

These transmission standards are recommended for commercial television broadcasting on the following channels:

No. 1.	50-56	Mc.
No. 2.	60-66	Mc.
No. 3.	66-72	Mc.
No. 4.	78-84	Mc.
No. 5.	84-90	Mc.
No. 6.	96-102	Mc.
No. 7.	102-108	Mc.

I: The Television Channel

1. The width of the standard television broadcast channel shall be six megacycles per second.
2. It shall be standard to locate the picture carrier 4.5 megacycles per second lower in frequency than the unmodulated sound carrier.
3. It shall be standard to locate the unmodulated sound carrier 0.25 megacycles per second lower than the upper frequency limit of the channel.
4. The standard picture transmission amplitude characteristics shall be that shown in Drawing I.

II: Scanning Specifications

5. The standard number of scanning lines per frame period in monochrome shall be 441, interlaced two to one.
6. The standard frame frequency shall be 30 per second and the standard field frequency shall be 60 per second in monochrome.
7. The standard aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.
8. It shall be standard, during the active scanning intervals, to scan the scene from left to right horizontally and from top to bottom vertically, at uniform velocities.

III: Picture Signal Modulation

9. It shall be standard in television transmission to use amplitude modulation for both picture and synchronizing signals, the two signals occupying different amplitude ranges.
10. It shall be standard that a decrease in initial light intensity cause an increase in radiated power.
11. It shall be standard that the black level be represented by a definite carrier level, independent of light and shade in the picture.
12. It shall be standard to transmit the black level at 75 per cent (with a tolerance of plus or minus 2.5 per cent) of the peak carrier amplitude.

IV: Sound Signal Modulation

13. It shall be standard to use frequency modulation for the television sound transmission.

14. It shall be standard to pre-emphasize the sound transmission in accordance with the independence-frequency characteristics of a series inductance-resistance network having a time constant of 100 microseconds.

V: Synchronizing Signals

15. It shall be standard in television transmission to radiate the synchronizing waveform shown in Drawing II.

16. It shall be standard that the time interval between the leading edges of successive horizontal pulses shall vary less than one half of one per cent of the average interval.

17. It shall be standard in television studio transmission that the rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals be not greater than 0.15 per cent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100, lines, such lines not to include any portion of the vertical blanking signal. (See Note A.)

VI: Transmitter Ratings

18. It shall be standard to rate the picture transmitter in terms of its peak power when transmitting a standard television signal.

19. It shall be standard in the modulation of the picture transmitter that the radio frequency signal amplitude be 15 per cent or less of the peak amplitude, for maximum white. (See Note B.)

20. It shall be standard to employ an unmodulated radiated carrier power of the sound transmission not less than 50 per cent nor more than 100 per cent of the peak radiated power of the picture transmission.

21. It shall be standard in the modulation of the sound transmitter that the maximum deviation shall be plus or minus 75 kilocycles per second.

VII: Polarization

22. It shall be standard in television broadcasting to radiate horizontally polarized waves:

Note A: It is recommended that as progress in the art makes it desirable, the maximum rate of change of frequency of the transmitted horizontal synchronizing signals for studio programs be reduced and that limits be set for transmissions originating elsewhere than in the studio.

Note B: It is the opinion of the N.T.S.C. that a picture transmitter not capable of a drop in radio frequency signal amplitude to 15 per cent or less of the peak amplitude would be unsatisfactory since it would not utilize to the best advantage the available radio frequency power. At the same time the N.T.S.C. is aware of the practical situation that it may not be possible for all of the first picture transmitters to meet this standard. It should be possible in picture transmitters for the lower frequency channels in Group A to meet this standard, although it may not be possible for picture transmitters for the higher frequency channels in Group A to meet it at first. After the first operation on the higher frequency channels and as designs progress it should be possible to meet it.

It is requested that the Federal Communications Commission take cognizance of this situation.

Respectfully submitted,

W. R. G. BAKER, *Chairman.*

District Meetings

RESOLUTION

The broadcasters of the 17th NAB District, embracing stations of Washington, Oregon and the territory of Alaska in official session at Portland on this 22nd day of January, Nineteen Hundred and Forty-one resolve:

WHEREAS, for the past three years, C. W. "Chuck" Myers (KOIN-KALE), Portland, has served this district in the capacity of District Director on the Board of the National Association of Broadcasters, and whereas, at Mr. Myers' specific request that he be relieved of further duties in this connection, a new Director for the 17th District has this day been selected to succeed Mr. Myers for the ensuing two-year term and whereas, Mr. Myers during the term of his membership upon the Board, and prior thereto, in other industry capacities has faithfully, constructively, able and diligently served the interests of this District and has contributed in a large measure to the solution of industry problems of a national character, and has at all times evidenced a deep personal interest and given attention to problems of individual broadcasters within this District, now therefore, be it resolved by the broadcasters of the 17th NAB District that we hereby express to "Chuck" Myers our deep personal and official appreciation for his splendid service and express for him our hope of continued success and well-being.

Motion by: Harvey Wixson (KHQ-KGA), Spokane, Washington.

Seconded by: John G. Bauriedel (KUIN), Grants Pass, Oregon.

Unanimously carried.

The following registered at the Seventeenth District meeting in Portland, January 22:

James C. Wallace, KAST; Frank H. Loggan, KBND; J. Elroy McCaw, KELA; W. Carey Jennings, H. Q. Cox, Abe Bercooth, Paul H. Connet, Chester L. Blomsness, Bob Prigmore, James A. Mount, Ralph W. Rogers, Donald W. Ween, Jr., and Bill Mock, KGW-KEX; Harvey Wixson, KHQ-KGA, R. W. Britton, KGBU; Tom Olsen, KGY; Loren B. Stone, H. J. Quilliam, KIRO; Harrison A. Miller, Dick Ross, J. A. Murphy, KMO-KIT; Barney Kenworthy, Marvin E. Johnston, KODL; H. M. Swartwood, Jr., C. W. Myers, Joseph Samgaetes, Harry H. Buckendahl, Charles G. Conche, Harvey S. Benson, Ted W. Cooke, KOIN-KALE; Ted Kooreman, KALE; Birt F. Fisher, Peter Lyman, W. W. Warren, H. M. Feltis, KOMO-KJR; Sheldon F. Sackett, KOOS-KVAN; Glenn McCormick, Day Foster, Frank Hill, KORE; Marshall H. Pengra, KRNR; Robert E. Priebe, KRSC; H. A. Reed, KSLM; John G. Bauriedel, KUIN; Jerry Jensen, KUJ; S. W. McCready, KVAN; Vernice Irwin, Earl Irwin, KVI; Rogan Jones, KVOS; Ralph R. Cronise, KWIL; C. O. Chatterton, KWLK; Florence Wallace, KXA; T. W. Symons, Jr., KFPY-KXL; T. W. Symons, III, KXL; Harry R. Spence, Fred S. Goddard, KXRO; John Kutner; Paul H. Raymer, F. C. Brokaw, Paul H. Raymer Co.; Gerald King, Standard Radio; Carl Haverlin, BMI; Johnnie Walker, Doris Quinn, Music Clearance, Inc.; W. McKinley Sillerman, SESAC.

DISTRICT 10

Fifty-three representatives of Nebraska, Iowa, and Missouri stations defied a mid-west blizzard to attend the 10th District meeting at Omaha on Saturday, the 25th.

Director Johnny Gillen, Jr., WOW, received expressions of deep regret from seven other broadcasters who had planned to be on hand, but who could not make it into Omaha on account of the snow storm.

Principal topic of discussion, as at other District meetings, was the music situation. Carl Haverlin, Sta-

tion Relations Manager of BMI, answered many questions relative to the use of the Catalog and protection against possible use of music for which no license is held by the station. Every station present reported a most encouraging and gratifying audience reaction to the music being played on their station since the 1st of January.

Other industry problems were discussed, including certain phases of the labor situation, the unit plan of volume measurement, and great stress was laid upon the coming 19th annual convention of NAB to be held in St. Louis. St. Louis is in the 10th District and all of the broadcasters agreed to fully discharge their obligations as hosts. Director Gillen appointed committees to look after the various details. It was a splendid and rousing meeting.

The list of those present follows:

Rev. W. A. Burk, WEW; William Brandon, WHO-WOC; Arthur B. Church, KMBC; George Crocker, KFNF; Russ David, KSD; Dietrich Dirks, KTRI; Beuford Eaves, KGNF; F. C. Eighmey, KGLO; Ralph Evans, WHO-WOC; Jack Falvey, KBIZ; Dean Fitzer, WDAF; E. T. Flaherty, KSCJ; Ralph Foster, KGBX-KWTO; Paul Boyer, KORN; Earl H. Gammons, WCCO; John T. Gillin, Jr., Howard Peterson, William Ruess, Bill Wiseman, WOW; Edward W. Hamlin, KSD; Merle S. Jones, KMOX; H. J. Kaufman, WDAF; Jack Luther, KORN; Craig Lawrence, KSO-KRNT; W. I. LeBarron, KGNF; Buryl Lottridge, WOC; William B. Quarton, WMT; J. C. Rapp, J. D. Rankin, Jr., Owen Saddler, R. H. Sawyer, KMA; Orville Rennie, Duane L. Watts, KHAS; Randall Ryan, Elbert A. Read, KFNF; Elizabeth Sammons, KSCJ; Vernon H. Smith, KOWH; Robert F. Schuetz, NBC; E. C. Woodward, KFNF; Frank E. Pellegrin, KOIL-KFAB-KFOR; J. M. Lowman, KOIL; Foster May, WOW; Clifford T. Johnson, KOIL; Woody Woods, WHO; Hale Bondurant, WHO; Carl Haverlin, BMI; C. E. Arney, Jr., NAB; Gustav M. Hagenah, SESAC; W. C. Hutchings, Associated Music Publishers, Inc.; Alex Sherwood, Standard Radio; Luther Hill, KSO-KRNT-WMT.

DISTRICT 14

The broadcasters of Colorado, Utah, Idaho, Wyoming and Montana met in a District session in Denver on Monday, January 27th.

Director Eugene P. O'Fallon, KFEL, called the session to order with 31 representatives of broadcasters and allied industries in attendance. There were 20 stations of the 27 NAB members in the District represented. As in previous district meetings, music questions received detailed attention and similar reports of satisfactory audience reaction to the music being offered by radio was announced.

The following resolution was adopted:

"RESOLVED: That the broadcasters of the Fourteenth District vote renewed confidence in BMI, and congratulate those responsible for its progress on a job well done."

Following is a list of those present:

E. G. Beehler, KGEK; Frank Bishop, KFEL; S. S. Fox, KDYL; H. E. Green, KFKA; William C. Grove, KFBC; Donald Hathaway, KDFN; L. L. Hilliard, KGKY; Rex Howell, KFXJ; Frank E. Hurt, KFXD; Don McCaig, KFEL; J. H. McGill, KGHF; Holly Moyer, KFEL; Eugene P. O'Fallon, KFEL; R. H. Owen, KOA; W. D. Pyle, KVOD; Curtis Ritchie, KGHF; Glen Shaw, KSL; O. P. Soule, KTFI-KSEI; Hugh B. Terry, KLZ; W. E. Wagstaff, KDYL; Ray B. White, KPOF; Ed Yocum, KGHL; Lloyd E.

Yoder, KOA; H. L. McCracken, KYAN-KVRS; C. E. Arney, Jr., NAB; Leonard Callahan, Gustav Hagenah, SESAC; Carl Haverlin, BMI; William H. Pickens, Transradio; Alex Sherwood, Standard; R. B. Hudson, Rocky Mountain Radio Council.

GILBERT NEWSOME

Anyone knowing the whereabouts of Gilbert Newsome, announcer, is requested to communicate immediately with Station WGH, Norfolk, Virginia.

Legal

ADMINISTRATIVE PROCEDURE

The Attorney General's Committee on Administrative Procedure last Saturday made public its report which it has transmitted to the Attorney General.

The Committee's Report, which is a thousand pages in length, is based upon detailed studies of the individual agencies. The Committee finds that the agencies are so diverse in character that in many instances they must be dealt with individually rather than in terms of general recommendations. Accordingly the Committee has included in its Report a group of detailed technical recommendations for changes in each of the individual agencies which it has studied. (Not available as we go to press.) In addition the Committee has made a series of general recommendations, applicable to all agencies and which have been embodied in a proposed bill accompanying the Report.

The principal general recommendations contained in the Report and in the proposed bill are as follows:

1. *Creation of an Office of Federal Administrative Procedure.*

An Office of Federal Administrative Procedure is to be established to review the procedures and practices of administrative agencies. The new Office would be composed of a Director appointed by the President, with the advice and consent of the Senate, an Associate Justice of the United States Circuit Court of Appeals for the District of Columbia to be designated by the Chief Justice of that Court, and the Director of the Administrative Office for the United States Court who is appointed by the Supreme Court of the United States. The Director of the Office of Federal Administrative Procedure would make a continuing study of the work of the administrative agencies, receive complaints from members of the public, and from time to time would make such recommendations to the agencies and to the Congress as might be desirable to achieve as much uniformity in administrative procedure as possible.

2. *Separation of Judicial and Prosecutive Functions.*

A new corps of officers is to be created to hear and decide cases in the administrative agencies. These officers would be known as "hearing commissioners." They would be nominated by the administrative agency and would be appointed, after investigation, by the Office of Federal Administrative Procedure. To assure their independence, these "hearing commissioners" would be given a 7-year term of office, and would be removable for cause only by the Office of Federal Administrative Procedure. Their salaries would also be fixed by law at \$7500 a year.

The functions of the "hearing commissioners" would be analogous to those of trial judges. In each case heard by a "hearing commissioner" his decision would be final unless appealed to the head of the agency. The Committee recommends that on appeal the findings of fact of the "hearing commissioners" be left undisturbed unless clearly erroneous. A major objective of the Committee's recommendations is to limit further agency review of the decisions of "hearing commissioners" so as to make it possible for the agency heads them-

selves to examine and decide cases on appeal, and thus to abolish review attorneys.

The Committee recommends further steps to effect an internal separation of the functions of judge and prosecutor. The "hearing commissioners" are to be a separate unit entirely divorced from any investigative or prosecutive activities. Persons within an agency who investigate or present cases will have no part in the decision and will not act as consultants for agency heads who decide cases on appeal. It is also recommended that the agency heads divorce themselves as far as possible from the initiation of action by delegating that function to responsible officers in the agency who will have no part in the deciding.

3. *Agency Rules and Regulations.*

The Committee recommends that the procedure for the issuance of rules and regulations be regularized, and that persons affected by proposed rules and regulations be given a fuller opportunity to participate in the drafting. The Committee's proposed bill provides that, except in special cases, rules and regulations adopted by administrative agencies shall not take effect until 45 days after publication so that all persons may, meanwhile, submit their views and comments. In addition, any person affected by a rule or regulation is to have the right to petition for an amendment to the regulation, and each agency is to report to Congress on its disposition of such petitions.

Although the Committee recommends the extension of the use of hearings prior to the issuance of rules and regulations in many specified situations, it states that a rigid requirement of hearings in all cases before regulations are issued is not desirable. It urges agencies, however, to allow the broadest possible participation, by consultation and otherwise, of the public in rule-making processes. It observes that the great majority of agencies now use hearings, conferences, and consultations, even though they are often not required by law.

To eliminate unnecessary uncertainties, the Committee recommends that all agencies be empowered to issue declaratory or advance rulings. Any interested person who wishes to know his rights and duties in a specific situation may request a ruling of the agency and, after the ruling has been issued, it is to be binding on both the agency and the interested person and is to be reviewable in the courts to the same extent as any final order.

4. *Simplification of Administrative Procedures.*

The Committee recommends that the agencies simplify administrative procedure by extending the use of conferences and other informal methods to settle controversies. Agencies are urged to delegate routine matters, and to make available responsible officers for the settlement of disputes, so that delays and red tape may be diminished. The Committee condemns protracted and expensive hearings, and proposes that devices such as stipulations, pre-hearing conferences and written evidence be used to expedite formal proceedings.

The Committee also discusses methods for keeping the public informed of the activities of administrative agencies, and recommends that each agency facilitate dealings with the public by making clear to the public what its policies, structure and organization are, and by accompanying its decisions with opinions.

5. *Court Review.*

The Committee finds that, under present statutes and decisions, there is adequate provision for court review of agency decisions, both on the law and on the facts. The Committee finds that further extension of court review would result in needless litigation, and would place an undue and improper burden upon the courts.

The Committee recommends against the creation of special administrative courts. After thorough study, it feels that the creation of special administrative courts is not feasible or desirable. It suggests that such a separation would create confusion for the persons who deal with agencies, and that such separation is not necessary to achieve impartial and objective decisions. The Committee believes that the creation of independent "hearing commissioners" and the recommended internal separation of functions within the agencies will provide adequate safeguards.

The Committee finds that the administrative process is not a new one, but that it has been used since the beginning of American government. A great majority of the agencies studied were created before 1930, and some are as old as the Federal government itself. The thirty-three agencies and departments studied by the Committee are: Division of Public Contracts, Department of Labor, Walsh-Healey Act; Veterans Administration; Federal Communications Commission; United States Maritime Commission; Federal Alcohol Administration; Federal Trade Commission; Administration of the Grain Standards Act, Department of Agriculture; Railroad Retirement Board; Federal Reserve System; Department of Commerce; Bureau of Marine Inspection and Navigation; Administration of the Packers and Stockyards Act, Department of Agriculture; Post Office Department; Federal Control of Banking, Comptroller of the Currency and Federal Deposit Insurance Corporation; Administration of the Fair Labor Standards Act of 1938 (Wage and Hour Division, Children's Bureau); War Department; Social Security Board; Railway Labor National Mediation Board, National Railroad Adjustment Board; National Labor Relations Board; Civil Aeronautics Authority; Department of the Interior; United States Employees' Compensation Commission; Administration of Internal Revenue Laws (Bureau of Internal Revenue, Board of Tax Appeals, Processing Tax Board of Review); Bituminous Coal Division, Department of Interior; Interstate Commerce Commission; Federal Power Commission; Security and Exchange Commission; Administration of Customs Laws (Bureau of Customs, United States Tariff Commission).

At the conclusion of the Report, the Committee has included over 130 pages of detailed technical recommendations for changes in the individual agencies. In addition, the Committee has accompanied its Report with appendices, over 400 pages in length, describing important phases of administrative procedure.

The Committee was appointed on February 24, 1939 by former Attorney General Murphy at the request of the President. The present membership of the Committee is: Mr. Dean Acheson of Washington, D. C.; Chairman; the Honorable Francis Biddle, Solicitor General of the United States; Professor Ralph F. Fuchs, Washington University Law School, St. Louis; Dean Lloyd K. Garrison, University of Wisconsin Law School; Chief Justice D. Lawrence Groner, United States Court of Appeals for the District of Columbia; Professor Henry H. Hart, Jr., Harvard Law School; Mr. Carl McFarland, Washington, D. C., former Assistant Attorney General; Judge James W. Morris, United States District Court for the District of Columbia; Professor Harry Shulman, Yale Law School; Dean E. Blythe Stason, University of Michigan Law School; Mr. Arthur T. Vanderbilt of New Jersey, former President of the American Bar Association. Professor Walter Gellhorn of the Columbia Law School has served as Director of the Committee's staff.

The Committee was instructed by the President to make a thorough study of existing administrative practices and procedures "with a view to detecting any existing deficiencies and pointing the way to improvements." As part of its study, the Committee's staff prepared 27 monographs on existing procedures and practices of those Federal agencies which affect private interests. These were widely published, and in June and July, 1940, the Committee held public hearings at which it obtained the comments and opinions of the public and the bar. The Committee's recommendations are based upon this material.

Mr. Chief Justice Groner and the Messrs. McFarland, Stason and Vanderbilt have submitted statements of additional views and recommendations.

Legislation

FEDERAL LEGISLATION

HOUSE

H. R. 2598 (LANHAM, D-Texas) COPYRIGHT—To provide a uniform fee for the registration of copyrights. Referred to the Committee on Patents.

HOUSE RESOLUTION

H. Res. 74 (GEYER, D-Calif.) Requesting the Attorney General of the United States to investigate the facts and circumstances connected with the granting of United States citizenship to W. J. Cameron, of Dearborn, Michigan. Referred to Committee on Immigration and Naturalization.

H. Res. 79 (MYERS, D-Penna.) To appoint a special committee to investigate the alleged disagreement between the National Association of Broadcasters and the American Society of Composers, Authors, and Publishers (ASCAP). Referred to Committee on Rules.

SENATE

S. 517 (JOHNSON, D-Colo.) LIQUOR ADVERTISING—To prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

ARIZONA:

H. 13 (MOSCHAMMER) SALES TAX—INCREASE—Amends the present sales tax law by raising the rates for all types of business to two per cent gross; includes manufacturing, transportation, mining, etc., which now carry one per cent or less. Referred to Taxation Committee 1/14/41. Referred to Judiciary, Ways and Means, and Efficient Government Committees 1/15/41.

CALIFORNIA:

A. 434 (MALONEY) EMPLOYMENT AGENCIES—An act relating to employment agency licenses. Referred to Committee on Judiciary Codes.

A. 796—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 797—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 798—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 1578 (TENNEY) COPYRIGHTS—Assists in effectuating the intent and enforcement of the Federal Copyright Law. Referred to Committee on Judiciary General.

CONNECTICUT:

H. 90 (WADHAMS) RADIO ADVERTISING—LIQUOR—Prohibiting the sale of any brand of alcoholic liquor which has been advertised over any radio broadcasting station since July 1, 1941. Referred to Committee on Private Corporations.

IDAHO:

H. 65 (MURPHEY) MUSICAL COPYRIGHTS—Requiring registration of copyrights and performing rights for musical compositions with secretary of state, and prescribing his duties in proceedings affecting them.

MASSACHUSETTS:

H. 1721 (Pet: O'NEILL, JR.) MUSIC—Provides that the sale of music and use thereof for private and public entertainment be placed under the jurisdiction of the department of Labor and Industries. Referred to Committee on Constitutional Law.

MICHIGAN:

H. 76 (STANLEY, et al.) MUSICAL COPYRIGHTS TAX—Levys a 25% tax on the gross receipts from persons in this State of license holders of musical copyrights other than true or original composers. Referred to Committee on Private Corporations.

NEW HAMPSHIRE:

H. 183 (MAYO) PRIVATE EMPLOYMENT AGENCIES—Relating to the licensing of private employment agencies. Referred to Committee on Revision of Statutes.

H. 207 (TUTTLE) LIQUOR—SALE—Prohibiting the sale of brands of liquor and beverages advertised over the radio. Referred to Committee on Liquor Laws.

NEW YORK:

A. 474 (Same as S. 311) (BENNIGAN) INCITEMENT TO HATRED—MISDEMEANOR—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by any form of communication. Referred to Committee on Codes.

S. 311 (COUGHLIN) CENSORSHIP—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by any form of communication. Referred to Committee on Codes.

OREGON:

H. 174 (WELLS ET AL.) LIBEL—Amends section 81-2533 prohibiting certain libelous publications during election campaigns.

PENNSYLVANIA:

H. 79 (COHEN) RADIO BROADCASTING—Prohibits the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded.

WASHINGTON:

H. 32 (PENNOCK) PUBLIC EMPLOYMENT AGENCIES—An act to regulate public employment agencies prescribing maximum charges. Referred to Committee on Labor and Labor Statistics.

WISCONSIN:

S. 43 (CASHMAN) COPYRIGHTED MUSIC—An act to create Section 177.01 (8) of the Statutes, relating to copyrighted music. Referred to Committee on Judiciary.

NEW YORK LEGISLATION

Harold E. Smith, WABY, Albany, has accepted an appointment as legislative contact man at the New York capital. (NAB REPORTS, p. 32.)

FEDERAL COMMUNICATIONS COMMISSION

FCC APPROPRIATION

The House of Representatives on Thursday passed that part of the Independent Offices Appropriation Bill taking care of the FCC appropriation for the fiscal year 1942.

The total appropriation as passed by the House was for \$4,259,729. Included in this amount was \$1,920,000 for national defense activities which will allow the Commission to continue to perform the national defense functions for the performance of which during the fiscal year 1941 the Commission received allocation of appropriation from the President's emergency fund.

The House Appropriation's Committee, in reporting out the Independent Offices Bill, had the following to say in connection with the FCC:

"For salaries and expenses of the regular activities of this agency there is recommended \$2,315,229, which is the Budget estimate and

\$138,889 more than the 1941 appropriation. The amount recommended reflects an actual increase over 1941 of \$271,260, owing to the fact that nonrecurring items totaling \$132,871 have been deducted from the 1942 base figure. This increase will be used primarily for the establishment of two new field offices for accounting purposes, the operation of two new mobile laboratories, placement of the telephone regulation personnel on a full-year basis, the reallocation of personnel approved by the Civil Service Commission, and \$74,600 for the purchase of technical equipment consisting of operator examination units, portable frequency meters, and mobile laboratories.

"The committee have allowed the Budget estimate of \$1,920,000 to carry on the work of expansion, modernization, and operation of radio monitoring and direction-finding equipment and the investigation of subversive activities in connection with national security and defense, for which \$1,600,000 was allocated from the 'Emergency fund for the President, War,' for the fiscal year 1941."

TELEVISION REPORT SPEEDS FORMAL HEARING

Following its conference this week with the National Television Systems Committee, the FCC has announced that it will hold a formal hearing March 20, for the purpose of considering the various engineering standards that have been suggested, and also to determine when television broadcasting shall be placed upon a commercial basis.

Commission Chairman James Lawrence Fly stated that the work of the National Television Systems Committee, sponsored by the Radio Manufacturers Association in cooperation with the Commission, will be most helpful to the Commission in these considerations. Said Chairman Fly: "I believe that the results of the Committee's work, which were presented to the Commission in the informal conference, form a basis upon which the Commission can move to the definitive questions of standardization and commercialization." He is particularly optimistic about the possibilities of television as demonstrated to the Commission several days previously in New York.

At the informal conference this week reports by the National Television Systems Committee only were received. No questions other than those of a purely engineering character were involved. It was not an occasion for other parties to be heard, or to cross-examine the Committee and panel chairmen. However, at the March 20 hearing, all interested parties will be afforded full opportunity to themselves propose standards, to comment upon standards which have been proposed by others, to cross-examine various witnesses, and, generally, to be heard upon all the pertinent problems in connection with the standardization and commercialization of television.

The Commission will issue a more specific notice as to suggested rules for consideration, and the procedure for the scheduled hearing.

Chairman Fly expressed the hope that the intervening time will be utilized by those interested to study the alternative standards with a view to ironing out differ-

ences in the industry so far as may be feasible. He also holds it desirable that field testing, which is currently under way, be brought to some fairly definite conclusion, in order that the differing standards for television may be presented on the basis of practical operation.

FM TECHNICAL REQUIREMENTS WAIVED

As the result of a conference with manufacturers of high frequency (FM) broadcast equipment, the FCC has waived certain technical requirements to expedite operation and, incidentally, announces its 30th FM grant on a commercial basis—for a new station at Syracuse, N. Y. More than 600,000 residents within a 6,800-square-mile area of that city will be served by the Central New York Broadcasting Corp. on 46,300 kilocycles.

Since high frequency broadcast stations are rated on the basis of specified service and the actual power may vary widely for the same service area in the same location, the Commission's rules do not specify or standardize power rating. However, standardization of the maximum power rating and operating range of the transmitters would be of mutual assistance to the manufacturer and broadcaster. Since the Commission has agreed to standardize the power in connection therewith it became desirable to waive two rules—Section 3.241, relating to maximum power rating, to permit maximum power of four times the operating power between 12,500 and 25,000 watts until a 25,000 watt transmitter can be developed and placed on the market; and Section 3.245, relating to transmitter performance requirements, to permit manufacturers more time to meet the 2 per cent limit on the combined audio frequency harmonics generated by the transmitting system.

Because proposed FM service in the Philadelphia and New York areas makes assignment of adjacent channels desirable, the Commission has modified the construction permit granted the WCAU Broadcasting Co., in the former city, to specify 46,900 kilocycles (instead of 46,700), and that of the Columbia Broadcasting System, Inc., New York, to specify 46,700 kilocycles (instead of 48,700). The call letters W67PH assigned to the Philadelphia station necessarily must be changed to W69PH to indicate the new frequency assignment. Call letters for the Columbia Broadcasting System station have not yet been assigned.

SECTION 3.92 OF RULES SUSPENDED

The FCC suspended requirements of Section 3.92 with respect to station identification announcements applicable to all radio broadcast stations carrying the President's birthday celebration program for the period 11:15 p. m. to 12:15 a. m. EST, January 30 and 31.

WAIVER OF SECTIONS 3.241 AND 3.245 OF FM RULES

Section 3.241, of the FCC rules, relating to maximum power rating, was waived, to permit maximum power of four times the operating power between 12,500 and 25,000 watts until a 25,000 watt transmitter can be developed and placed on the market; and Sec. 3.245, relating to transmitter performance requirements, to permit manufacturers more time to meet the 2 per cent limit on the combined audio frequency harmonics generated by the transmitting system, was also waived.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, February 3. They are subject to change.

Monday, February 3

- NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—C. P., **1420 kc.**, 250 watts night, 250 watts day, unlimited.
NEW—Atlantic Broadcasting Corp., Miami, Fla.—C. P., **1280 kc.**, 500 watts night, 1 KW day, unlimited.
NEW—Seaboard Broadcasting Corp., Tampa, Fla.—C. P., **1530 kc.**, 1 KW night, 1 KW day, unlimited.
NEW—Robert V. Lee, Bradenton, Fla.—C. P., **1500 kc.**, 250 watts night, 250 watts day, unlimited.

Tuesday, February 4

- To Be Held in the U. S. Court Building, San Juan, Puerto Rico
NEW—Puerto Rico Advertising Co., Inc., Arecibo, P. R.—C. P., **1200 kc.**, 250 watts, unlimited.
NEW—Puerto Rico Advertising Co., Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts, unlimited.
NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts, unlimited.
WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Renewal of license, **780 kc.**, 1 KW night, 2½ KW day, unlimited.

Wednesday, February 5

- WCSC—The Liberty Life Insurance Co. (Transferor) and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc.; **1360 kc.**, 500 watts night, 1 KW day, unlimited.

Thursday, February 6

- WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Voluntary assignment of license; **1270 kc.**, 500 watts, unlimited, S-WASH.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

March 3

Television

- NEW—R. B. Eaton, Des Moines, Iowa.—C. P., **66000-72000 kc.**, 46 watts night, 46 watts day, visual; 100 watts day, aural; unlimited.

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.**, 250 watts, unlimited time.

March 17

WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P., **1100 kc.**, 5 KW night, 10 KW day, unlimited, DA night. Present assignment: **1180 kc.**, 1 KW night, 5 KW day, limited-KOB

March 18

WAGA—Liberty Broadcasting Corporation, Atlanta, Ga.—C. P., **590 kc.**, 1 KW night, 5 KW day, DA night, unlimited. Present assignment: **1450 kc.**, 500 watts night, 1 KW day, unlimited.

March 19

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., **1420 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- Central New York Broadcasting Corp., Syracuse, N. Y.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **46300 kc.**; 6,800 square miles; 600,100 population (B1-PH-50).
WWJ—The Evening News Association, Detroit, Mich.—Granted modification of construction permit (B2-P-2880 to make changes in directional antenna nighttime) for approval of new directional antenna specifications (B2-MP-1132).
KVOX—Robert K. Herbst (Transferor), David C. Shepard, John W. Boler, and Howard Johnson (Transferee), KVOX Broadcasting Co. (Licensee), Moorehead, Minn.—Granted consent to transfer control of KVOX Broadcasting Company from Robert K. Herbst to David C. Shepard, Howard Johnson and John W. Boler, representing all the issued and outstanding capital stock (250 shares of common, par value \$100 per share) for a cash consideration of \$25,000 and \$15,000 in time on the station. The value of time used will be computed at prevailing rates and not less than \$2,000 per year shall be used; station operates on **1310 kc.**, 250 watts, unlimited time (B4-TC-241).
WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of license to move main studio from 131 Market St., Newark, N. J., to 1440 Broadway, New York City (B1-ML-1041).

RENEWAL OF TELEVISION STATION LICENSES

The Commission granted the following applications for renewal of television broadcast station licenses:

W2XAB, Columbia Broadcasting System, Inc., New York; W2XBT, W2XBU, W2XBS, National Broadcasting Co., Inc., New York City; W6XDU, Don Lee Broadcasting System, Los Angeles; W2XVT, Allen B. DuMont Labs., Inc., Passaic, N. J.; W9XZV, Zenith Radio Corp., Chicago.

The following licenses for television stations expiring Feb. 1, 1941, were extended to March 1, 1941, pending action on applications for renewals:

W3XE, Philco Radio & Television Corp., Philadelphia; W3XP, Philco Radio and Television Corp., Portable; W2XI, General Electric Co., New Scotland, N. Y.; W3XAD and W3XEP, RCA Manufacturing Co., Inc., Camden, N. J.

The following licenses for television stations expiring Feb. 1, 1941, were extended to March 1, 1941, pending receipt of applications for renewals:

W2XB, W2XH, General Electric Co., Schenectady, N. Y.; W9XUI, State University of Iowa, Iowa City, Iowa.

MISCELLANEOUS

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast over the NBC Blue

- Network of affiliated stations and international stations WRCA and WNBI program material originating on army plane flying over Los Angeles, Calif., and navy plane flying over Anacostia, D. C., as part of program "One Nation Indivisible" to be broadcast on January 20, 1941, between 9 p. m. and 10 p. m., EST.
- National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast over WRC, WMAL and the Red and Blue Networks of affiliated standard broadcast stations, international broadcast stations WRCA and WNBI, and experimental station W2XWG, conversations and orders transmitted from one plane to another and from planes to the ground control stations, as a special feature in the coverage of U. S. Army aircraft maneuvers over Washington on Inauguration Day, January 20, 1941; communications between planes and ground to be on Government frequencies and program reception to be effected by NBC receiving equipment located on the Washington Monument and on the Dome of the Capitol Building, Washington, D. C.
- The Tribune Company, Tampa, Fla.—Petition (1) for partial removal of condition in its construction permit; (2) for grant of application of City of St. Petersburg (WSUN) for modification of license; (3) for grant of application for transfer of control of Lake Region Broadcasting Co. (WLAK), Lakeland, Fla., from individual stockholders to the Tribune Company; and (4) for assignment of call letters WFLA in place of call letters WKGA to new station of the Tribune Company, Tampa, denied except as to request for grant of WSUN application and except as to request for change in call letters; granted as to these matters only.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 8 to 10 p. m., EST, January 20, 1941, in connection with rebroadcast of President Roosevelt's Inaugural Address and ceremonies only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with radio station WOSU from 1 p. m. to 3 p. m., EST, on January 20, 1941, in order to broadcast Inaugural ceremonies of President Roosevelt only.
- WRUL—World Wide Broadcasting Corp., Scituate, Mass.—Granted license to cover construction permit which authorized increase in power from 20 KW to 50 KW and changes in equipment of international broadcast station (B1-LIB-12).
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 9 p. m. to 11 p. m., CST, on January 18, 1941, instead of from 7:50 p. m. to 9:50 p. m., CST, as authorized January 4, 1941, in order to broadcast basketball game only.
- Chilton Radio Corp., Dallas, Tex.—Granted petition for leave to amend application for new station to request some frequency other than 1370 ke., and to use power of 1 KW day only, instead of 100 watts unlimited time.
- William H. Rines, Portland, Maine.—Granted motion for dismissal without prejudice of application for construction permit to operate on 560 ke., 1 KW night, 5 KW day, unlimited time, DA night and day.
- R. B. Eaton, Des Moines, Ia.—Granted motion and sup. motion to take depositions in re application for new television station.
- Wm. D. Hudson & Violet Hutton Hudson, Clarksville, Tenn.—Granted motion to continue hearing now scheduled for Jan. 30, for approximately 30 days.
- KOWH—World Publishing Co., Omaha, Nebr.—Dismissed without prejudice petition to intervene in the hearing on application of KFEQ, St. Joseph, Mo., for construction permit to operate on 680 ke., 5 KW, unlimited time, DA day and night.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion to accept technical amendment to application for construction permit.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted motion to amend application for construction permit to operate on 690 ke., so as to request unlimited time instead of specified hours.
- WSAY—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted motion for order to take depositions in re application for construction permit to operate on 1340 ke., 1 KW, unlimited time, DA day and night.
- WJNO—WJNO, Inc., W. Palm Beach, Fla.—Granted construction permit to use formerly licensed composite transmitter and install vertical antenna as an auxiliary unit at 511 Datura St., W. Palm Beach.
- KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462) for extension of completion date from Feb. 18 to July 18/41.
- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted license to cover construction permit (B3-P-2570) which authorized increase in night power to 5 KW; 890 ke., unlimited time, DA night; also granted authority to determine operating power by direct measurement of antenna input.
- WFIG—J. Samuel Brody, Sumter, S. C.—Granted authority to determine operating power by direct measurement of antenna input.
- KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted authority to determine operating power by direct measurement of antenna input.
- KRRR—News-Review Co., Roseburg, Ore.—Granted authority to determine operating power by direct measurement of antenna input.
- KLX—Tribune Building Co., Oakland, Cal.—Granted authority to determine operating power by direct measurement of antenna input.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input.
- WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted authority to determine operating power by direct measurement of antenna input.
- KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted authority to install automatic frequency control unit.
- KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to install automatic frequency control unit.
- KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted authority to install automatic frequency control unit.
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted license to cover construction permit (B3-P-2485) which authorized a new station to operate on 1370 ke., 250 watts, unlimited time (B3-L-1515); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-641).
- KAQX—Central States Broadcasting Co., Portable-Mobile, Area of Omaha, Neb.—Granted modification of construction permit (B4-PRY-210), which authorized a new relay broadcast station, to extend completion date from Dec. 18/40 to Feb. 18, 1941 (B4-MPRY-27).
- KAQW—Central States Broadcasting Co., Portable-Mobile, Area of Omaha, Neb.—Granted modification of construction permit (B4-PRY-209), which authorized a new relay broadcast station, to extend completion date from Dec. 18/40 to Feb. 18, 1941 (B4-MPRY-29).
- KSTP—KSTP, Inc., St. Paul, Minn.—Granted license to cover construction permit (B4-P-1828) which authorized move of transmitter, installation of new equipment and directional antenna, and increase in power to 50 KW; 1460 ke. (B4-L-1206); also granted authority to determine operating power by direct measurement of antenna power (B4-Z-455).
- KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted license to cover construction permit (B5-P-2632) which authorized installation of new transmitter, increase in power to 5 KW, installation of directional antenna for day and night use, and move of transmitter; 620 ke. (B5-L-1311); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-636).
- WMRN—The Marion Broadcasting Co., Marion, Ohio.—Granted license to cover construction permit (B2-P-2862) which authorized a new station to operate on 1560 ke., 250 watts, unlimited time (B2-L-1314); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-639).
- WKNE—Twin State Broadcasting Corp., Keene, N. H.—Granted license to cover construction permit (B1-P-2415) for move of transmitter and studio, installation of new transmitter, increase in power from 1 to 5 KW, and installation of directional antenna for day and night use; 1260 ke. (B1-L-1309); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-635).
- WDAY—WDAY, Inc., Fargo, N. Dak.—Granted license to cover construction permit (B4-P-2530) for increase in night power to 5 KW, and installation of directional antenna for night use; 940 ke. (B4-L-1310); also granted authority to deter-

mine operating power by direct measurement of antenna input (B4-Z-635).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-630).

WAWT—Alabama Polytechnic Institute, University of Alabama, Etc., Portable-Mobile (area of Birmingham, Ala.)—Granted license to cover construction permit (B3-PRY-211) which authorized a new relay broadcast station to be used with applicant's standard broadcast station WAPI; frequencies **1622, 2058, 2150, 2790 kc.**, 25 watts (B3-LRY-214).

WGNB—WGN, Inc., Chicago, Ill.—Granted license to cover construction permit (B4-PRE-347) for new relay broadcast station; frequencies **156750, 158400, 159300, 161100 kc.**, 50 watts, special emission for frequency modulation with a maximum band width not to exceed 200 kilocycles. Station to be used with applicant's standard broadcast station WGN (B4-LRE-339).

WDEL—WDEL, Inc., Wilmington, Del.—Request to withdraw petition for rehearing directed against the action of the Commission November 26, 1940, granting without hearing the application of WCOP, Boston, Mass., for construction permit to operate unlimited time on **1120 kc.**, with 500 watts power, was considered as a motion to dismiss, and granted, and the petition filed by WDEL for rehearing was dismissed.

The May Department Stores Co., Los Angeles, Cal.—Granted extension of time in which to supply the experimental program for television broadcast station W6XMC (CP only), for a period of 60 days from January 14, 1941.

WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit for high frequency broadcast station so as to specify the channel **46900 kc.** instead of **46700 kc.**, and the call letters W67PH heretofore assigned were changed to W69PH.

Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit for high frequency (FM) broadcast station so as to specify the channel **46700 kc.** instead of **48700 kc.**, heretofore assigned. Call letters for this station have not yet been assigned.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Modification of construction permit (B2-P-2578) as modified for new equipment, increase in power, and antenna, requesting a new transmitter and extension of completion date from January 28, 1941 to 180 days after grant.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit to install a new transmitter.

600 Kilocycles

KFSD—Airfan Radio Corporation, Ltd., San Diego, Calif.—Modification of construction permit (B5-P-2259) for new transmitter and antenna, increase in power and move of transmitter, requesting approval of vertical antenna and site at approximately 5.25 miles North of 4th Street and Broadway, San Diego, California, and install a new transmitter.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to increase power from 500 watts, 1 KW local sunset, to 5 KW day and night; install new equipment and directional antenna for day and night use. Amended to make changes in directional antenna for day and night use.

690 Kilocycles

NEW—Fred Jones, Mary Eddy Jones, and W. E. Hightower, d b as Fred Jones Broadcasting Co., Tulsa, Okla.—Construction permit for new station on **690 kc.**, Class II, 50 KW, unlimited. Amended re directional antenna.

900 Kilocycles

WFMD—Monocacy Broadcasting Co., Frederick, Md.—License to cover construction permit (B1-P-2243) for change in hours of operation and directional antenna for night use.

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Authority to determine operating power by direct measurement of antenna power.

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Construction permit to move auxiliary transmitter from RFD No. 2, Shawnee Road, near Martinsville, New York, to corner Bush Road and Beaver Island Parkway, Grand Island, New York.

920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit to increase power from 1 KW to 1 KW, 5 KW—Local Sunset, change hours of operation from daytime to unlimited time, install a new transmitter, install directional antenna for day and night use and move of transmitter.

1000 Kilocycles

NEW—Cuyahoga Valley Broadcasting Company, Cleveland, Ohio.—Construction permit for a new station on **1000 kc.**, 1 KW, daytime. Amended to change frequency from **1000 kc.** to **1270 kc.**, Class III-B, transmitter site at Stillson and Campbell, Cleveland, Ohio, changes in equipment and antenna.

1020 Kilocycles

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2904) as modified for changes in equipment and increase in power.

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement.

1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-MP-896) for change of power and hours of operation from 5 KW, limited time, to 1 KW, 5 KW, Local Sunset, unlimited time, and installation of directional antenna for night use, requesting changes in directional antenna for night use.

1060 Kilocycles

KTHS—KTHS Broadcasting Co., Inc., Hot Springs National Park, Arkansas.—Construction permit to install new transmitter, and directional antenna for night use; change frequency from **1040 kc.** to **1060 kc.**; increase power from 10 to 50 KW and hours of operation from shares KRLD to unlimited time. Amended to change name from Hot Springs Chamber of Commerce to KTHS Broadcasting Co., Inc.; change type of requested transmitter; and change power of amplifier from 100 watts, 250 watts local sunset, to 100 watts.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758) for increase in power from 250 watts, 1 KW local sunset, to 5 KW day and night; install directional antenna for day and night use, and new transmitter, requesting approval of directional antenna for day and night use.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and 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.

1200 Kilocycles

WJOB—F. L. Adair and O. E. Richardson, Hammond, Ind.—Modification of license to change hours of operation from unlimited day, share WFAM night, to unlimited time.

KGEK—Elmer G. Beehler, Sterling, Colo.—Authority to determine operating power by direct measurement of antenna power on **1230 kc.**, under NARBA.

1210 Kilocycles

- KWIL—Central Willamette Broadcasting Co., Albany, Ore.—License to cover construction permit (B5-P-2949) for a new station.
- KWIL—Central Willamette Broadcasting Company, Albany, Ore.—Authority to determine operating power by direct measurement of antenna power.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Authority to install automatic frequency control equipment.

1280 Kilocycles

- WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Modification of construction permit (B4-P-2689) for changes in directional antenna, increase in power, further requesting approval of new transmitter, changes in antenna system, approval of transmitter site at 9 E. Twp. 6 N.NE¼ of NE¼ of Sec. 16, Fitchburg, Wis., and studio site at 110 East Main St., Madison, Wis.

1290 Kilocycles

- WEBC—Head of the Lakes Broadcasting Company, Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

- WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Modification of construction permit (B2-P-2459) for move of transmitter, increase in power, new transmitter and antenna, requesting approval of vertical antenna and approval of transmitter site at Ferndale, Mich. Amended to give transmitter site as Ferndale, Mich.
- KARM—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.

1420 Kilocycles

- NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station on **1420 kc.** (Class IV station), 250 watts, unlimited time. Amended to change applicant from Arthur Lucas and Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co. (a partnership), to Chattahoochee Broadcasting Company (a corporation).
- NEW—Tri-State Broadcasting Corp., Wheeling, W. Va.—Construction permit for new station, **1420 kc.** (Class IV), 100 watts, unlimited.
- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Modification of construction permit (B5-P-2458) for a new station, requesting approval of vertical antenna, approval of transmitter site at 1124 S. 34th St., San Diego, Calif., and studio site at 1375 Pacific Blvd., Pacific Square, San Diego, Calif., and install a new transmitter.

1430 Kilocycles

- WOKO—WOKO, Inc., Albany, N. Y.—Authority to make changes in automatic frequency control apparatus.

FM APPLICATIONS

- NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-PH-46) for a new high frequency broadcast station, for approval of transmitter, changes in antenna and change population from 11,800,000 to 11,900,000. Amended to change location of studio from Newark, N. J., to New York, N. Y.
- NEW—Wodaam Corporation, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45300 kc.**; coverage, 8,500 square miles. Amended re to change frequency from **45300** to **46700 kc.**, population from 11,417,000 to 11,431,600; change type of transmitter, and location of transmitter from Carlstadt, N. J., to New York, N. Y., and changes in antenna.
- NEW—New Jersey Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station. Frequency, **47900 kc.**; coverage, 8,900 square miles; population, 10,400,000. Amended re change coverage from 8,900

to 8,500 square miles, population from 10,400,000 to 11,500,000, and make antenna changes.

- NEW—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PH-52) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change population from 11,010,372 to 11,814,746.
- WJIM—WJIM, Inc., Lansing, Mich.—Construction permit for new high frequency broadcast station. Frequency, **45100 kc.**; coverage, 5,341 square miles; population, 421,000.

TELEVISION APPLICATIONS

- NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PVB-20, which authorized a new television station) requesting approval of transmitter site and antenna: 720 East Capital Drive, Milwaukee, Wisconsin. Amended: re: antenna changes.
- NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new television (relay) broadcast station. Frequencies, **30000-306000** and **306000-312000 kc.**; power, 25 watts visual; emission, A-5; location, portable-mobile (area of Milwaukee County, Wis.). (To be used with television station W9XMJ.)

MISCELLANEOUS APPLICATIONS

- WEGQ—Broadcasting Service Organization, Inc., Boston, Mass.—Construction permit for reinstatement of station equipment changes, and increase power from 5 watts to 15 watts.
- NEW—Eugene J. Roth, tr/as Mission Broadcasting Company, San Antonio, Tex.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 25 watts; emission, A-3; hours of operation, unlimited; location, portable-mobile, area of San Antonio, Tex.
- WAWT—Alabama Polytechnic Institute, University of Alabama, and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of construction permit B3-PRY-211 to Voice of Alabama, Inc.
- KTSH—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to KTSH Broadcasting Co., Inc.
- KIDAS—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.
- KDAC—Gilbert H. Jertberg, Executor of the Estate of George Harm (deceased), Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.
- NEW—Piedmont Publishing Company, Winston-Salem, N. C.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 100 watts; emission, A3.
- NEW—The Evening News Association, Detroit, Mich.—Modification of construction permit (B2-PH-21) for approval of transmitter, antenna changes, and change population from 5,641,981 to 2,498,000. Amended re change type of transmitter.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Dr. Jane Blanchard—Charging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against Jane Blanchard Geary, trading as Dr. Jane Blanchard, 2817 East St. (N. S.), Pittsburgh.

According to the complaint, the respondent advertises her product designated "Dr. Blanchard's Female Compound and Regulator," as a competent and reliable regulator of conditions peculiar to women, and as being safe and harmless.

The complaint charges, however, that the preparation's therapeutic properties are limited to those of an alcoholic stimulant and irritant laxative; that it is not safe and harmless in that contains the drug aloes in quantities sufficient to be harmful, and that the respondent's advertisements are false because they fail to reveal that use of the preparation under conditions prescribed in the advertisements or under customary conditions may cause colitis and produce pelvic congestion.

Use of the title "Dr." by the respondent is misleading as she is not a medical doctor, the complaint alleges. (4449)

STIPULATIONS

The following stipulations have been entered into by the Commission during the past week:

Foot Pep Sales—A. Greenberg, Sol Bassan, and H. Greenberg, trading as Foot-Pep Laboratories, and Foot-Pep Sales, 930 West Roosevelt Road, Chicago, in a stipulation entered into with the Federal Trade Commission, agree to cease advertising that their preparation "Foot-Pep" is a competent remedy or effective treatment for athlete's foot; that it has any therapeutic value in treating this ailment in excess of affording temporary symptomatic relief and that it stops acidity, penetrates skin pores, stimulates foot circulation, peps up normal feet, and soothes corns, bunions or callouses. The respondents also agree to cease representing, by use of the word "Laboratories" in their trade name, that they maintain or control a laboratory. (02713)

Alvin L. Keeny, Route No. 1, New Freedom, Pa., a dealer in mink breeding stock, in a stipulation has agreed to cease representing that he personally has substantial resources to assure the sale, at a profit, of mink raised from breeding stock sold by him; that he has obtained or is able to obtain any specific amount for a mink pelt in excess of the amount actually obtained, or that mink pelts are worth any specified amount in excess of such amount obtained. The respondent also agrees to cease overstating the possible profits attainable by persons selling mink raised from stock sold by him. (02712)

Meyer Brothers Drug Company, 217 South Fourth St., St. Louis, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease advertising that its product "Ratskill" is the most effective exterminator to use against rats, and that the Department of Agriculture has said that red squill is the most successful of all rat poisons. The respondent, according to its stipulation, advertised its product as "a red squill rat exterminator."

Old Indian Medicine Company—Charles K. Wilson, trading as Old Indian Medicine Company, and as Wa-Hoo Medicine Company, 845 Western Ave., Toledo, Ohio, has entered into a stipulation with the Federal Trade Commission in which he agrees to cease and desist from certain representations in the sale of medicinal preparations.

The respondent stipulates that he will cease representing that "Wa-Hoo Bitters" is a tonic or effective treatment or competent remedy for ailments of the blood, nerves, stomach, liver or kidneys, and is efficacious as a treatment or remedy for rheumatism, impure blood, gastritis, sour or bloated stomach, liver or kidney complaint, indigestion, dyspepsia, catarrhal troubles, nervousness, salt rheum, scrofula, skin diseases or any other affliction or condition aside from constipation.

The respondent further agrees to cease representing by statements such as "Old Indian Remedy" or "Old Indian Root and Herb Tonic" or otherwise, that the formula for the preparation was originated or used by American Indians prior to the time of their introduction to or acquaintances with generally recognized medical science.

The respondent also agrees to desist from representing fictitious prices as customary prices. (3027)

Rogers Peet Company, operating a number of men's furnishing stores in New York City, has entered into a stipulation in which it agrees to cease certain representations in the sale of robes.

The respondent agrees to cease and desist from failing to disclose that such products are composed of rayon, either in whole or in part, as the case may be, such disclosure to be made clearly in invoices and all advertising matter.

The respondent corporation also stipulates that it will cease using the terms "Pure Silk" or "Silk Faille" or the word "Silk" or similar words, alone or in conjunction with other words, as descriptive of products which are not silk exclusively or which contain any metallic weighting.

If, according to the stipulation, a product consists of weighted silk, either in whole or in part, then the words "Silk," "Pure Silk" or "Silk-Faille," if used to refer to its silk content, shall be immediately accompanied by full and conspicuous disclosure of the presence of metallic weighting, together with its proportion or percentage, in all tags and advertising matter.

The stipulation gives the following as illustrative examples of the disclosure provided for: "Silk, Weighted, 20%," "Silk with 20% Metallic Weighting," "Silk Weighted up to 20%," and "Silk Weighted not over 20%." (3026)

Sumlar Company—A. Marks, trading as The Sumlar Company, 1 Sickles St., New York, has entered into a stipulation in which he agrees to cease certain representations in the sale of "Kloronol," a nose drop medicinal preparation.

The respondent agrees to cease disseminating advertisements (1) which represent that continuous use of Kloronol is safe, or that it may be continuously used without harm in certain pathological conditions such as sinusitis; (2) which advertisements fail to reveal that its continued or frequent use may cause nervousness, restlessness or sleeplessness, and (3) which fail to reveal that persons ill of high blood pressure, heart disease, diabetes or thyroid trouble, should not use the preparation except on competent advice.

The stipulation provides, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label, if and when such label either contains an appropriate warning or specifically directs attention to such a warning statement in the accompanying labeling.

The respondent also agrees to cease representing that the product is "new" or "rare." (02711)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Apex Lamp Works—B. Solomon, trading as Apex Lamp Works, 146 West 25th St., New York, to cease and desist from making misleading representations in the sale of a lamp shade or reflector known as "Ampliflector."

Commission findings are that the respondent advertised her product as being a new and amazing light discovery which cuts light bills from 25 to 50 per cent, and as an advancement in the science of light reflectors providing extreme concentration of light rays. The respondent also made other representations of the product's merit and efficiency.

The respondent, according to findings, discontinued such advertising in 1938 and continued selling the reflectors until a year later.

The Commission finds that the respondent's reflector does not reduce lighting costs; that, like many other reflectors, it is instrumental in directing and increasing light on a given working plane, and is merely an adaptation of a well-known principle of light diffusion.

The Commission order directs the respondent to cease and desist from various representations made concerning the product. (3629)

Cheshill Manufacturing Company—Selling a chain door lock equipped with a so-called safety bell and advertised as a burglar alarm, Edward Shill and Sanford C. Chesick, trading as The Cheshill Manufacturing Company, 501 Seventh Ave., New York, have been ordered to cease and desist from misrepresentation in the sale of this product, known as "Safety Bell Chain Lock."

The order directs the respondent to cease using the word "manufacturing" or any similar word as part of their trade name unless they actually own, operate and control a factory in which their product is made, and to cease representing that they are manufacturers of the "Safety Bell Chain Lock" device, and that it is patented or that an application for a patent is pending, when such is not a fact. (4123)

Group Sales Corporation, 215 West 39th St., New York, a jobber or wholesaler of silk and rayon piece goods, has been ordered to cease and desist from misrepresentation of its products.

Through its use in circular advertisements distributed to retail customers of the well-known names of manufacturers such as H. R. Mallinson, Cheney Bros., Belding, Schwarsenbach, and others, and of accompanying representations, the respondent, according to Commission findings, advertises that the piece goods which it sells are composed entirely of so-called "name goods," when in fact a substantial portion of the products so advertised consist of materials having no recognized quality and made by manufacturers who do not have a wide or favorable reputation. Most of the respondent's merchandise, the findings continue, has been obtained, not directly from manufacturers, but from commission merchants, dress manufacturers, garment makers and jobbers.

The Commission order directs that the respondent cease representing, or aiding retailers to represent, through the device of so-called "name sales" of groups of piece goods, that groups of its silk and rayon piece goods constitute "name goods," unless all or a majority of the goods included in such groups have been actually produced and widely advertised by a nationally known manufacturer.

The order further directs that in the event such groups of goods include pieces not produced and widely advertised by a nationally known manufacturer, disclosure of that fact is to be made.

The respondent is further ordered to cease representing as new, wanted, up-to-date, stylish or seasonable, any fabric which is not such in fact; representing that the quality, character or origin of a fabric is other than what is actually the fact, and that any product has been obtained by the respondent directly from the manufacturer, when such is not a fact. (2922)

Home Diathermy Company, Inc.—A cease and desist order which it issued last November against Home Diathermy Company, Inc., 1780 Broadway, New York, has been modified directing cessation of misleading representations in the sale of a "Home Diathermy" device.

The modified order directs the respondent to cease and desist from misrepresentation of the therapeutic value and merit of its product, as did the original order, but the modified order changes that part of the original order which prohibited the dissemination of advertisements which failed to reveal that unsupervised use of the device by unskilled persons may result in serious and irreparable injury.

Under the modified order, now in effect, the respondent is directed to cease disseminating advertisements which fail "to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and has prescribed the frequency and amount of application of such diathermy treatments and the user has been adequately instructed in the method of operating such device by a trained technician."

Otherwise the modified order is the same as the original order. (3653)

McAfee Candy Company—Orders have been issued against a Georgia candy manufacturer and a New York distributor of smoking pipes, directing them to cease and desist from the use of lottery methods in the sale of their products.

The respondents are: Joe B. Hill and C. O. McAfee, trading as McAfee Candy Co., and as Liberty Candy Co., 651 Poplar St., Macon, Ga., and S. M. Frank & Co., Inc., and its subsidiary, Wm. Demuth & Co., Inc., both of 133 Fifth Ave., New York.

The order against the Macon, Ga., firm directs that it cease and desist from supplying to or placing in the hands of others candy or any other merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with candy or other merchandise, together with push or pull cards, punch boards or other lottery devices, which devices may be used in selling or distributing such candy or other merchandise to the public; from supplying to or placing in the hands of others, punch boards, push or pull cards, or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling or distributing such candy or other merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, a gift enterprise, or lottery scheme. (4114)

The two New York pipe companies are directed to cease and desist from selling or distributing pipes or any other merchandise so packed and assembled that their sale to the public may be made by means of a lottery; from supplying others with push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such pipes or other merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4393)

New York Premium Novelty Company—Alexander Weiler and Lilly Greenspan Weiler, trading as New York Premium Novelty Co., 168 Avenue A, New York, has been ordered to cease and desist from using lottery methods in the sale of jewelry, cosmetics, cigarette lighters, clocks and other merchandise.

Commission findings are that the respondents distributed between 800,000 and 1,000,000 advertising circulars, each containing a pull card device and picturizations of their merchandise. By means of their sales plan, the findings continue, the respondents have done an annual business of between \$25,000 and \$30,000, of which 60 per cent has been outside New York State.

The Commission order directs the respondents to cease supplying to or placing in the hands of others, or transporting to agents, distributors, or the public, punch boards, push or pull cards, or other devices, which may be used in selling or distributing their merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme. (3579)

National Proprietaries, Inc., 767 North Milwaukee Ave., Chicago, has been ordered to cease and desist from misrepresentation in the sale of "Nuga-Tone," advertised as having substantial value in treating nervous disorders.

The preparation, according to Commission findings, does not possess any value in the treatment of nervous disorders and is not safe, as it contains several drugs in quantities sufficient to produce serious and irreparable injury if used under conditions prescribed in the advertisements or under usual conditions.

The Commission order directs the respondent to cease and desist from disseminating advertisements which represent that Nuga-Tone possesses any therapeutic value in the treatment of nervous disorders or which fail to reveal that use of the preparation may result in chronic poisoning, irritation of the kidneys, nervous irritability, neuritis, or other conditions. (4271)

Spors Company—Frank Spors, trading as Spors Company and as Quality Products Company, Le Center, Minn., has been ordered to cease and desist from disseminating advertisements representing that his preparation designated as "Corn-Go" and "Liquid Corn-Go" will remove bunions or has any value in their treatment; will prevent recurrence of corns or callouses, or that the preparation's action in removing calluses or corns accomplishes anything other than a temporary removal. (4397)

FTC DISMISSES CASES

The Federal Trade Commission has dismissed a complaint charging 10 card clothing manufacturers and the Card Clothing Manufacturers' Association, New York, with unfair competition in violation of the Federal Trade Commission Act in the sale of their product.

The manufacturer respondents include: Ashworth Brothers, Inc., Fall River, Mass., also trading as American Card Clothing Co., Philadelphia; Benjamin Booth Co., Philadelphia; Charlotte Manufacturing Co., Charlotte, N. C.; Davis & Furber Machine Co., North Andover, Mass.; Howard Brothers Manufacturing Co., Worcester, Mass.; J. Sherlock, trading as Methuen Napper Clothing Co., Methuen, Mass.; Merrimac Card Clothing Co., Andover, Mass.; Standard Card Clothing Co., Stafford Springs, Conn.;

Wickwire-Spencer Steel Co., New York, all members of the respondent association, and Frederick C. Redman, Lowell, Mass., trading as Redman Card Clothing Co.

The respondent manufacturers' product, card clothing, is a tough, close-woven fabric studded with steel teeth, used principally by textile manufacturers in combing out wool and cotton preparatory to spinning.

The Commission has closed its case against Aero Industries Technical Institute, Inc., Los Angeles, which conducts a vocational school in modern aircraft construction and allied fields. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of home study or correspondence courses. The Commission closed the case without prejudice to its right to resume proceedings, should future facts so warrant.

REALLOCATION

**Order Your Crystals!
Order Engineering Service!
File for Construction Permits!**

The FCC reallocation order of January 31 leaves the industry with less than 60 days in which to prepare for the shifts. To accomplish the reallocation as scheduled on March 29, requires the utmost of cooperation between the FCC, the broadcast stations and the equipment manufacturers. The FCC reallocation release number 47182 issued January 31, outlines the course of procedure to follow.

There are two possible bottlenecks apparent at present in carrying out the reallocation. Grinding the hundreds of new crystals will be a difficult task for the manufacturers to accomplish before March 29. It is therefore of the utmost importance that stations make immediate arrangements for securing new crystals. Some stations may be able to obtain crystals from present tenants of their new frequency. Correspondence in connection with this should be carried out with all speed so that if crystals cannot be obtained this way, the manufacturer of crystals will be given the maximum possible notice. Stations should be sure to notify the manufacturer whether a directional antenna is to be used or not.

Deliveries on equipment other than crystals are slow and therefore, stations are urged to ascertain their needs and place orders immediately.

Each consulting engineering firm will be called on to change over several directional antennas. It will not be possible for each firm to be at the transmitter of each client on the night of the change. The FCC in its release provides for changing most of the directionals on a skeleton proof of performance basis. Under this plan the consultants can start immediately resetting directionals during test periods and then record the new settings. On the shift night the station engineer can set all the coils and condensers to the previously marked positions. This

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Justice Department Files Criminal Action Against ASCAP

The Department of Justice on Wednesday, February 4, filed in the United States District Court for the Eastern District of Wisconsin at Milwaukee a criminal information against the American Society of Composers, Authors and Publishers. The information charged that the Society was an unlawful combination in restraint of trade in violation of the Sherman antitrust law. Specifically, it alleged that the following practices of the Society and its members constituted illegal conduct:

(1) The members of the Society assign exclusively to the Society all public performance rights to the copyrighted music composed or published by the respective members thus eliminating all competition among the members in the exploitation of the public performance rights to their music.

(2) The Society is governed by a self-perpetuating board of directors which supervises all of the business of the Society and determines the method of distributing the revenues of the Society among the members and the amount to be received by each member.

(3) Membership in the Society is conditioned, among other requirements, upon the regular publication by the candidate for membership of not less than five musical compositions.

(4) Performance licenses for the Society's music are available only on an all-or-none basis. Licenses authorizing the performance of single compositions or groups of compositions are not available.

(5) The fees collected for these licenses are fixed arbitrarily by the Society to all commercial users of music. In the case of radio broadcasters, this fee is based upon a percentage of the gross revenue of the music user, whether or not such revenue is derived from programs in which music controlled by the Society is used.

(6) The Society has discriminated as to both price and terms among various commercial users of music so that some users have received more favorable treatment at the hands of the Society than others who are similarly situated.

(7) The members of the Society have exercised their privilege of restricting from public performance popular and current musical compositions so as to deprive the listening public of the opportunity of hearing the restricted music and have used this privilege for the purpose of enhancing recording fees received by the members for the recording rights to their respective catalogues of music.

(8) Prior to December 31, 1940, the Society did not offer blanket licenses to radio networks, but required that each station in the network obtain a separate license. Radio stations affiliated with a network have no control over the copyrighted musical compositions

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NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

JUSTICE DEPARTMENT FILES CRIMINAL ACTION AGAINST ASCAP

(Continued from page 115)

which they receive from the originating station in the network. Nevertheless these radio stations have had to accept a license from the Society upon any terms and conditions imposed by the Society or subject themselves to numerous infringement suits.

Commenting on the Department's action, Thurman Arnold, Assistant Attorney General in charge of the Anti-trust Division, stated:

"In plain language, ASCAP is charged with exploiting composers by preventing them from selling their music except on terms dictated by a self-perpetuating board of directors. That board has the power arbitrarily to determine on what basis various members of ASCAP shall share in the royalties from ASCAP compositions.

In addition to discriminating against composers, ASCAP has begun using its monopoly power to charge the users of music for songs they do not play. This is done by compelling the user to pay a percentage of his gross receipts on programs where other music is used or where no music is used. By this method, anyone who does not belong to ASCAP is excluded from the market. These practices we consider not only illegal but unjustifiable on any ground of fair dealing. Our proceeding is aimed only to compel ASCAP to stop such practices. Therefore, the Department will continue to hold the door open to proposals from ASCAP which will eliminate these abuses. It does not desire to prevent ASCAP from protecting the copyright privileges of its members."

Others Named in Complaint

These officers and directors of ASCAP were named as defendants:

Gene Buck, president; Louis Bernstein and Otto A. Harbach, vice presidents; George W. Meyer, secretary; Gustave Schirmer, treasurer; J. J. Bregman, assistant secretary; Irving Caesar, assistant treasurer, and Mav Dreyfus, Fred E. Ahlert, Saul Bornstein, George Fischer, Walter Fischer, Raymond Hubbell, Oley Speaks, Deems Taylor, Will von Tilzer, John Mercer and Oscar Hammerstein 2d; E. C. Mills, chairman of the administrative committee, and John G. Paine, general manager.

These corporations, which have officers, agents or representatives on the board of directors of ASCAP, also were named defendants:

Shapiro, Bernstein & Co., Inc.; Irving Berlin, Inc.; Bregman Vocco & Conn, Inc.; Chappell & Co., Inc.; I. B. Harms Company; J. Fischer & Bros.; Carl Fischer, Inc.; Mill Music, Inc.; Words and Music, Inc.; Robbins Music Corporation; Leo Feist, Inc.;

Miller Music, Inc.; G. Schirmer, Inc.; Boston Music Company; Willis Music Company; Harms, Inc.; M. Witmark & Sons; Remick Music Corporation; Harry von Tilzer Music Publishing Company.

All members of ASCAP, in addition to the defendants listed, are named as co-conspirators, the information states, also including these by name: Jerome Kern, Edgar Leslie, Jack Mills, Herman Starr, John O'Connor and J. J. Robbins.

The information was filed after a comprehensive investigation of the activities of the Society and its members which has been conducted by the Department for several months. Negotiations for a settlement between representatives of the Society and the Department respectively, ended abruptly late in December.

The case is in charge of Victor O. Waters, Special Assistant to the Attorney General, and Warren Cunningham, Jr., Special Attorney.

REALLOCATION

(Continued from page 115)

scheme can probably be worked in the majority of cases. Inasmuch as the time is very short, it is imperative that stations immediately place orders with their consulting engineers for realigning the directional antennas.

If a station's transmitter has duplicate crystals, it will be permissible to operate with one crystal for the old frequency and one for the new frequency in the transmitter during the change-over period.

Stations should immediately place orders with the manufacturers for changing frequency monitors to the new frequencies. The FCC has made arrangements with the monitor manufacturers so that an order can be placed for the change without sending in the monitor at that time. The manufacturers will schedule the work and notify each station when to send their monitor in. In this way each station can use its monitor on the old frequency as long as possible. The FCC has authorized operation without a monitor for the required time if the monitor is returned on schedule from the manufacturer. During the period the station is without a monitor frequent checks should be made by the station's monitoring service. A check at least twice a week is suggested. A station's good standing will not be jeopardized if due precautions have been taken and good faith has been shown if they accidentally are found off frequency during the period. Stations should ask their monitor manufacturers for a recalibration schedule without delay.

The equipment necessary to change frequency only requires no further authority from the FCC but any change of tower location and antenna system changes requires a CP in the regular order. The requirements to obtain a CP are not affected by change of requirements due to the reallocation order and must be filed in the usual manner. Stations have full authority without filing for

a CP for changing monitor crystals, changing the transmitter crystals, retuning the transmitter and retuning the antenna system provided that if a directional antenna is in use the pattern on the new frequency is the same as on the old and further provided that the physical aspects of the antenna system are not to be changed.

In cases where CP's are required in connection with the reallocation, the FCC is geared to handle them promptly. A note should be appended to the application stating that it is in connection with and in accordance with the reallocation order. If an application is in such form as not to require detailed study, then the FCC, if so requested, will wire the applicant permission to proceed with the construction.

Most engineers have placed the minimum time necessary for placing the agreement into effect at three months. Inasmuch as we now have less than two months in which to do the job, it is absolutely essential that all stations:

1. Place orders for equipment immediately.
2. Place orders for engineering services immediately.
3. File any necessary applications for construction permits immediately.

FCC release number 47182 issued January 31 should be read carefully by every broadcaster. It reads as follows:

NOTICE TO ALL STANDARD BROADCAST STATION LICENSEES MANUFACTURERS OF FREQUENCY CONTROL EQUIPMENT FREQUENCY MONITOR SERVICES AND CONSULTING RADIO ENGINEERS

The Commission today released the frequency assignments for all standard broadcast stations to be effective 0800 GMT (3:00 a.m. EST) March 29, 1941, pursuant to the North American Regional Broadcasting Agreement (NARBA). On this date every standard broadcast station must be operated on the frequency given in the list.

In all, some 795 of the 883 broadcast stations must change frequency. The Commission requests the cooperation of broadcast licensees and manufacturers of frequency control equipment to supply the necessary equipment to facilitate the change of frequency on this date. It is urged that every broadcast licensee immediately place an order for the necessary new oscillators or modification of existing oscillators to enable it to operate on the specified frequency. Licensees should specify in the order for crystals whether a directional antenna is employed by the station.

Manufacturers are requested to give prior consideration to orders from station licensees using directive antennas in accordance with the receipt of orders for new oscillators. Each station should be supplied with only two crystals, one for the transmitter and another for the frequency monitor when there are unfilled orders with the manufacturer.

An exchange of crystals is recommended in so far as feasible. The NAB has agreed to cooperate with any licensees in coordinating this work.

All stations are hereby authorized to test on the new frequency prior to March 29 during the experimental period (1 a.m. to 6 a.m. local standard time). Licensees are requested to cooperate to avoid unnecessary interference while testing during this period. Every licensee should make arrangements to adjust the equipment so as to operate on the new frequency prior to March 29. Most stations using nondirective antennas should require not over a few hours to adjust the equipment throughout to the new frequency after the new crystals are obtained. In some cases where high power transmitters and complicated antenna coupling arrangements are used, two or more test periods may be required.

The procedure in general should be to connect the new crystal

in accordance with the design of the transmitter and adjust each successive stage, beginning with the first buffer, for optimum operation on the new frequency. Clips or other markings should be made on each tuning capacitor and inductance so that the old frequency can be returned to in the minimum of time.

At stations employing non-directive antennas, this process may be carried on through the antenna systems, and any station in good operating condition should have no great difficulty in adjusting the frequency to the new assignments. By this means every adjustment may be made ("get all set") well before March 29 and on the morning of March 29 at 3 a.m. EST, the permanent shift to the new frequency will be made. The frequency should be checked with a frequency monitoring service when the adjustments are first completed and if possible on the morning of March 29.

Each commercial frequency monitoring service is requested to cooperate by making their service available during the entire test period for a week or more before and after March 29, 1941.

General monitoring throughout the broadcast band should be carried on when scheduled checking permits, so as to advise licensees of any off frequency operation. The Commission will have its monitoring stations in operation to advise of any off frequency operation but cannot assist in making adjustments similar to a commercial service.

Stations employing directional antennas in which no substantial change in the directional pattern is required should proceed as follows:

1. Change frequency and adjust each power stage as instructed above.
2. Roughly adjust the antenna coupling and phasing in accordance with the new calculated values.
3. Exercise care to mark all inductances and capacitors so that the original position can be returned to in a short time.
4. As soon as the rough adjustments are made in the phasing and coupling equipments, turn on the power and check the field pattern in pertinent directions.

It may be necessary to purchase new fixed capacitors which should be temporarily connected in the circuit during tests and dropped out when returning to the old frequency.

The Commission will accept proof of the directive antenna operation from readings made on the radial through the monitoring points (direction in which protection is required) and a few readings in other directions.

All told, the final readings need not be in excess of some 8 or 10 in most cases. In every case, readings on appropriate selected points should be made before the frequency change and repeated after the change. Two or three measurements on the radial through the monitoring points should be made, as well as a few checks in the non-protective direction to determine the radiation efficiency.

The usual regional or clear channel station employing a two or three element directive antenna in which the suppression is not excessive, should be able to complete the entire adjustment during two or three test periods. If greater time is required in cases of high directivity or complicated antenna systems, appropriate arrangements should be made by the licensee. The time to change the equipment back from the new frequency to the old 30 kilocycles or less removed should not in any case exceed 30 minutes, if the matter is engineered in a proper manner.

Those stations having engineers familiar with the technique of adjustment of the different circuits should experience no difficulty in making all required adjustments in changing to the new frequency. Those stations employing directive antennas necessarily require the services of engineers competent to calculate and adjust directive antennas and equipped with the necessary field intensity measuring equipment. It is believed that station engineers will have no difficulty in shifting the equipment including directional antennas to the new channels on March 29 once they have been previously fully adjusted. These data on the radiation field together with the frequency check should be supplied to the Commission upon completion and prior to March 29, 1941.

In case any station is not able, due to any causes, to change to the new frequency on March 29, the Commission must be notified and the station will be required to cease operation until such station can change frequency.

All stations which must return their frequency monitors to the manufacturer to readjust the frequency should do so in the following manner:

1. Notify the manufacturer it is desired to return the monitor at once.
2. Obtain a shipment schedule from the manufacturer.

3. The Commission authorizes operation without a monitor if above schedule is followed.

The manufacturers are requested to make a schedule on the recalibration of the frequency monitors so that a great number will not be received when they cannot be handled except at a certain rate on schedule.

Stations determining power by the direct method may continue the direct method when accurate resistance measurements have been made on the new frequency and supplied to the Commission. Readings taken on the old frequency which also cover the new frequency will suffice. Stations operating by the indirect method should continue to so operate. However, attention is called to the fact that all stations must operate by direct method by June 1, 1941.

Licenses and Construction Permits

It should be emphasized that the approval which has been given by the Commission to the lists of stations, pursuant to the agreement, does not in itself authorize operation by licensees on the frequencies or with the power specified. Action by the Commission resulting in the issuance of station licenses in accordance with the Communications Act is required before such operation is authorized. There are now pending before the Commission, applications for renewal of license for all standard broadcast stations which were in operation on October 1, 1940. The Commission, upon consideration of these applications, will issue renewal licenses effective at 3:00 a.m. EST, March 29, 1941. Such applications, if approved, will be granted in part, specifying the new frequencies in lieu of the former frequencies, and issued subject to such further conditions with respect to directional antennas as may be required in order to carry out the Agreement.

The foregoing does not mean that all pending applications for renewal of license will be granted. In instances where the Commission, in the normal course, because of complaints or investigations pending against the station, or for other reasons, may determine to hold hearings or conduct other proceedings with respect to the licensees, the Commission procedures regularly applicable in such cases will be followed. In instances where outstanding construction permits require modification in order to comply with the terms of the Agreement, the Commission will institute appropriate procedures for modification of such construction permits.

In order to comply with the assignments permissible under the Agreement, new construction is involved in some instances. Licensees whose applications for renewal are granted subject to a condition, and who accept the condition, must file applications for construction permits to carry out the construction involved for consideration in regular order by the Commission. That is, if a station now operates on frequency A with 1 kw power and under the assignment provided in the Agreement must operate under frequency B but requires a directional antenna to limit the radiation in some direction to less than the equivalent of 1 kw, the station must file an application and be granted authority to put in the necessary equipment with required antenna. The application should be filed as soon as possible and prior to March 29 and the construction proceeded with as rapidly as possible; but in any event the station will be required to shift frequency from frequency A to frequency B at the first operation after 3 a.m. EST March 29. Where construction cannot be completed by that date, such station will be required to operate without directional antenna at a sufficiently low power to avoid interference with other stations.

Some station assignments are listed with a power in excess of that now contained in the station's license. In no case is any station authorized to operate with any power other than that contained in the license or otherwise ordered by the Commission. Applications must be filed with the Commission in order to take advantage of the power increases specified under the listings and such applications will be considered in the order of their filing. The listing does not necessarily mean that the listed station or existing licensee will receive the power specified. The Commission will determine according to the requirements of the Communications Act of 1934.

LICENSES FOR REALLOCATION

The FCC has sent this notice to standard broadcast station licensees and holders of standard broadcast station construction permits:

The Commission today issued a separate order to each of 795 standard broadcast station licensees, as to whose frequency assignments a change is contemplated in keeping with the North American Regional Broadcasting Agreement and the Recommendations adopted by the Commission's Resolution of January 31, 1941, looking to the granting of renewal of license applications specifying frequencies and conditions of operation consistent with the Agreement.

Under the Agreement all stations must shift simultaneously to appropriate frequencies at 3:00 a.m., EST, March 29, 1941. Section 307(e) of the Communications Act of 1934, as amended, provides, that the Commission may not grant renewals of existing station licenses more than 30 days prior to the expiration of such licenses. The Recommendations provide that the other governments parties to the Agreement may give notice on or before March 1, 1941, of their acceptance of said Recommendations, and that in the absence of notification prior to March 1, 1941, the Recommendations are to be considered as approved and accepted by such governments. For these reasons no final action with respect to pending renewal applications will be taken prior to March 1, 1941. The Commission desires, however, to anticipate the placing into effect of the Agreement so far as possible.

The Commission's order in each case specifies the frequency and conditions of operation proposed to be authorized. It further provides that the station licensee may give notice to the Commission of any objections it may have to the frequency assignment and other conditions of operation proposed affecting such station on or before February 18, 1941. Upon receipt of any such notice the Commission will afford appropriate opportunity for a hearing.

Although the orders permit the filing of objections and provide for hearing, it should be observed that the proposed changes were made public September 11, 1940, and opportunity was then and thereafter given to interested parties to make their views known. The purpose of the further opportunity now afforded is to permit the final examination of any remaining objections under the standard of public interest, convenience and necessity. Stations not filing objections will be deemed to have consented to such changes and the orders provide that the Commission will then consider the applications for renewal of such stations as applications for renewal on the new frequencies and subject to the new conditions.

There are outstanding standard broadcast station construction permits looking to the issuance of licenses for operation after March 29, 1941. Before any license covering such construction permits may be issued provision must be made consistent with the terms of the Agreement for the use of a frequency, and in some instances installation of directional antennas or modification of directional antennas presently provided for in said construction permits. The holder of any such construction permit should file as promptly as possible an application for modification of the construction permit to specify a frequency and conditions of operation consistent with the terms of the Agreement.

The Commission also announced that although the Recommendations are not yet legally in effect, pending the response of other governments, no action will be taken by the Commission in a manner inconsistent with the provisions of the Agreement, the Recommendations or the appended lists.

This, of course, will not preclude action where there are no questions of a signal of sufficient intensity to cause interference consequences in another country, nor the granting of authorizations for operation effective after March 29, 1941, which may be notified as changes under the Agreement.

Radio's Moving Day

The entire radio industry is rapidly getting in step for March 29 when 90 per cent of United States stations will come in on new dial locations on over 50,000,000 radio receivers.

Suggestions to stations will be consolidated in a broadside soon to be mailed from headquarters.

Advantages to all stations concentrating on an identical point of view will be obvious to all station managers. There are basically three points which must be understood by the radio public and the servicemen who will setup the push buttons of 10,000,000 radio sets:

- (1) Reallocation is another forward step in the constant improvement in radio broadcasting.
- (2) Reallocation will bring better over-all program reception in the United States.
- (3) Reallocation results from careful, long time planning and consultation between governments. It required over 3 years for reallocation to become effective.

Prior to the arrival of the broadside it is suggested that managers complete arrangements with power companies, gas companies and telephone companies for envelope stuffer enclosures in March bills, in line with the "Good News" bulletin of February 1.

It would also be helpful during the coming week for the cause of reallocation if managers will notify the local radio trade that they have complete information in their office on the new frequencies.

Many servicemen and dealers will want to publish a log for advance distribution to their customers.

Editors of trade papers going to servicemen and dealers have pointed out in their columns that for the first time in a great many years servicemen and dealers have log information, which is really news.

REALLOCATION FREQUENCY LIST

NAB DISTRICT 1

	Present Frequency in kc.	New Frequency Mar. 29, 1941
CONNECTICUT		
WICC—Bridgeport.....	600	600
WNAB.....	CP 1420	1450
WDRG—Hartford.....	1330	1360
WTHT.....	1200	1230
WTIC.....	1040	1080
WNBC—New Britain.....	1380	1410
WELI—New Haven.....	930	960
WNLC—New London.....	1500	1490
WATR—Waterbury.....	1290	1320
WBRY.....	1530	1590
MAINE		
WRDO—Augusta.....	1370	1400
WABI—Bangor.....	1200	1230
WLBZ.....	620	620

	Present Frequency in kc.	New Frequency Mar. 29, 1941
WCOU—Lewiston.....	1210	1240
WCSH—Portland.....	940	970
WGAN.....	560	560
WAGM—Presque Isle.....	1420	1450
MASSACHUSETTS		
WAAB—Boston.....	1410	1440
WBZ.....	990	1030
WCOP.....	1120	1150
WEEI.....	590	590
WHDH.....	830	850
WMEX.....	1470	1510
WNAC.....	1230	1260
WORL.....	920	950
WSAR—Fall River.....	1450	1480
WHAI—Greenfield.....	1210	1240
WHYN—Holyoke.....	CP 1370	1400
WOCB—nr. Hyannis.....	1210	1240
WLAW—Lawrence.....	680	680
WLLH—Lowell.....	1370	1400
WNBH—New Bedford.....	1310	1340
WBRK—Pittsfield.....	1310	1340
WESX—Salem.....	1200	1230
WBZA—Springfield.....	990	1030
WMAS.....	1420	1450
WSPR.....	1140-CP	1240
WMAW—Worcester.....	CP 1200	1230
WORC.....	1280	1310
WTAG.....	580	580
NEW HAMPSHIRE		
WLNH—Laconia.....	1310	1340
WFEA—Manchester.....	1340	1370
WMUR.....	CP 610	610
WHEB—Portsmouth.....	740	750
WKNE—Keene.....	1260	1290
RHODE ISLAND		
WFCI—Pawtucket.....	CP 1390	1420
WEAN—Providence.....	780	790
WJAR.....	890	920
WPRO.....	630	630
VERMONT		
WCAX—Burlington.....	1200	1230
WSYB—Rutland.....	1500	1490
WQDM—St. Albans.....	1390	1420
WDEV—Waterbury.....	550	550
NAB DISTRICT 2		
NEW YORK		
WABY—Albany.....	1370	1400
WOKO.....	1430	1460
WMBO—Auburn.....	1310	1340
WBTA—Batavia.....	CP 1500	1490
WBNF—Binghamton.....	1500	1490
WARD—Brooklyn.....	1400	1430
WBBC.....	1400	1430
WBBR.....	1300	1330
WCNW.....	1500	1600
WFW.....	1400	1430
WBEN—Buffalo.....	900	930
WBNY.....	1370	1400
WEBR.....	1310	1340
WGR.....	550	550
WKBW.....	1480	1520
WSVS.....	1370	1400
WCAD—Canton.....	1220	1250
WENY—Elmira.....	1200	1230
WGBB—Freeport.....	1210	1240
WHCU—Ithaca.....	850	870
WJTN—Jamestown.....	1210	1240
WKNY—Kingston.....	1500	1490
WHNY—Newburgh.....	1220	1250
WABC—New York City.....	860	880
WBNX.....	1350	1380
WEAF.....	660	660
WEVD.....	1300	1330

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
WIIN	1010	1050	KQV	1380	1410
WINS	1180	1000	WCAE	1220	1250
WJZ	760	770	WJAS	1290	1320
WLTH	1400	1430	WWSW	1500	1490
WMCA	570	570	WEEU—Reading	830	850
WNEW	1250	1280	WRAW	1310	1340
WNYC	810	830	WARM—Scranton	CP 1370	1400
WOV	1100	1130	WGBI	880	910
WQXR	1550	1560	WQAN	880	910
WHLI—Niagara Falls	1260	1290	WPIC—Sharon	780	790
WSLB—Ogdensburg	1370	1400	WKOK—Sunbury	1210	1240
WHDL—Olean	1420	1450	WMBS—Uniontown	1420 CP 590	590
WMFF—Plattsburg	1310	1340	WBAX—Wilkes Barre	1210	1240
WKIP—Poughkeepsie	1420	1450	WBRF	1310	1340
WHAM—Rochester	1150	1180	WRAK—Williamsport	1370	1400
WHEC	1430	1460	WORK—York	1320	1350
WSAY	1210	1240			
WAGE—Salina	CP 620	620	NAB DISTRICT 4		
WNBZ—Saranac Lake	1290	1320	DISTRICT OF COLUMBIA		
WGY	790	810	WINX—Washington	1310	1340
WFBL—Syracuse	1360	1390	WJSV	1460	1500
WOLF	1500	1490	WMAL	630	630
WSYR	570	570	WOL	1230	1260
WHAZ—Troy	1300	1330	WRC	950	980
WTRY	950	980	WWDC	CP 1420	1450
WIBX—Utica	1200	1230			
WATN—Watertown	CP 1210	1240	MARYLAND		
WVNY	CP 1270	1300	WBAL—Baltimore	1060	1090
WFAS—White Plains	1210	1240	WCAO	600	600
WWRL—Woodside	1500	1600	WCBM	1370	1400
NAB DISTRICT 3			WFBR	1270	1300
DELAWARE			WITH	CP 1200	1230
WDEL—Wilmington	1120	1150	WTBO—Cumberland	800	820
WILM	1420	1450	WFMD—Frederick	900	930
NEW JERSEY			WJEJ—Hagerstown	1210	1240
WCAP—Asbury Park	1280	1310	WBOC—Salisbury	1500	1490
WBAB—Atlantic City	1200	1490	NORTH CAROLINA		
WFPG	1420	1450	WISE—Asheville	1370	1400
WSNJ—Bridgeton	1210	1240	WWNC	570	570
WCAM—Camden	1280	1310	WBT—Charlotte	1080	1110
WAAT—Jersey City	940	970	WSOC	1210	1240
WHOM	1450	1480	WDNC—Durham	1500	1490
WHBI—Newark	1250	1280	WCNC—Elizabeth City	1370	1400
WOR	710	710	WFNC—Fayetteville	1340	1370
WPAT—Paterson	CP 900	930	WGNC—Gastonia	1420	1450
WBRB—Red Bank	1210	1240	WGBR—Goldsboro	1370	1400
WTNJ—Trenton	1280	1310	WBIG—Greensboro	1440	1470
WAWZ—Zarephath	1350	1380	WGTC—nr. Greenville	1500	1490
PENNSYLVANIA			WHKY—Hickory	1370	1400
WCBA—Allentown	1440	1470	WMFR—High Point	1200	1230
WSAN	1440	1470	WFTC—Kinston	1200	1230
WFBG—Altoona	1310	1340	WPTF—Raleigh	680	680
WCED—Du Bois	CP 1200	1230	WRAL	1210	1240
WEST—Easton	1200	1400	WCBT—Roanoke Rapids	CP 1200	1230
WERC—Erie	CP 1500	1490	WEED—Rocky Mount	1420	1450
WLEU	1420	1450	WSTP—Salisbury	1500	1490
WIBG—Glenside	970	990	WMFD—Wilmington	1370	1400
WHJB—Greensburg	620	620	WGTM—Wilson	1310	1340
WSAJ—Grove City	1310	1340	WAIR—Winston-Salem	1310	1340
WHP—Harrisburg	1430	1460	WSJS	1310-CP 600	600
WKBO	1200	1230	SOUTH CAROLINA		
WAZL—Hazleton	1420	1450	WAIM—Anderson	1200	1230
WJAC—Johnstown	1370	1400	WCSC—Charleston	1360	1390
WGAL—Lancaster	1500	1490	WTMA	1210	1250
WKST—New Castle	1250	1280	WCOS—Columbia	1370	1400
WKPA—New Kensington	1120	1150	WIS	560	560
KYW—Philadelphia	1020	1060	WOLS—Florence	1200	1230
WCAU	1170	1210	WFBC—Greenville	1300	1330
WDAS	1370	1400	WMRC	1500	1490
WFIL	560	560	WORD—Spartanburg	1370	1400
WHAT	1310	1340	WSPA	920	950
WIP	610	610	WFIG—Sumter	1310	1340
WPEN	920	950	VIRGINIA		
WTEL	1310	1340	WCHV—Charlottesville	1420	1450
KDKA—Pittsburgh	980	1020	WBTM—Danville	1370	1400

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
WFVA—Fredericksburg.....	1260	1290	WGPC—Albany.....	1420	1450
WSVA—Harrisonburg.....	550	550	WALB.....	CP 1530	1590
WLVA—Lynchburg.....	1200	1230	WGAU—Athens.....	1310	1340
WMVA—Martinsville.....	CP 1420	1450	WAGA—Atlanta.....	1450	1480
WGII—Newport News.....	1310	1340	WATL.....	1370	1400
WTAR—Norfolk.....	780	790	WGST.....	890	920
WPID—Petersburg.....	1210	790	WSB.....	740	750
WBBL—Richmond.....	1210	1240	WGAC—N. of Augusta.....	1210	1240
WMBG.....	1350	1380	WMWH.....	CP 1420	1450
WRNL.....	880	910	WRDW.....	1500	1490
WRVA.....	1110	1140	WMOG—Brunswick.....	1500	1490
WDBJ—Roanoke.....	930	960	WRBL—Columbus.....	1200	1230
WLSL.....	1500	1490	WMJM—Cordele.....	1500	1490
WLPM—Suffolk.....	1420	1450	WBLJ—Dalton.....	1200	1230
WEST VIRGINIA			WGGA—Gainesville.....	CP 1210	1240
WJLS—Beckley.....	1210	1240	WKEU—Griffin.....	1500	1450
WHIS—Bluefield.....	1410	1440	WLAG—La Grange.....	CP 1210	1240
WCHS—Charleston.....	580	580	WBML—Macon.....	1420	1240
WGKV.....	1500	1490	WMAZ.....	1180	940
WBLK—Clarksburg.....	1370	1400	WMGA—Moultrie.....	1370	1400
WMMN—Fairmont.....	890	920	WRGA—Rome.....	1500	1490
WSAZ—Huntington.....	1190-CP 900	930	WSAV—Savannah.....	1310	1340
WLOG—Logan.....	1200	1230	WTOC.....	1260	1290
WAJR—Morgantown.....	1200	1230	WPAX—Thomasville.....	1210	1240
WPAR—Parkersburg.....	1420	1450	WRLC—Toccoa.....	CP 1420	1450
WBRW—Welch.....	1310	1340	WGOV—Valdosta.....	1420	1450
WKWK—Wheeling.....	CP 1370	1400	WAYX—Waycross.....	1200	1230
WWVA.....	1160	1170	WDAK—West Point.....	1310	1340
WBTH—Williamson.....	1370	1400	PUERTO RICO		
NAB DISTRICT 5			WPRA—Mayaguez.....	780	790
ALABAMA			WPAB—Ponce.....	1340	1370
WHMA—Anniston.....	1420	1450	WPRP.....	1420-CP 1480	1520
WAPI—Birmingham.....	1140	1170	WKAQ—San Juan.....	1240-CP 620	620
		(See note 1)	WNEL.....	1290	1320
WBRC.....	930	960	NAB DISTRICT 6		
WSGN.....	1310	1340	ARKANSAS		
WMSL—Decatur.....	1370	1400	KLCN—Blytheville.....	1290	1320
WAGF—Dothan.....	1370	1400	KFPW—Fort Smith.....	1370	1400
WJBY—Gadsden.....	1210	1240	KTHS—Hot Springs.....	1040	1090
WBHP—Huntsville.....	1200	1230			(See note 2)
WALA—Mobile.....	1380	1410	KWFC.....	1310	1340
WMOB.....	1200	1230	KBTM—Jonesboro.....	1200	1230
WCOV—Montgomery.....	1210	1240	KARK—Little Rock.....	890	920
WSFA.....	1410	1440	KGHI.....	1200	1230
WMSD—Muscle Shoals City.....	1420	1450	KLRA.....	1390	1420
WJHO—Opelika.....	1370	1400	KELD—No. of El Dorado.....	1370	1400
WHBB—Selma.....	1500	1490	KOTN—Pine Bluff.....	1500	1490
WJRD—Tuscaloosa.....	1200	1230	KUOA—Siloam Springs.....	1260	1290
FLORIDA			LOUISIANA		
WMFJ—Daytona Beach.....	1420	1450	KALB—Alexandria.....	1210	1240
WPER—Deland.....	CP 1310	1340	WJBO—Baton Rouge.....	1120	1150
WFTL—Fort Lauderdale.....	1370	1400	KVOL—Lafayette.....	1310	1340
WFTM—Fort Myers.....	1210	1240	KPLC—Lake Charles.....	1500	1490
WRUF—Gainesville.....	830	850	KMLB—Monroe.....	1200	1230
WJAX—Jacksonville.....	900	930	WNOE—New Orleans.....	1420	1450
WJHP.....	1290	1320	WDSU.....	1250	1280
WMBR.....	1370	1400	WJBW.....	1200	1230
WLAK—Lakeland.....	1310	1340	WSMB.....	1320	1350
WIOD—Miami.....	610	610	WWL.....	850	870
WQAM.....	560	560	KRMD—Shreveport.....	1310	1340
WKAT—Miami Beach.....	1500-CP 1330	1360	KTBS.....	1450	1480
WTMC—Ocala.....	1500	1490	KWKH.....	1100	1130
WDBO—Orlando.....	580	580	MISSISSIPPI		
WLOF.....	1200	1230	WCBI—Columbus.....	1370	1400
WDLP—Panama City.....	1200	1230	WJPR—Greenville.....	1310	1340
WCOA—Pensacola.....	1340	1370	WGRM—Greenwood.....	1210	1240
WFOY—St. Augustine.....	1210	1240	WGCM—Gulfport.....	1210	1240
WSUN—St. Petersburg.....	620	620	WFOR—Hattiesburg.....	1370	1400
WTSP.....	1370-CP 1350	1380	WJDX—Jackson.....	1270	1300
WSPB—Sarasota.....	1420	1450	WSLI.....	1420	1450
WTAL—Tallahassee.....	1310	1340	WAML—Laurel.....	1310	1340
WDAE—Tampa.....	1220	1250	WSKB—McComb.....	1200	1230
WFLA.....	940	970	WCOC—Meridian.....	880	910
WJNO—West Palm Beach.....	1200	1230	WQBC—Vicksburg.....	1360	1390

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
TENNESSEE					
WOPI—Bristol.....	1500	1490	WIRE.....	1400	1430
WAPO—Chatanooga.....	1420-CP 1120	1150	WISH.....	CP 1280	1310
WDEF.....	CP 1370	1400	WKMO—Kokomo.....	CP 1420	1400
WDOD.....	1280	1310	WLBC—Muncie.....	1310	1340
WHUB—Cookeville.....	1370	1400	WGRC—New Albany.....	1370	1400
WTJS—Jackson.....	1310-CP 1360	1390	WKBV—Richmond.....	1500	1490
WJHL—Johnson City.....	1200-CP 880	910	WFAM—South Bend.....	1200	1230
WKPT—Kingsport.....	1370	1400	WSBT.....	1360-CP 930	960
WBIR—Knoxville.....	CP 1210	1240	WBOW—Terre Haute.....	1200	1230
WNOX.....	1010	990	WAOV—Vincennes.....	1420	1450
WROL.....	1310-CP 620	620	WBAA—West Lafayette.....	890	920
WHBQ—Memphis.....	1370	1400	MICHIGAN		
WMC.....	780	790	WELL—Battle Creek.....	1420	1400
WMPS.....	1430	1460	WBCM—Bay City.....	1410	1440
WREC.....	600	600	WHDF—Calumet.....	1370	1400
WLAC—Nashville.....	1470	1510	WJBK—Detroit.....	1500	1490
WSIX.....	1210	1240	WJR.....	750	760
WSM.....	650	650	WMBC.....	1420	1400
NAB DISTRICT 7					
KENTUCKY					
WCMI—Ashland.....	1310	1340	WWJ.....	920	950
WLBK—Bowling Green.....	1310	1340	WXYZ.....	1240	1270
WHLN—Harlan.....	CP 1420	1450	WKAR—East Lansing.....	850	870
WHOP—Hopkinsville.....	1200	1230	WDBC—Escanaba.....	CP 1500	1490
WLAP—Lexington.....	1420	1450	WFDF—Flint.....	1310-CP 880	910
WAVE—Louisville.....	940	970	WASH—Grand Rapids.....	1270	1300
WHAS.....	820	840	WGRB.....	CP 1200	1230
WINN.....	1210	1240	WLAV.....	1310	1340
WOMI—Owensboro.....	1500	1490	WOOD.....	1270	1300
WPAD—Paducah.....	1420	1450	WJMS—Ironwood.....	1420	1450
OHIO					
WAKR—Akron.....	1530	1590	WIBM—Jackson.....	1370	1450
WJW.....	1210	1240	WKZO—Kalamazoo.....	590	590
WICA—Ashtabula.....	940	970	WJIM—Lansing.....	1210	1240
WHBC—Canton.....	1200	1230	WMPC—Lapeer.....	1200	1230
WCKY—Cincinnati.....	1490	1530	WDMJ—Marquette.....	1310	1340
WCPO.....	1200	1230	WKBZ—Muskegon.....	1500	1490
WKRC.....	550	550	WCAR—Pontiac.....	1100	1130
WLW.....	700	700	WHLS—Port Huron.....	1370	1450
WSAI.....	1330	1360	WEXL—Royal Oak.....	1310	1340
WCLE—Cleveland.....	610	610	WSOO—Sault Ste. Marie.....	1200	1230
WGAR.....	1450	1480	WHAL—Saginaw.....	CP 950	980
WHK.....	1390	1420	WSAM.....	1200	1230
WTAM.....	1070	1100	WTCM—Traverse City.....	CP 1370	1400
WBNS—Columbus.....	1430	1460	NAB DISTRICT 9		
WCOL.....	1200	1230	ILLINOIS		
WHKC.....	640	640	WMRO—Aurora.....	1250	1280
WOSU.....	570	570	WJBC—Bloomington.....	1200	1230
WHIO—Dayton.....	1260	1290	WKRO—Cairo.....	CP 1500	1490
WING.....	1380	1410	WCAZ—Carthage.....	1070	1080
WLOK—Lima.....	1210	1240	WDWS—Champaign.....	1370	1400
WMAN—Mansfield.....	1370	1400	WAAF—Chicago.....	920	950
WMRN—Marion.....	CP 1500	1490	WBBM.....	770	780
WPAY—Portsmouth.....	1370	1400	WCBF.....	1080	1110
WIZE—Springfield.....	1310	1340	WCFL.....	970	1000
WSTV—Steubenville.....	1310	1340	WCRW.....	1210	1240
WADC—Talmadge.....	1320	1350	WEDC.....	1210	1240
WSPD—Toledo.....	1340	1370	WENR.....	870	890
WTOL.....	1200	1230	WGES.....	1360	1390
WFMJ—Youngstown.....	1420	1450	WGN.....	720	720
WKBN.....	570	570	WJJD.....	1130	1160
WHIZ—Zanesville.....	1210	1240	WLS.....	870	890
NAB DISTRICT 8					
INDIANA					
WHBU—Anderson.....	1210	1240	WMAQ.....	670	670
WTRC—Elkhart.....	1310	1340	WMBI.....	1080	1110
WEOA—Evansville.....	1370	1400	WSBC.....	1210	1240
WGBF.....	1250	1280	WHFC—Cicero.....	1420	1450
WGL—Fort Wayne.....	1370	1450	WDAN—Danville.....	1500	1490
WOWO.....	1160	1190	WSOY—Decatur.....	1310	1340
WIND—Gary.....	560	560	WTMV—East St. Louis.....	1500	1490
WHIP—Hammond.....	1480	1520	WGIL—Galesburg.....	1500	1400
WJOB.....	1200	1230	WEBQ—Harrisburg.....	1210	1240
WFBM—Indianapolis.....	1230	1260	WJPF—N. of Herrin.....	1310	1340
WIBC.....	1050	1070	WCLS—Joliet.....	1310	1340
			WMBD—Peoria.....	1440	1470
			WTAD—Quincy.....	900	930
			WROK—Rockford.....	1410	1440
			WHBF—Rock Island.....	1240	1270
			WCBS—Springfield.....	1420	1450
			WTAX.....	1210	1240

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WDZ—Tuscola	1020	1050	KFAB—Lincoln	770	1110
WILL—Urbana	580	580	KFOR	1210	1240
WISCONSIN			WJAG—Norfolk	1060	780
WHBY—Appleton	1200	1230	KGNF—North Platte	1430	1460
WATW—Ashland	1370	1400	KOIL—Omaha	1260	1290
WEAU—Eau Claire	1050	1070	KONB	CP 1500	1490
KFIZ—Fond du Lac	1420	1450	KOWH	660	660
WTAQ—Green Bay	1330	1360	WOW	590	590
WCLO—Janesville	1200	1230	KGKY—Scottsbluff	1500	1490
WKBH—La Crosse	1380	1410	NAB DISTRICT 11		
WHA—Madison	940	970	MINNESOTA		
WIBA	1280	1310	KATE—Albert Lea	1420	1450
WOMT—Manitowoc	1210	1240	KDAL—Duluth	1500	1490
WMAM—Marinette	570	570	WEBC	1290	1320
WIGM—Medford	CP 1500	1490	KGDE—Fergus Falls	1200	1230
WEMP—Milwaukee	1310	1340	WMFG—Hibbing	1210	1240
WISN	1120	1150	KYSM—Mankato	1500	1230
WTMJ	620	620	WCCO—Minneapolis	810	830
WIBU—Poynette	1210	1240	WDGY	1180	1130
WRJN—Racine	1370	1400	WLB	760	770
WJMC—Rice Lake	1210	1240	WLWL	1300	1330
WHBL—Sheboygan	1300	1330	WTCN	1250	1280
WLBL—Stevens Point	900	930	KVOX—Moorhead	1310	1340
WDSM—Superior	1200	1230	WCAL—Northfield	760	770
WSAU—Wausau	1370	1400	KROC—Rochester	1310	1340
WFHR—Wisconsin Rapids	1310	1340	KFAM—St. Cloud	1420	1450
NAB DISTRICT 10			KSTP—St. Paul	1460	1500
IOWA			WMIN	1370	1400
WOI—Ames	640	640	WHLB—Virginia	1370	1400
KFGQ—Boone	1370	1400	KWLM—Willmar	1310	1340
WMT—Cedar Rapids	600	600	KWNO—Winona	1200	1230
WOC—Davenport	1370	1450	NORTH DAKOTA		
KWLC—Decorah	1270	1240	KFYR—Bismarck	550	550
KRNT—Des Moines	1320	1350	KDLR—Devils Lake	1210	1240
KSO	1430	1460	WDAY—Fargo	940	970
WHO	1000	1040	KFJM—Grand Forks	1410	1440
KDTH—Dubuque	CP 1340	1370	KRMC—Jamestown	1370	1400
WKBB	1500	1490	KGCU—Mandan	1240	1270
KVFD—Fort Dodge	1370	1400	KLPM—Minot	1360	1390
WSUI—Iowa City	880	910	KOVC—Valley City	1500	1490
KFJB—Marshalltown	1200	1230	SOUTH DAKOTA		
KGLO—Mason City	1210-CP 1270	1300	KABR—Aberdeen	1390	1420
KBIZ—Ottumwa	CP 1210	1240	KFDY—Brookings	780	790
KFNF—Shenandoah	890	920	KGFX—Pierre	630	630
KMA	930	960	KOBH—Rapid City	1370	1400
KSCJ—Sioux City	1330	1360	WCAT	1200	1230
KTRI	1420	1450	KELO—Sioux Falls	1200	1230
MISSOURI			KSOO	1110	1140
KFVS—Cape Girardeau	1370	1400	KUSD—Vermillion	890	920
KFUO—Clayton	830	850	KWAT—Watertown	1210	1240
KFRU—Columbia	630-CP 1370	1400	WNAX—Yankton	570	570
KWOS—Jefferson City	1310	1340	NAB DISTRICT 12		
WMBH—Joplin	1420	1450	KANSAS		
KCMO—Kansas City	1450	1480	KVAK—Atchison	1420	1450
KITE	1530	1590	KGGF—Coffeyville	1010	690
KMBC	950	980	KGNO—Dodge City	1340	1370
WDAF	610	610	KTSW—Emporia	1370	1400
WHB	860	880	KIUL—Garden City	1210	1240
KWOC—Poplar Bluff	1310	1340	KVGB—Great Bend	1370	1400
KDRO—Sedalia	1500	1490	KWBG—Hutchinson	1420	1450
KFEQ—St. Joseph	680	680	KCKN—Kansas City	1310	1340
KMOX—St. Louis	1090	1120	KFKU—Lawrence	1220	1250
KSD	550	550	WREN	1220	1250
KWK	1350	1380	KSAC—Manhattan	580	580
KXOK	630	630	KOAM—Pittsburg	790	810
WEW	760	770	KSAL—Salina	1120	1150
WIL	1200	1230	WIBW—Topeka	580	580
KGBX—Springfield	1230	1260	KANS—Wichita	1210	1240
KWTO	560	560	KFBI	1050	1070
NEBRASKA			KFH	1300	1330
KORN—Fremont	1370	1400	OKLAHOMA		
KMMJ—Grand Island	740	750	KADA—No. of Ada	1200	1230
KHAS—Hastings	1200	1230	KVSO—Ardmore	1210	1240
KGFW—Kearney	1310	1340			

	Present Frequency in kc.	New Frequency Mar. 29, 1941		Present Frequency in kc.	New Frequency Mar. 29, 1941
KASA—Elk City	1210	1240	KFEL—Denver	920	950
KCRC—Enid	1360	1390	KLZ	560	560
KSWO—Lawton	CP 1120	1150	KMYR	1310	1340
KBIX—Muskogee	1500	1490	KOA	830	850
WNAD—Norman	1010	690	KPOF	880	910
KOCY—Oklahoma City	1310	1340	KVOD	630	630
KOMA	1480	1520	KIUP—Durango	1370	1400
KTOK	1370	1400	KFXJ—Grand Junction	1200	1230
WKY	900	930	KFKA—Greeley	880	910
KHBG—Okmulgee	1210	1240	KOKO—La Junta	1370	1400
WBBZ—Ponca City	1200	1230	KIDW—Lamar	1420	1450
KGFF—Shawnee	1420	1450	KGHF—Pueblo	1320	1350
KOME—Tulsa	1310	1340	KGEK—Sterling	1200	1230
KTUL	1400	1430			
KVOO	1140	1170			
TEXAS NAB DISTRICT 13			IDAHO		
KRBC—Abilene	1420	1450	KIDO—Boise	1350	1380
KFDA—Amarillo	1200	1230	KID—Idaho Falls	1320	1350
KGNC	1410	1440	KRLC—Lewiston	1370	1400
KNOW—Austin	1500	1490	KFXD—Nampa	1200	1230
KTBC	1120	1150	KSEI—Pocatello	900	930
KFDM—Beaumont	560	560	KTFI—Twin Falls	1240	1270
KRIC	1420	1450	KWAL—Wallace	1420	1450
KBST—Big Spring	1500	1490			
KNEL—Brady	1500	1490	MONTANA		
KGFI—Brownsville	1500	1490	KGHL—Billings	780	790
KBWD—Brownwood	CP 1350	1380	KRBM—Bozeman	1420	1450
WTAW—College Station	1120	1150	KGIR—Butte	1340	1370
KEYS—Corpus Christi	CP 1500	1490	KFBB—Great Falls	1280	1310
KRIS	1330	1360	KPFA—Helena	1210	1240
KAND—Corsicana	1310	1340	KGEZ—Kalispell	1310-CP 1430	1340
KRLD—Dallas	1040	1080			(See note 3)
WFAA	800	820	KRJF—Miles City	CP 1310	1340
WRR	1280	1310	KGVO—Missoula	1260	1290
KDNT—Denton	1420	1450	KGCX—Wolf Point	1450	1480
KFPL—Dublin	1310	1340			
KROD—El Paso	1500-CP 600	600	UTAH		
KTSM	1350	1380	KSUB—Cedar City	1310	1340
KFJZ—Fort Worth	1240	1270	KVNU—No. of Logan	1200	1230
KGKO	570	570	KLO—Ogden	1400	1430
WBAP	800	820	KEUB—Price	1420	1450
KLUF—Nr. Galveston	1370	1400	KOVO—Provo	1210	1240
KPRC—Houston	920	950	KDYL—Salt Lake City	1290	1320
KTRH	1290	1320	KSL	1130	1160
KXYZ	1440	1470	KUTA	1500-CP 570	570
KSAM—Huntsville	1500	1490			
KOCA—Kilgore	1210	1240	WYOMING		
KPAB—Laredo	1500	1490	KDFN—Casper	1440	1470
KFRO—Longview	1340	1370	KFBC—Cheyenne	1420	1450
KFYO—Lubbock	1310	1340	KYAN	1370	1400
KRBA—Lufkin	1310	1340	KPOW—Powell	CP 1200	1230
KRLH—Midland	1420	1450	KVRS—Rock Spring	1370	1400
KNET—Palestine	1420	1450	KWYO—Sheridan	1370	1400
KPDN—Pampa	1310	1340			
KPLT—Paris	1500	1490	NAB DISTRICT 15		
KIUN—Pecos	1370	1400	CALIFORNIA		
KPAC—Port Arthur	1220	1250	KRE—Berkeley	1370	1400
KGKL—San Angelo	1370	1400	KHSL—Chico	1260	1290
KABC—San Antonio	1420	1450	KIEM—Eureka	1450	1480
KMAC	1370	1400	KARM—Fresno	1310	1340
KONO	1370	1400	KMJ	580	580
KTSA	550	550	KMYC—S.E. of Marysville	1420	1450
WOAI	1190	1200	KYOS—Merced	1040	1080
KRRV—Sherman	880	910	KTRD—Modesto	740	860
KXOX—Sweetwater	1210	1240	KDON—Monterey	1210	1240
KTEM—Temple	1370	1400	KLS—Oakland	1280	1310
KCMC—Texarkana	1420	1450	KLX	880	910
KGXB—Tyler	1500	1490	KROW	930	960
KVWC—Vernon	1500	1490	KVCV—So. of Redding	1200	1230
KVIC—No. of Victoria	1310	1340	KFBK—Sacramento	1490	1530
WACO—Waco	1420	1450	KROY	1210	1240
KRGV—Weslaco	1260	1290	KFRC—San Francisco	610	610
KWFT—Wichita Falls	620	620	KGO	790	810
			KJBS	1070	1100
			KPO	680	680
			KSAN	1420	1450
			KSFO	560	560
			KYA	1230	1260
			KQW—San Jose	1010	740
COLORADO NAB DISTRICT 14					
KGIW—Alamosa	1420	1450			
KVOR—Colorado Springs	1270	1300			

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KSRO—Santa Rosa.....	1310-CP 1320	1350
KGDM—Stockton.....	1100	1130
KWG.....	1200	1230
KTKC—Visalia.....	890	920
KHUB—Watsonville.....	1310	1340

HAWAII

KHBC—Hilo.....	1200	1230
KGMB—Honolulu.....	590	590
KGU.....	750	760
KTOH—Lihue.....	1500	1490

NEVADA

KENO—Las Vegas.....	CP 1370	1400
KFUN.....	CP 1420	1450
KOH—Reno.....	630	630

NAB DISTRICT 16

ARIZONA

KWJB—So. of Globe.....	1210	1240
KCRJ—Jerome.....	1310	1340
KSUN—Lowell.....	1200	1230
KOY—Phoenix.....	550	550
KPHO.....	1200	1230
KTAR.....	620	620
KYCA—Prescott.....	1500	1490
KGLU—Safford.....	1420	1450
KTUC—Tucson.....	1370	1400
KVOA.....	1260	1290
KYUM—Yuma.....	1210	1240

NEW MEXICO

KGGM—Albuquerque.....	1230	1260
KOB.....	1180	1030
KLAH—Carlsbad.....	1210	1240
KICA—Clovis.....	1370	1400
KAWM—Gallup.....	1500	1490
KWEW—Hobbs.....	1500	1490
KGFL—Roswell.....	1370	1400
KVSF—Santa Fe.....	1310	1340

CALIFORNIA

KERN—Bakersfield.....	1380	1410
KPMC.....	1550	1600
KMPC—Beverly Hills.....	710	710
KXO—El Centro.....	1500	1490
KIEV—Glendale.....	850	870
KFOX—Long Beach.....	1250	1280
KGER.....	1360	1390
KECA—Los Angeles.....	780	790
KFAC.....	1300	1330
KFI.....	640	640
KFSG.....	1120	1150
KFVD.....	1000	1020
KFWB.....	950	980
KGFJ.....	1200	1230
KHJ.....	900	930
KMTR.....	570	570
KNX.....	1050	1070
KRKD.....	1120	1150
KPPC—Pasadena.....	1210	1240
KFXM—San Bernadino.....	1210	1240
KFMB—San Diego.....	CP 1420	1450
KFSD.....	600	600
KGB.....	1330	1360
KVEC—San Luis Obispo.....	1200	1230
KVOE—Santa Ana.....	1500	1490
KDB—Santa Barbara.....	1500	1490
KTMS.....	1220	1250

NAB DISTRICT 17

ALASKA

KFQD—Anchorage.....	780	790
KFAR—Fairbanks.....	610	610
KINY—Juneau.....	1430	1460
KGBU—Ketchikan.....	900	930

OREGON

	Present Frequency in kc.	New Frequency Mar. 29, 1941
KWIL—Albany.....	CP 1210	1240
KAST—Astoria.....	1200	1230
KBKR—Nr. Baker.....	1500	1490
KBND—Bend.....	1310	1340
KOAC—Corvallis.....	550	550
KODL—The Dalles.....	1200	1230
KORE—Eugene.....	1420	1450
KUIN—Grants Pass.....	1310	1340
KFJI—Klamath Falls.....	1210	1240
KLBM—La Grande.....	1420	1450
KOOS—Marshfield.....	1200	1230
KMED—Medford.....	1410	1440
KALE—Portland.....	1300	1330
KBPS.....	1420	1450
KEX.....	1160	1190
KGW.....	620	620
KOIN.....	940	970
KWJJ.....	1060-SA 1040	1080
KXL.....	1420	1450
KRNR—Roseburg.....	1500	1490
KSLM—Salem.....	1360	1390

WASHINGTON

KXRO—Aberdeen.....	1310	1340
KVOS—Bellingham.....	1200	1230
KELA—Centralia.....	1440	1470
KRKO—Everett.....	1370	1400
KWLK—Longview.....	1370	1400
KGY—Olympia.....	1210	1240
KWSC—Pullman.....	1220	1250
KEVR—Seattle.....	1370	1400
KIRO.....	710	710
KJR.....	970	1000
KOL.....	1270	1300
KOMO.....	920	950
KRSC.....	1120	1150
KTW.....	1220	1250
KXA.....	760	770
KFIO—Spokane.....	1120	1150
KFPY.....	890	920
KGA.....	1470	1500
KHQ.....	590	590
KMO—Tacoma.....	1330	1360
KVI.....	570	570
KVAN—Vancouver.....	880	910
KUJ—Walla Walla.....	1370-CP 1390	1420
KPQ—Wenatchee.....	1500	1490
KIT—Yakima.....	1250	1280

Note 1—WAPI, Birmingham, Alabama, station to operate on 1170 kc. pending adjustment of domestic problems in U. S.

Note 2—KTHS, Hot Springs, Arkansas, at present divides time with KRLD nights on 1040 kc. and operates full-time on 1060 days.

Note 3—KGEZ, Kalispell, Montana, may be moved to 1460 kc. instead of 1340 as listed.

CP—Construction permit.

SA—Special authority.

Present frequencies as of February 1, 1941.

PAYMENTS TO ASCAP AFTER
DECEMBER 31

A number of stations have raised the question whether ASCAP is correctly interpreting its contract in demanding payment upon receipts for programs carried in December, payments for which, however, were not received until after December 31. The accounting policies of stations vary and therefore there is no uniform rule which can be applied.

Some stations report that in the past ASCAP received payment the first month of the contract or the first month

of a revised contract on all receipts received, even though some receipts were for programs carried previous months. If the contract has been so interpreted in the past, it would seem that payment to ASCAP on all receipts received during December would discharge all obligations to ASCAP.

However, if payments in the past have been made on billings or on collections when and as made, then the station is obligated to pay ASCAP on such sums as are collected after January 1 for business carried prior to January 1.

The question should be decided by each station's local counsel or accountant based upon the terms of the contract and its past interpretation by the parties.

BMI CATALOGUE

M. E. Tompkins, Vice President and General Manager of BMI, has issued a memorandum to all members calling attention to the wealth of material in the BMI catalogue and in the catalogues of other music publishers licensing through BMI which may be used to obtain wider diversification in building programs. The memorandum follows in full:

We are heartened by the splendid support of our stations in the use of the materials offered by BMI. To forestall criticism on the part of the listening public, however, we must improve program structure by widening our use of available material in the interest of intelligent diversification.

You have splendidly cooperated with our professional department in promoting the use of the titles upon which they are working, and we do not want to diminish that cooperation.

There is, however, an enormous wealth of excellent material offered by BMI from its own catalogue as well as from the catalogues, the performance rights of which BMI has acquired. Accompanying this list is a carefully specially selected list of material from the catalogues of BMI, Ricordi, Marks and Peer. All of this material is up to the standard of our "hits". We urge continuous effort on the part of program managers throughout the industry to see that these numbers are used in ever increasing variety. If we are to have the continuous support of the listening audience, which has been very flattering up to the moment, we must now take advantage of the wider diversification that is possible from the material that BMI makes available to you.

BMI's music you already have in your library. The material listed from our other publishers, you can acquire at reasonable rates by direct application to the publisher if you do not already have it. We shall be very glad to act as intermediary for you if you wish us to have these publishers ship any material to you.

We anticipate your wholehearted support of this request.

BEST SELLERS

BMI songs have now definitely established themselves as the most popular tunes in all parts of the country. Throughout America ten out of the ten best song sellers for the week ended February 2, according to variety, are songs published or licensed by Broadcast Music, Inc. In the history of Tin Pan Alley, no one publisher has ever had so many hits at the same time.

The enthusiastic reception by the dancing public of BMI songs is regarded as direct refutation of two theories often posed by ASCAP: (1) that playing songs on the air "ruins sheet music and record sales" and (2) that

BMI FEATURE TUNES

February 10-17

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT

"only ASCAP writers can write hit songs". Radio's ability to skyrocket sheet music sales is reflected in the following figures: To-date "There I Go", has sold 140,000 copies of sheet music, "Frenesi", 130,000 and "I Hear A Rhapsody", 120,000. Many more thousand will be sold within the next few weeks. According to popular music experts a song is classified as a "hit" if it sells 75,000 copies, and rarely do more than 15 songs sell more than 100,000 copies in a year. It is therefore considered phenomenal that one publishing house, BMI, has turned out two songs that have sold well over one hundred thousand copies during the first month of 1941. Especially interesting is the history of "Frenesi"—the widely popular Mexican number. Although this song was published and recorded last February, it did not achieve any popularity until it was put on the radio. As soon as it began to "catch on" and appear on the programs of the name bands, sheet sales jumped and it is now a bigger hit in the United States than it ever was in Mexico.

The success of "There I Go", "I Hear A Rhapsody", "I Give You My Word", "So You're the One", "You Walk By" and many other popular dance favorites is concrete evidence that BMI has opened up a wealth of real musical talent which had hitherto been denied recognition by ASCAP's "closed-circle" policies. All these songs were written by gifted young composers, who were not lucky enough to reach the "inside" of Tin Pan Alley. For years they have been waiting for a "break". Now, thanks to BMI, these and many other composers have arrived.

A LONDONER COMMENTS

A letter in Life Magazine, issue of February 3rd, affords interesting comment on the widespread popularity of "There I Go". John English, the writer, a Londoner, takes exception to remarks by Walter Graebner on "the enforced trend toward uniformity in London". In this connection Mr. English writes "I don't suppose this Graebner person has ever noticed how Americans drink large quantities of a drink called Coca-Cola, how they have all been humming There I Go for the past few weeks, how many of them are reading a magazine called Life, and how they all praise such characters as Charlie McCarthy and Jack Benny. Does the popularity of these things necessarily denote a trend toward uniformity? Of course not—neither in this country or in London."

FAVORABLE COMMENT PREDOMINATING

More than a million dollars has been subscribed in license fees for the renewal period of BMI license which runs from April 1, 1941 to April 1, 1942—very strong testimony to the universal approval of BMI policies among the broadcasters.

Carl Haverlin, BMI's Station Relations Director, who attended the district meetings in the 16th, 17th, 14th and 10th Districts, reports that the consensus of the two hundred broadcasters attending these meetings was that favorable comment on the new music far outweighed the unfavorable comment. In virtually all cases where the broadcasters had taken the trouble to trace down unfavorable comment it was found to be inspired by ASCAP propagandists.

Labor

SUPREME COURT UPSETS ARNOLD IN FIRST LABOR CASE

The Supreme Court on February 3 handed down its decision in the first of the "Thurman Arnold" labor cases to come to the Court's attention. It will be recalled that Mr. Arnold some time ago listed five labor union practices which he thought were illegal under the Anti-Trust Laws:

1. Unreasonable restraints designed to prevent the use of cheaper material, improved equipment, or more efficient methods. An example is the effort to prevent the installation of factory-glazed windows or factory-painted kitchen cabinets.

2. Unreasonable restraints designed to compel the hiring of useless and unnecessary labor. An example is the requirement that on each truck entering a city there be a member of the local teamsters' union in addition to the driver who is already on the truck. Such unreasonable restraints must be distinguished from reasonable requirements that a minimum amount of labor be hired in the interests of safety and health or of avoidance of undue speeding of the work.

3. Unreasonable restraints designed to enforce systems of graft and extortion. When a racketeer, masquerading as a labor leader, interferes with the commerce of those who will not pay him to leave them alone, the practice is obviously unlawful.

4. Unreasonable restraints designed to enforce illegally fixed prices. An example of this activity is found in the Chicago Milk case where a labor union is charged with combining with distributors and producers to prevent milk being brought into Chicago by persons who refuse to maintain illegal and fixed prices.

5. Unreasonable restraints designed to destroy an established and legitimate system of collective bargaining. Jurisdictional strikes have been condemned by the A. F. of L. itself. Their purpose is to make war on another union by attacking employers who deal with that union. There is no way the victim of such an attack may avoid it except by exposing himself to the same attack by the other union. Restraints of trade for such a purpose are unreasonable whether undertaken by a union or by an employer restraining trade or by a combination of an employer and a union, because they represent an effort to destroy the collective bargaining relationships of a union with an employer.

The broadcasting industry was especially interested in No. 2.

It was No. 5 which the Court ruled on Monday. (U. S. vs. Hutcheson et al. No. 43.)

Certain work in connection with the building of some new beer vats at the Anheuser-Busch plant in St. Louis was awarded to the International Association of Machinists (A. F. of L.). The United Brotherhood of Carpenters and Joiners (A. F. of L.) maintained that its members should do the work. The Carpenters' Union then called a strike of its members employed at the brewery, and put Budweiser on its unfair list. Mr. Arnold stepped in and charged the Carpenters' Union with violation of the Anti-Trust Laws.

The Court held that Mr. Arnold was wrong, stating that "so long as a Union acts in self-interest, and does not combine with non-labor groups licit and the illicit under Section 20 (of the Clayton Act), are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular Union activities are the means."

Broadcasting lawyers are now studying the opinion with a view to determining how it might affect situations in which the broadcasting industry is interested.

WAGE-HOUR ACT CONSTITUTIONAL

The same day the Court upheld the constitutionality of the Wage and Hour Act, as had been generally expected. (U. S. vs. F. W. Darby Lumber Company et al. No. 82.)

GUARANTEED OVERTIME

Down in Dallas, Texas, William H. Atwell, a Federal District Judge, made a ruling this week which, if upheld by higher courts, would in effect remove any pain that the broadcasting industry suffers from the Act. Judge

said, in effect, that any plan for computing overtime that was agreeable to employer and employee was all right under the Act so long as the total payment exceeded the minimum wage requirements.

Specifically, Judge Atwell approved of a "guaranteed overtime" plan used by the A. H. Belo Corporation, publisher of the Dallas Morning News, and operator of stations WFAA and KGKO. The Wage and Hour Administration has ruled that such plans are illegal, and so an appeal from Judge Atwell's decision is probable.

Warning! Judge Atwell's decision is now "the law" only in his district, and even there can be upset by a higher court. Any broadcaster who used "guaranteed overtime" plan does so at the risk of prosecution, pending a final adjudication of the question.

INDEPENDENT CONTRACTOR

The following exchange of correspondence about the possibility of avoiding overtime for a chief engineer by making him an "independent contractor" may be of interest:

Labor Relations Director,
Nat'l. Ass'n of Broadcasters,
1626 K Street, N. W.,
Washington, D. C.

DEAR SIR:

I plan on making a contract with my chief engineer to furnish labor for our transmitter operation for a fixed sum per month. Would such a plan herein outlined be legal under wage and hour laws?

The situation is this: my chief operator would much rather work than not work and is willing to work a great many more than 40 hours per week but when it comes to paying him time and a half for all over 40 hours the expense runs too high. Now, can I make a contract with him to provide all the labor at the transmitter for a fixed sum per month. Under this contract he would agree to hire and pay all labor he employs and work them under wage and hour laws. This then, to my way of figuring would make him an independent contractor and he could work, for himself, as many hours as he desires, and pay any help he hired on wage and hour basis. He is anxious to make as much as possible of course but we really need another operator under the present set-up and operators are HARD to get. He wants to work all that he can and asked for the contract. This he figures would eliminate him from wage and hours law, since as before mentioned he would be an independent contractor.

A similar situation exists in a certain business here in town. A laundry owner leased his building to his son and in the lease agreed to furnish a fireman and a water man and a washer. The son then hires 7 employees on his own and escapes the unemployment compensation payment as he employs less than 8 employees. This was decided in his favor in district court when the state sued for unemployment insurance payments.

What is your opinion on our deal?

Very truly yours,

DEAR MR. _____:

You raised a very interesting point in your letter of January 30. I have consulted several leading radio lawyers. All agree that, although there is a possibility of evading excessive overtime payments by the "independent contractor" plan you proposed, such a plan would be held illegal by the Federal Communications Commission. These lawyers say that several times, in decisions, the FCC has held that the licensee must retain control over the technical operations, and consequently over his operators. If you turned that control over to an independent contractor, they say, you would be violating the terms of your license.

If you did not turn over this control, it follows that the "independent contractor" would not be real independent contractor, and thus would not be exempt under the Wage and Hour Act. Of course I did not mention your name or your station specifically in discussing this matter.

If you have any further questions about it, please do not hesitate to call on me.

Sincerely,

JOSEPH L. MILLER,
Director of Labor Relations.

NAB

DISTRICT 9

Over thirty Ninth District broadcasters met in Chicago on Thursday, January 30, for the primary purpose of selecting a District Director for the coming two-year term. The following were present:

Arthur F. Howe, Bradley R. Eidmann, WAAF; J. L. Van Volkenburg, WBBM; Jack Heintz, Harold L. Dewing, WCBS; James F. Kyler, WCLO; Walter Ashe, R. M. Holt, WCLS; Francis Higgins, WDAN; Edgar L. Bill, WMBD-WDZ; A. W. Kaney, B. T. Peterson, Donald Marcotte, WENR-WMAQ; Edwin Brady, WGN; Les Johnson, WHBF; James A. Wagner, WHBY-WTAQ; Marie E. Clifford, WHFC; Ed Cunniff, WKBH; William R. Cline, George R. Cook, Harold A. Safford, WLS; Henry R. LePoidevin, WRJN; John J. Dixon, WROK; Merrill Lindsay, WSOY; L. W. Herzog, WTMJ; William H. West, WTMV; John J. Gillin, Jr., WOW.

The balloting resulted in the re-election of William H. West of WTMV, East St. Louis, Illinois, for the full two-year, 1941-42, term.

MEMBERSHIP STILL GROWING

Since the first of the year NAB membership has increased from 497 to 518. The new members we welcome are:

Active: W8XAD (FM) Rochester, New York
WCED—DuBois, Pennsylvania
WCOV—Montgomery, Alabama
WATW—Ashland, Wisconsin
WHDF—Houghton, Michigan
KGBU—Ketchikan, Alaska
KODL—The Dalles, Oregon
KWLK—Longview, Washington
KBIZ—Ottumwa, Iowa
KRMC—Jamestown, North Dakota
KVOX—Moorhead, Minnesota
KMYC—Marysville, California
KRKD—Los Angeles, California
KSD—St. Louis, Missouri
WEAU—Eau Claire, Wisconsin

Associate: Long-Worth Feature Programs, Inc.
World Broadcasting System
Columbia Recording Corporation
National Broadcasting Company—Radio Recording
Division
Standard Radio
C. E. Hooper, Incorporated

CODE COMMITTEE MEETS

Leaders of most of the outstanding women's organizations in the country commended the NAB's efforts to ul-

mate the standards of children's programs, at a luncheon Tuesday in New York, with the NAB Code Committee.

Mrs. Dorothy Lewis, who recently made a nationwide survey of children's programs, read the report of the Radio Council on Children's Programs. Neville Miller, Edgar Bill, and Earl Glade received the report on behalf of the Code Committee, and discussed at some length the industry's collaboration with the women's organizations in this respect.

At morning business sessions the Code Committee appointed J. O. Maland and Henry P. Johnston to a subcommittee, to consider time limitations for 5, 10, and 25-minute commercials. Their report will be submitted at the next NAB Convention. The Committee also passed a resolution praising the report of the Radio Council on Children's Programs, and Mrs. Lewis' valuable work. The Committee recommended that this work be continued with proper support and appropriations from the NAB Board.

A Committee study showed that nearly every station in the country was complying with the Commercial Section of the Code.

At the Monday morning session, the Committee discussed various labor broadcasting problems with Joseph L. Miller, NAB Director of Labor Relations. No formal action was taken.

CONVENTION COMMITTEE ANNOUNCED

John J. Gillin, Jr., Tenth District Director, announced an important change in the committee line-ups for the 1941 convention to be held in St. Louis.

George Burbach, general manager of KSD, has been named as general chairman of the Publicity and Public Relations Committee. Appointed to serve with him are John C. Roberts, Jr., KXOK, St. Louis; H. Dean Fitzner, WDAF, Kansas City; Vernon H. "Bing" Smith, KOWH, Omaha; and Luther Hill, KSO-KRNT, Des Moines.

This Committee will supervise the advance, as well as the convention publicity, and arrange for the attendance at the convention of prominent officials from the cities and states within the Tenth District.

CONVENTION RESOLUTIONS

To avoid any misunderstandings, broadcasters should read the following rules governing hotel reservations at the NAB convention in St. Louis, May 12-15. The convention will be held at the New Jefferson Hotel. Other St. Louis hotels at which accommodations may be reserved are:

Chase	DeSoto	Mayfair
Park Plaza	Lennox	Melbourne
Coronado	Mark Twain	Statler

Complete information as to type and prices at these hotels will be given in an early issue of THE REPORTS.

1. Requests for hotel reservations should be sent direct to the hotel at which the applicant desires accommodations.
2. The request should set forth in as much detail as possible—
 - a. the type of accommodations desired, rate, single or double occupancy, double or twin beds, etc.
 - b. the exact date of arrival and if possible the time; the names of all people for whom reservation is requested.
 - c. the length of time which the party plans to stay.
 - d. if the reservation is not made in a firm name or the request written on a firm letterhead, the station or other business with which the reserving parties are affiliated should be given.

3. Hotels, upon receipt of any request for reservations, should immediately refer them to the NAB Housing Committee for consideration. As acknowledgment to the person from whom the request comes, the hotel should write a letter and attach a printed copy of the rules, supply of which will be provided. This is not a confirmation or acceptance by the hotel of the reservation.

4. The Housing Committee has a complete list of NAB member stations and associate members. Reservation requests from parties or stations whose names are on this list will be given priority and assignments made in the order of their receipt. Requests from parties or stations not appearing on the membership or associate membership list will be held in abeyance until April 12, at which time rights of priority will terminate and all assignments made in order of their receipt. While NAB members and associate members will be given precedence, every effort will be made to suitably and satisfactorily care for the accommodations requested by individuals, firms and radio stations not on this list.

5. If the exact type of accommodations requested are not available in the hotel specified, the NAB Housing Committee will immediately notify the individual, firm or radio station of that fact and give information as to the type of accommodation available which most nearly meets the specifications. This information shall cover the accommodations in the hotel requested, as well as in other hotels. Applicants should bear in mind that no assignments will be made in such cases until a confirmation of the alternative accommodation is sent to the Housing Committee.

LONG DISTANCE REMOTE

In the January 10 NAB REPORTS, WOW, Omaha, claims the crown for a long distance remote control pick-up, based on its recent series of pick-ups from the Pacific Coast. Now having a scale map conveniently at hand, KWK, St. Louis, is willing to cede WOW the palm on distance. However, the St. Louis station would like to put in a claim of its own.

Said claim concerns the only foreign broadcast ever picked up by a local station. The event occurred last winter when KWK sent sports announcer Johnnie O'Hara and engineer Kenneth Hildenbrand to Havana, Cuba, to stage remote interviews with members of the two baseball teams during the series between the St. Louis Cardinals and the Cuban All-Stars.

Oddly enough, the long-distance broadcasts by both WOW and KWK were sponsored by the same St. Louis client—the Falstaff Brewing Corporation.

(EDITOR'S NOTE: *The current long distance remote "contest" will close March 1—to be reopened next January 1, provided anyone wants to challenge the title claimants at that time.*)

Engineering

FM CONFERENCE

Conclusions and Agreements reached during conference held on December 9, 1940, regarding equipment for high frequency (FM) broadcast stations:

In accordance with the Commission's notice of November 23, 1940, the two principal items of the conference were: (1) maximum power rating and operating power range of standard high frequency (FM) transmitters, and (2) performance characteristics of audio amplifying equipment when obtained separately and as a complete unit.

The conference was attended by approximately 40 engineers. The greater number represented manufacturers of FM equipment and broadcasters. Mr. A. D. Ring, Assistant Chief Engineer of the Commission, presided at the meeting with the assistance of Mr. Wm. H. Bauer and Mr. Wm. C. Boese.

As to Item (1)

Considerable discussion centered around this item. The Commission in its notice of November 23, 1940, suggested a table of maximum power ratings and operating power ranges. Some of the manufacturer representatives submitted papers which suggested different power ratings and operating ranges than those set forth in the Commission's proposal. The suggested were fully discussed.

The discussion of topic (1) developed that there was unanimity of opinion in that the service area of the HF broadcast station is dependent on the antenna gain and height and the topography of the surrounding area, as well as the transmitted power. After the installation is completed, it is generally, however, more desirable for practical considerations to adjust the transmitter operating power in order to obtain minor adjustments in the service area, as may be required, rather than to adjust one of the other controllable factors in the transmitting system, including the antenna. If large adjustments are necessary in the radiation to obtain the required coverage, then changes in the antenna height or gain may be necessary. Since high frequency broadcast stations are rated on the basis of specific service, it was therefore concluded that standardization of the maximum power rating and operating range of the transmitter would be of mutual benefit to the manufacturer, broadcaster, and the Commission.

On the basis of the foregoing conclusion reached as to item (1), the following table of maximum power ratings and operating power range was adopted:

Maximum Power Rating	Operating Power Range
250 watts	100— 250 watts
1,000 watts	250— 1,000 watts
3,000 watts	1,000— 3,000 watts
10,000 watts	3,000— 10,000 watts
25,000 watts ¹	10,000— 25,000 watts
50,000 watts	12,500— 50,000 watts ²
100,000 watts ³	50,000—100,000 watts

¹ Not in production.

² Operating power below 25,000 watts permissible only until 25,000 watt transmitters are available. Section 3.241 of the Rules Governing High Frequency Broadcast Stations will be waived permitting this lower operating range until further notice.

³ Not developed.

It was agreed that in case any manufacturer decided to produce a 25,000 or 100,000-watt transmitter for FM broadcasting stations, it must give notice to the Commission which would release to all other manufacturers of FM transmitters the manufacturer's name and the maximum power rating of the transmitter to be produced at least six months prior to the completion or delivery date of such transmitter.

As to Item (2)

The Rules and Regulations of the Commission governing high frequency broadcast stations require that the frequency response be uniform within 2 decibels of 1,000 cycles within the range from

50 to 15,000 cycles, that the root mean square of the audio frequency harmonics be less than 2% within the range from 50 to 15,000 cycles, and that the noise level be 60 decibels or more below 100% modulation (75 kc. swing). Mr. Ring emphasized that the Commission has directed that this overall performance must be strictly adhered to in practice. Actual measurements must be made on every complete installation and furnished the Commission before a station is licensed for regular operation. This is necessary to carry out the directions of the Commission.

All of the manufacturers, except one, agreed upon the following:

1. That the performance specified in the rules was desirable.
2. It is practical to obtain this performance in practice.
3. That the achievement of this performance necessitates the making of adjustments on the completed installation and measuring the overall performance.

The discussion brought out the fact that in instances where the addition of the responses of individual amplifiers, connecting lines and transmitter would indicate the overall response to be within the Commission's rules, such performance would not necessarily obtain because of the reactions between various units. It was pointed out that if the response of the studio equipment as a whole, the connecting line and the transmitter were measured separately, these characteristics could be added with reasonable assurance that the overall response would be that expected. However, it would still be desirable to make a single series of measurements on the equipment from studio microphone terminals to the transmitter output. This is quite important when equipment of various manufacturers is utilized in an installation. Due to the fact that various units in the system contribute to the overall characteristic, a final determination of the overall performance should be the responsibility of the licensee and applicants for high frequency broadcast stations should be aware of this.

It was also considered desirable to extend the lower limit for frequency response to 30 cycles, although it was recognized that difficulty would be experienced if the 2% distortion limit was extended to this frequency response for certain types of transmitters.

One type of transmitter discussed inherently is more difficult to keep the distortion low at low frequencies whereas this is no particular problem on other designs. In order that the requirements may be the same for all transmitters, the Commission will accept installations with a maximum overall distortion of 3% RMS harmonics until further notice. The rules and the application form may be considered waived in this regard until further notice.

In connection with item (2) there was also discussed the problem of transmitting over telephone lines from the studio to transmitter the frequency response range from 30 to 15,000 cycles. An engineer appearing for the Long Lines Department of the Bell System stated that this could be done and that a number of installations had already been made that met these requirements. It is suggested that since a great deal of difficulty is being experienced in some cases, the Telephone Company should make a study of this problem, and applicants should consult the Telephone Company representative given in the attendance on difficult cases.

Other Matters

The discussion also included the subject of determining the output power at high frequency broadcast stations. It was pointed out that the actual measurement of the power in watts was not necessary but that some means be provided to maintain the power at the value to give the coverage specified in the authorization. The indicating instrument should give a reading proportional to the power output which should be capable of being maintained uniformly for long periods of time. It was finally agreed that the use of a radio frequency ammeter or voltmeter in the transmission line circuit would be satisfactory although under sleet conditions the determination of operating power by plate input power would be satisfactory. For this purpose the efficiency factor of 0.60 was believed to be representative and proper.

The discussion of the transmitter power in the licensing of facilities raised the question of the power gains by means of horizontal directivity in various types of antenna systems. It was conceded that the broadcasting industry lacked authoritative information on the subject of antenna field gains from various antenna arrangements. A committee was suggested to collect data on practical antenna gains as well as losses to be expected in transmission lines used to supply energy to the antenna system. This information is to be made generally available to the industry and will be of vital

interest to applicants and can be used by the Commission in reviewing applications.

The Committee suggested for this purpose consists of the following:

- Chairman, Mr. Lynne C. Smeby, National Association of Broadcasters
 Mr. John F. Morrison, Bell Telephone Laboratories
 Mr. R. D. Duncan, Radio Corporation of America
 Mr. H. P. Thomas, General Electric Company
 Mr. C. A. Priest, General Electric Company
 Mr. Wm. B. Lodge, Columbia Broadcasting System, Inc.
 Mr. Frank A. Gunther, Radio Engineering Laboratories
 Mr. R. N. Harmon, Westinghouse Electric and Manufacturing Company
 Mr. Andrew Alford, International Telephone and Telegraph
 Mr. Paul DeMars, Yankee Network

Another topic of discussion was the situation when suitable wire lines from studio to transmitter could not be obtained as a practical fact. The manufacturers present were asked as to the availability of equipment for "Link" stations operating above 300 mc. for this purpose. It was agreed that the state of the art permitted the establishment of such a service at this time and would fill an important need.

This release is primarily for the purpose of providing a record of the conclusions and agreements reached during the conference. It appears that the conference fully served its purpose respecting equipment presently available for high frequency (FM) broadcast stations.

Attendance at Conference Held December 9, 1940

<i>Name</i>	<i>Representing</i>
Major Edwin H. Armstrong	
Stuart L. Bailey	Jansky & Bailey
I. R. Baker	RCA Manufacturing Co.
James W. Baldwin	Finch Telecommunications
L. F. Bockoven	Western Electric Co.
Howard A. Chinn	Columbia Broadcasting System
John B. Coleman	RCA Manufacturing Co.
Frank A. Cowan	A. T. & T. Co.
Joseph L. Dalton	R. E. L.
Dick Donance	FM Broadcasters, Inc.
W. R. David	General Electric Co.
Frank A. Gunther	R. E. L.
Raymond F. Guy	National Broadcasting Co.
R. N. Harmon	Westinghouse Elec. & Mfg. Co.
G. I. Jones	Graybar
F. R. Lack	Western Electric Co.
C. M. Lewis	RCA Manufacturing Co.
R. H. Lindsay	Bell Telephone Labs.
William B. Lodge	Columbia Broadcasting System
Philip G. Loucks	FM Broadcasters, Inc.
H. McIntosh	Fort Industries Co.
W. A. MacNair	Bell Telephone Labs.
Frank Marx	WMCA
John F. Morrison	Bell Telephone Labs.
George M. Nixon	National Broadcasting Co.
M. L. Prescott	General Electric Co.
C. A. Priest	General Electric Co.
Gustavus Reiniger	R. E. L.
Patrick Simpson	WGNY
Hector R. Skifter	KSTP, Inc.
Lynne C. Smeby	National Asso. of Broadcasters
C. M. Srebroff	R. E. L.
H. C. Vance	RCA Manufacturing Co.
H. N. Willets	Western Electric Co.
Lewis Windmuller	Fairchild Aviation Corp.
Grant Wrathall	McNary & Chambers
J. E. Young	RCA Manufacturing Co.
J. F. Zias	FM Broadcasters, Inc.

COLUMBUS CONFERENCE

Last-minute additions to the program of the Broadcast Engineering Conference have been announced by Dr. Everitt, Director of the Conference.

W. R. G. Baker, Chairman of the National Television Systems Committee, has arranged to bring the 9 Chair-

men of the various television standards panels to the conference. Dr. Baker was scheduled to deliver a lecture entitled "Television Standards" on Monday afternoon, February 10. It is now planned to have each panel Chairman discuss the work of his group during this period. This will consume the entire afternoon period, and therefore Dr. Everitt has announced the addition of an open forum on television, Monday evening, February 10. Dr. Baker will be Chairman of this session and the panel Chairmen will participate in the discussion.

Dr. Everitt has also announced that Samuel Renshaw, Professor of experimental psychology at the Ohio State University, will speak at the dinner on Thursday evening, February 13. Professor Renshaw will give a demonstration lecture on vision.

It was also announced that Paul deMars, Chairman of the Round Table on FM Problems, met recently in New York with the other two members of the panel, Mr. E. J. Content of WOR and Dan Gellerup of WTMJ, to organize this Round Table. Mr. Content will cover the problems connected with studios and speech acoustics, Mr. deMars will treat transmitter and relay problems, and Mr. Gellerup will discuss miscellaneous operating problems which he has met in practice. After the introductory talks, questions which have been submitted in advance will be answered and then the meeting will be opened for discussion from the floor.

Advance registrations indicate that the Engineering Conference will be well attended.

The Broadcast Engineering Conference will be held at the Ohio State University, Columbus, February 10 through 21.

Legislation

NAPA BILL IN PENNSYLVANIA

House Bill 79, prohibiting the recording of any broadcast performance or rendition without the consent of the artists, and for other purposes, introduced in the Pennsylvania General Assembly January 27 by Mr. Reuben E. Cohen, is similar to the Perry Bill which died in the New York Assembly last year. It is believed to be sponsored by NAPA and is being vigorously opposed by Pennsylvania broadcasters. The bill is printed in full below:

AN ACT

Prohibiting the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded and the offering for sale, selling, leasing, licensing or possession of such unlawful recording and providing penalties therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. It is unlawful for any person, copartnership, association or corporation to record any broadcast performance or rendition

tion with intent to offer for sale, sell, lease or license or otherwise commercially use such recording without the consent and permission of the person or persons whose performance or rendition is so recorded.

Section 2. It is unlawful for any person, copartnership, association or corporation to offer for sale, sell, lease or license or otherwise commercially use any recording of any broadcast performance or rendition without the consent and permission of the person or persons whose performance or rendition is so recorded.

Section 3. It is unlawful for any person, copartnership, association or corporation to use any recording of any broadcast performance or rendition for commercial purposes without the consent or permission of the person or persons whose performance or rendition has been so recorded.

Section 4. Whoever violates any of the provisions of sections one or two of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or undergo imprisonment for not more than one (1) year, or both, as the court may direct.

Section 5. Whoever violates any of the provisions of section three of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five hundred dollars (\$500) or undergo imprisonment of not more than three (3) months or both as the court may direct.

Section 6. Upon conviction of a violation of any provisions of this act the court shall also order the delivery and the destruction of such unlawful recordings.

Section 7. None of the provisions of this act shall apply to any case of recording for private personal communal, civic or political uses or to any recording of any address or talk on subjects of a public nature.

Section 8. This act shall become effective immediately upon final enactment.

FEDERAL LEGISLATION

HOUSE

H. R. 3099 (WALTER, D-PENNA.) JUDICIAL CODE—To amend the Judicial Code by adding thereto a new section 274e, relating to the interception of wire or radio communications by persons employed in the investigation, detection, or prevention of offenses against the United States. Referred to Committee on Judiciary.

SENATE

S. 674 (HATCH, D-N. M., and VAN NUYS, D-IND.) ADMINISTRATIVE PROCEDURE—To prescribe fair standards of duty and procedure of administrative officers and agencies, to establish an administrative code, and for other purposes. Referred to Committee on Judiciary.

S. 675 (HATCH, D-N. M., and VAN NUYS, D-IND.) ADMINISTRATIVE PROCEDURE—To revise the administrative procedure of Federal agencies; to establish the Office of Federal Administrative Procedure; to provide for hearing commissioners; to authorize declaratory rulings by administrative agencies, and for other purposes. Referred to Committee on Judiciary.

STATE LEGISLATION

ARIZONA:

H. 108 (VIDRINE) CAMPAIGN EXPENDITURES—RADIO TIME—To include advertising or speaking on the Radio in limitation of political campaign expenditures. Referred to Committees on Judiciary, Suffrage and Elections, Efficient Government, County and County Affairs.

CALIFORNIA:

S. 1118 (SWAN) LIBEL & SLANDER—Amending secs. 45 & 46, adding sec. 3349 to Civil Code, relating to libel & slander. Referred to Committee on Judiciary.

CONNECTICUT:

H. 178 (FAULKNER) PRIVATE EMPLOYMENT AGENCIES—Concerning private employment agencies. Referred to Committee on Judiciary.

H. 1141 (TEDESCO) LIBEL—RETRACTION—Concerning Actions of Slander and Libel, providing for no action of slander or libel until the defendant has refused to retract the alleged slanderous or libelous charges in writing after a reasonable time and providing for the filing of a bond by the plaintiff. Referred to Committee on Judiciary.

H. 1301 (MURPHY) COPYRIGHTED MUSIC—TAX—Concerns the licensing of and a franchise tax on music brokers and regulations concerning copyrighted music. Referred to Committee on Judiciary.

S. 201 (MURPHY) COPYRIGHTED MUSIC—TAX—Concerns the licensing of and a franchise tax on music brokers and regulations concerning copyrighted music. Referred to Committee on Judiciary.

MARYLAND:

S. 172 (JOHNSON) CHIROPRACTIC ADVERTISING—To add Sec. 455A to Art. 43 of the Annotated Code (1939 Ed.), relating to advertising by practitioners of Chiropractic. Referred to Committee on Judicial Proceedings.

MINNESOTA:

S. 262 (MULLIN, WOLFE) AGENCIES—THEATRICAL—Regulations for licensing, bonding and code for theatrical or booking agencies. Referred to Committee on Labor.

MONTANA:

CCH H. 1304 (STEVENS) TAXATION—SEVERAL SUBJECTS—Refers to a tax on tickets and fees for amusements; also includes in its scope gas, electricity, water, communications and transportation.

NEBRASKA:

Bill No. 2 H. (NORMAN et al.) NEWS—CENSORSHIP—Prohibits newspapers and broadcasting companies from procuring election returns until the polls close.

NEW YORK:

S. 403 (WILLIAMSON) INTEREST RATE ADVERTISING—Provides that no industrial bank shall advertise, print or broadcast any statement with regard to rates, terms or conditions for loans unless interest rate or charge is stated in terms of simple interest on amounts due. Referred to Committee on Banks.

S. 406 (WILLIAMSON) CREDIT ADVERTISING—Prohibits advertising by printing, broadcasting or otherwise, in connection with extension of consumer credit, for the purpose of encouraging needless borrowing. Referred to Committee on Banks.

GEORGIA CONTACT

Leonard Reinsch, WSB, Atlanta, has accepted an appointment as legislative contact man at the Georgia capital and Harold Fellows, WEEI, Boston, has accepted an appointment as legislative contact man at the Massachusetts capital. (NAB REPORTS, p. 32.)

FEDERAL COMMUNICATIONS COMMISSION

FLY PRESS CONFERENCE

Chairman James Lawrence Fly of the FCC said at a press conference on Monday that in a previous statement which he had made that the monopoly report would be taken up within a few weeks that he had no intention of misleading the press. Mr. Fly said that he still thinks that the report may be made in February.

Chairman Fly was asked about the possibility of taxing broadcasters. He said that such a study has been going on, but he doesn't know specific extension or details. It came up in connection with testimony which was given before the House Appropriations Committee dealing with FCC appropriations.

The Chairman told the newsmen that there is nothing new in connection with the Defense Communications Board "although routine problems are grinding off and committees are busy." He said that the Board meets every week.

PROPOSED DECISION IN BROOKLYN CASES

Long-Standing controversy involving the use of the 1500 kilocycle frequency by three Brooklyn broadcast stations, was moved a step nearer adjustment by reason of proposed action by the FCC as follows:

PROPOSED DISMISSAL WITH PREJUDICE of the application of the Metropolitan Broadcasting Corp., (WMBQ), Brooklyn, N. Y., for renewal of license and construction permit.

PROPOSED DISMISSAL WITH PREJUDICE of the application of Lillian E. Kiefer of Brooklyn, N. Y., for construction permit.

PROPOSED DENIAL of the application of Paul J. Gollhofer, Brooklyn, N. Y., for construction permit.

PROPOSED DENIAL of application of Arthur Faske, (WCNW), Brooklyn, N. Y., for renewal of license.

PROPOSED DISMISSAL WITH PREJUDICE of applications of Arthur Faske, (WCNW), Brooklyn, N. Y., for modification of license, construction permit, and modification of construction permit.

PROPOSED GRANT of the applications of the Long Island Broadcasting Corp., (WWRL), Woodside, Long Island, N. Y., for renewal of license and modification of same to include the hours of WMBQ, and the hours presently allocated to WCNW.

These cases in part figured in a hearing as far back as February, 1937, and were consolidated in a further hearing in October, 1939. In today's Proposed Findings of Facts and Conclusions (No. B-131), the Commission holds:

1. The Metropolitan Broadcasting Corporation failed to offer any evidence at the original or instant hearings in support of its application for renewal of license of Station WMBQ. Therefore, said application and its application for construction permit should be dismissed with prejudice.

2. Lillian E. Kiefer failed to offer any evidence at the instant hearing in support of her application for construction permit requesting the facilities of Station WMBQ. Therefore, said application should be dismissed with prejudice.

3. Paul J. Gollhofer, in support of his application for a construction permit requesting the facilities of WMBQ has failed to sustain the burden of proof that he is qualified to construct and operate a broadcast station, and in view of the manner in which he, as President of the Metropolitan Broadcasting Corporation, operated Station WMBQ, the Commission is unable to find that a grant of this application will serve the public interest. Consequently, this application should be denied.

4. Arthur Faske, licensee of Station WCNW, has operated, and permitted said station to be operated, in violation of the terms of the license theretofore issued to him by this Commission for the operation thereof, and the Commission's Rules and Regulations, and has failed to sustain the burden of proof that the granting of his application for renewal of license of said station and the continued operation thereof, will serve public interest, convenience and necessity. Therefore, said application should be denied. In view of this finding, the applications filed by him for modification of license of Station WCNW requesting the hours of operation formerly allocated to Station WMBQ, and all hours regularly allocated to Station WWRL, modification of construction permit and construction permit should be dismissed.

5. The Long Island Broadcasting Corporation, licensee of Station WWRL, is legally, financially, technically and otherwise qualified to continue the operation of said station as requested in its application for renewal of license and to utilize the hours of operation formerly allocated to Station WMBQ and the hours

now allocated to Station WCNW as requested in its application for modification of license. Therefore, each of said applications should be granted.

FCC ACTIVITIES

The FCC announces that the work, business and functions of the Commission for the month of February have been assigned as follows:

Commissioner Payne: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Walker: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

ASSISTANT SECRETARY REYNOLDS RESIGNS

John B. Reynolds has resigned as Assistant Secretary of the FCC to become part owner and general manager of WKWK, a new broadcast station under construction at Wheeling, W. Va.

Mr. Reynolds joined the Federal Radio Commission in 1930 and was subsequently appointed Assistant Secretary of that body, being continued in the same capacity when the Federal Communications Commission was created in 1934. At various times he has served as Acting Secretary.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled to be heard before the Commission during the week beginning Monday, February 10. They are subject to change.

Monday, February 10

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary); 890 kc., 1 KW night, 5 KW LS, unlimited.

Wednesday, February 12

- NEW—Herbert L. Wilson, Middletown, N. Y.—C. P., 1310 kc., 250 watts, unlimited.
NEW—Community Broadcasting Corp., Middletown, N. Y.—C. P., 1310 kc., 250 watts, unlimited.

Thursday, February 13

Consolidated Hearing

- NEW—Edward J. Doyle, Rochester, N. Y.—C. P., 1340 kc., 1 KW, unlimited, DA day and night.
WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., 1340 kc., 1 KW, unlimited, DA day and night.

Thursday, February 13

Oral Argument Before the Commission

- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following dates for broadcast hearings and oral arguments. They are subject to change.

February 20

Oral Argument Before the Commission

- WHDH—Matheson Radio Company, Inc., Boston, Mass.—C. P., 830 kc., 5 KW, unlimited, DA night. Present assignment: 830 kc., 1 KW day.

March 27

- NEW—Worcester Broadcasting, Inc., Worcester, Mass.—C. P., 1200 kc., 250 watts, unlimited (using two 100-watt amplifier stations).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- Richard Field Lewis, Jr., Winchester, Va.—Granted construction permit for a new station at Winchester to operate on 1370 kc., 250 watts, unlimited time (B2-P-3005).
WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted amended construction permit authorizing increase in nighttime power from 1 to 5 KW, subject to approval of site and antenna at Lawrence; 1220 kc., 5 KW day, shares KFKU (B4-P-2272).
KWWJ—KWWJ Broadcast Co., Inc., Portland, Ore.—Granted construction permit to change frequency from 1060 to 1040 kc., increase power from 500 watts to 1 KW, and increase hours of operation from limited to unlimited, install directional antenna for night use, subject to approval of site and antenna (B5-P-2881).
WSGN—The Birmingham News Company, Birmingham, Ala.—Granted, subject to questions involved in hearing on renewal proceedings, application for construction permit to change frequency from 1310 to 610 kc., increase power from 250 watts to 1 KW, install new transmitting equipment, directional antenna for night use, and move transmitter site locally to State Fair Grounds, Birmingham (B3-P-2993).
KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of construction permit (B5-P-2437) to increase power from 10 to 50 KW, make changes in directional antenna, install new equipment and extend completion date (B5-MP-1094).
WFIL Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to

operate on frequency 45300 kc., 9,300 square miles, nearly 4,000,000 population (B2-PH-73).

- South Bend Tribune, South Bend, Ind.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency 47100 kc., 4,300 square miles, 448,000 population (B4-PH-54).
W3XP—Philco Radio and Television Corp., Philadelphia, Pa.—Granted construction permit to increase power in portable mobile television station from 15 to 125 watts, and install new equipment (B2-PVB-80).
Clinton Broadcasting Corp., Clinton, Iowa.—Granted construction permit for a new station to operate on 1340 kc., with 250 watts power, unlimited time, effective March 29.
Burlington Broadcasting Co., Burlington, Iowa.—Granted construction permit for new station to operate on 1490 kc., 250 watts power, unlimited time, effective March 29.
Courier-Post Publishing Co., Hannibal, Mo.—Granted construction permit for new station to operate on 1340 kc., 250 watts power, unlimited time, effective March 29.
WCLS—WCLS, Inc., Joliet, Ill.—Granted construction permit to operate on 1340 kc., with 250 watts power, unlimited time, effective March 29 (station now operates on 1310 kc., with 100 watts).

DESIGNATED FOR HEARING

- Camden Broadcasting Co., Camden, N. J.—Application for construction permit for new station in Camden to operate on 800 kc., 500 watts, daytime (B1-P-2926).
WJAX—City of Jacksonville, Jacksonville, Fla.—Application for construction permit to increase nighttime power from 1 to 5 KW, make changes in transmitting equipment, and install directional antenna for nighttime use; 900 kc., 5 KW LS (B3-P-3012).

MISCELLANEOUS

- WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcast Station WAPI) (Assignors), Voice of Alabama, Inc. (Assignee), Birmingham, Ala.—Granted voluntary assignment of license of standard broadcast station WAPI, and construction permit for relay station WAWT from Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), to Voice of Alabama, Inc. The assignors will discontinue operation of the station but will retain ownership of the physical equipment which will be leased to the assignee. Station WAPI operates on 1140 kc., 5 KW power, simultaneous day, shares KVOO night (S.A. operate 5 KW, unlimited time, employing DA after sunset, Tulsa).
WRCA-WNBY—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to suspend the effective dates of Commission action of December 10, 1940, in granting the license File No. B1-MLIB-45, and special temporary authority issued after consideration of application File No. B1-MLIB-44, until March 2, 1941, in order to permit the simultaneous utilization of 9670 and 17780 kc. while changes in equipment are being made in accordance with outstanding construction permits.
W2XBS—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period beginning January 31 to not later than March 1, 1941.
WBOS—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted extension of special temporary authority to operate the equipment of International broadcast station WBOS authorized in construction permit B1-PIB-23, with power of 50 KW using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for the period February 3 to not later than March 4, 1941.
WSUI—State University of Iowa, Iowa City, Iowa.—Denied special temporary authority to use licensed daytime power of 5,000 watts from 7:30 p. m. (or commencement of basketball game) to 9 p. m. (or until end of game), CST, on February 3, 10, 15, 17, 22, 24, and March 1, 3, 1941; and from 7:30 p. m. (or start of game) to 9 p. m. (or until end of game), EST, on February 8, 1941, in order to

broadcast University of Iowa basketball games to a greater listening area.

- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from sign-off (February, 7:45 p. m., EST) to 12 midnight, EST, on February 1 and 22, 1941, in order to broadcast sustaining music and descriptions of programs and to broadcast the Melrose Games from Madison Square Garden on February 1 and to broadcast the National Track and Field Championships from Madison Square Garden on February 22, only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7:30 p. m. to 11 p. m., CST, February 1, 7, 8, 14, 15, 21, 22, 26, 27, and 28, 1941, in order to broadcast basketball games and preliminary games in connection with the State basketball tournament only.
- WNYE—Board of Education, City of New York.—Granted extension of special temporary authority to continue to operate non-commercial educational broadcast station WNYE on **41100 kc.**, for a period not to exceed 30 days commencing January 31, 1941, pending resubmission and action on application to change frequency to **42100 kc.**
- WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, February 17, March 1 and 3, 1941, instead of February 15, March 1 and 3, 1941 (as granted January 25), in order to broadcast basketball games only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, on Sundays, February 2, 9, 16 and 23, 1940, in order to broadcast the Rosary Hour only.
- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 p. m. to 10:30 p. m., EST, February 11, 14, 21, 25 and March 4, 7, 10, 1941, to broadcast basketball games only.
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted special temporary authority to operate from 2 to 3 a. m., EST, February 20, 1941, to broadcast a special test program in cooperation with and for the members of the Newark News Radio Club on power of 250 watts (B3-S-869).
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with power input to the final stage of 100 KW for a period not to exceed 30 days from January 31, 1941, in order to obtain data requested in connection with application (MLIB-40).
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m., CST, February 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, from 2 to 3:15 p. m., CST, February 3, 10, 17, 24, from 9:15 to 9:45 p. m., CST, February 11, 1941, in order to permit WNAD to broadcast educational programs only; to operate from 8:15 to 9:15 p. m., February 12, 1941, to broadcast a Lincoln Day address by Congressman Dewey Short (provided WNAD remains silent).
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., CST, February 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27, 1941, and from 2 to 3:15 p. m., CST, February 3, 10, 17, 24, and from 9:15 p. m. to 9:45 p. m., CST, February 11, 1941, in order to broadcast educational programs only (provided KGGG remains silent); to remain silent from 8:15 to 9:15 p. m., February 12, 1941, to enable KGGF to broadcast a Lincoln Day address by Congressman Dewey Short.
- WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 5:15 to 5:45 p. m., CST, February 2, 9, 16 and 23, 1941, in order to broadcast radio revival program only.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:15 p. m. to 5:45 p. m., EST, February 2, 9, 16, 23, 1941, in order to broadcast a program by the Massachusetts State Federation of Women's Clubs only; to operate from 5:15 p. m. to 5:30 p. m., EST, February 1, 8, 15, 22, 1941, to broadcast a program by the Professional Women's Clubs of Boston only.
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously with Station KFAB from 6 a. m., CST, to

local sunrise (at Lincoln, Nebr., January, 7:45 a. m.; February, 7:30 a. m., CST), for the period January 29, 1941 to not later than February 28, 1941, pending action on formal application for such authority.

- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to rebroadcast over Station WGRC and stations affiliated with the Mutual Broadcasting System special conversations between units of the First Armored Division at Fort Knox, Ky., on February 1, 1941, from 2:30 to 3:15 p. m., CST.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover construction permit (B2-P-2737) which authorized increase in power to 5 KW day and night, **780 kc.**, and changes in directional antenna system (B2-L-1319); also granted authority to determine operating power by direct measurement of antenna power (B2-Z-648).
- WBOS—Westinghouse E. and M. Co., Hull, Mass.—Granted modification of construction permit for international broadcast station (B1-PIB-23), which authorized move of station from Pittsburgh to Hull, Mass., increase in power to 50 KW, and make changes in equipment, to extend completion date to June 7 (B1-MPIB-19).
- KFBD—Amarillo Broadcasting Corp., Portable-Mobile, area of Amarillo, Tex.—Granted license to cover construction permit (B3-PRY-229) for new relay station; **1622, 2158, 2150, 2790 kc.**, 21 watts power (B3-LRY-216).
- KEHS—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—Granted license to cover construction permit (B4-PRE-372) which authorized change in frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, increase power from 1 watt to 5 watts, and install new equipment (B4-LRE-340).

The following applications for renewal of relay broadcast station licenses were granted for the period ending December 1, 1941:

KAOU, area of Tucson, Ariz.; KEHO, area of Salt Lake City; KEIM, area of Phoenix; KEIN, area of Walla Walla, Wash.; WEIC, area of Schnectady; WEIZ, area of Memphis; WEKW, area of Hartford; WENK, area of Erie, Pa.; WEOC, area of Charleston, S. C.; WEGZ, area of New Haven; WEOM, area of Aurora, Ill.

The following stations were granted further extension of licenses upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, not longer than March 1, 1941 (relay broadcast):

WEGV, area of Champaign, Ill.; WENW, area of Champaign, Ill.; KEGN, area of San Francisco; KFAS, area of Fairbanks, Alaska.

The following stations were granted further extension of licenses upon a temporary basis only, pending determination upon applications for renewals of licenses, not longer than March 1, 1941 (relay broadcast):

KIJG, area of Brownsville, Tex.; KEMA, area of Shenandoah, Iowa.

W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Granted modification of construction permit which authorized construction of new high frequency broadcast station, to change type of transmitter and make antenna changes.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted authority to determine operating power by direct measurement of antenna output (B-Z-606).

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted authority to install automatic frequency control equipment (B3-P-169).

WOKO—WOKO, Inc., Albany, N. Y.—Granted authority to make changes in automatic frequency control apparatus (B1-F-170).

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—Granted modification of construction permit (B4-P-2842) which authorized a new station, for approval of vertical antenna, approval of transmitter site, and installation of new transmitter (B4-MP-1149).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted modification of construction permit (B2-P-2578) for new transmitter and extension of completion date from January 26 to 180 days after grant (B2-MP-1154).

WBEN—WBEN, Inc., Grand Island, N. Y. (Trans.), Buffalo, N. Y. (Studio)—Granted modification of construction per-

- mit (B1-P-2757) authorizing changes in antenna system, and new transmitter (B1-MP-1104).
- KWIL**—Central Willamette Broadcasting Co., Albany, Ga.—Granted license to cover construction permit (B5-P-2949) which authorized a new station to operate on 1210 kc., 250 watts, unlimited time (B5-L-1320); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-655).
- WCHS**—Charleston Broadcasting Corp., Charleston, W. Va.—Granted license to cover construction permit (B2-P-2739) which authorized installation of directional antenna for night use, and increase in power to 5 KW day and night (DA-night) (B2-L-1299); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-619).
- WJHL**—WJHL, Inc., Johnson City, Tenn.—Granted license to cover construction permit (B3-P-2626) for installation of transmitter and directional antenna for night use, increase in power from 250 watts to 1 KW, change in frequency from 1200 to 880 kc., and move (B3-L-1317); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-644).
- WTAW**—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of construction permit (B3-MP-1006) authorizing new transmitter, and increase in power from 500 watts to 1 KW, for extension of commencement date to March 29 (B3-MP-1151).
- WNBC**—State Broadcasting Corp., New Britain, Conn.—Granted modification of construction permit (B1-P-2723), which authorized changes in equipment and increase in power, DA-day and night, for authority to install new transmitter and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MP-1142).
- WROL**—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover construction permit (B3-P-2435) for new transmitter, directional antenna for night use, increase in power from 250 to 500 watts night, 1 KW day, change in frequency from 1310 to 620 kc., and move transmitter (B3-L-1316); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-643).
- WTCM**—Midwestern Broadcasting Co., Traverse City, Mich.—Granted license to cover construction permit (B2-P-2665) for a new station to operate on 1370 kc., 250 watts, unlimited time (B2-L-1318); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-647).
- WKOK**—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-649).
- KOCY**—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-650).
- KTRI**—Sioux City Broadcasting Co., Sioux City, Ia.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-654).
- KNX**—Columbia Broadcasting Co., Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-652).
- KRCN**—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station KHCHN on frequency 2790 kc. in order to relay broadcast proceedings of the St. Paul Sports Carnival on February 1, 1941, to Radio Station WMIN.
- W2XOY**—General Electric Co., New Scotland, N. Y.—Granted special temporary authority to operate a high frequency experimental broadcast station on 43200 kc., 2500 watts power, special emission, with the transmitter located at New Scotland, N. Y., and described as: General Electric Type BF103A—Exciter 4GF1A1—Amplifier 4AF2A1, maximum rated carrier power output 2500 watts, for the period January 29, 1941, to not later than March 1, 1941.
- KAWM**—A. W. Mills, Gallup, N. Mex.—Granted extension of special temporary authority to remain silent from January 30, 1941, to not later than February 28, 1941, during repairs necessitated by fire.
- KSAM**—Sam Houston Broadcasting Association, Huntsville, Tex.—Granted extension of special temporary authority to remain silent from February 2, 1941, to not later than March 1, 1941, pending Commission action on revocation order.
- WILL**—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations WIBW and WCHS, with power of 1000 watts, from 7:25 to 9:25 p. m., on February 3, 17, and 24 and from 7:55 to 9:55 p. m. on February 8, 10 and 15, and from 6:25 to 8:25 p. m., CST, on February 22, 1941, in order to broadcast University of Illinois basketball games only.
- Radio Corp. of Annapolis, Annapolis, Md.**—Dismissed application for construction permit for new broadcast station to operate on 1310 kc., 100 watts power, unlimited time (B1-P-2831).
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (February, 5:15 p. m. and March 6 p. m., PST) to the conclusion of high school basketball games on February 11, 13, 18, 20, 25, and 27, 1941, in order to broadcast said games only and to operate from 7:15 p. m., PST, to the conclusion of college basketball games on February 14, 15, 21, 22, 24, 25, March 1, 4, 5, 7, and 8, 1941, in order to broadcast said games only.
- WOI**—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7 p. m. to 9 p. m., CST, February 15, March 1 and 3, 1941, in order to broadcast basketball games only.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 p. m. to 10 p. m., EST, on 1240 kc., on January 26, 1941, in order to broadcast the Rosary Hour program only.
- Essex Broadcasters, Inc., Detroit, Mich.**—Granted special temporary authority to pick up program of the Lutheran Charities in Detroit to be broadcast by Radio Station CKLW from 4:30 p. m. to 5 p. m., EST, on February 16, 1941.
- WAOG**—New York State Conservation Dept., Albany, N. Y.—Granted extension of special temporary authority to operate portable radiophone forestry station WRAI on frequencies 31620, 35260, 37340, and 39620 kc., for the period January 28, 1941, to not later than February 26, 1941, as a relay broadcast station to relay programs from the Olympic Bob-sled Run to standard broadcast station WNBZ.
- W1XOJ**—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast certain programs of station W1XPW, for a period beginning January 27, 1941, to not later than March 1, 1941.
- WMRO**—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., CST) to 5:30 p. m., CST, on January 26, 1941, in order to broadcast a concert by the Aurora Civic Orchestra only.
- The Commission on January 27 took the following action:
- WAPI**—Alabama Polytechnic Institute, Etc., Birmingham, Ala.—Granted in part request for continuance of hearing on application for renewal of license now scheduled for January 27, until February 18, 1941.
- WSPD**—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition to intervene in re hearing on application of the Voice of Longview (KFRO), Longview, Tex., for modification of construction permit to increase power from 1 KW to 5 KW, operating on 1340 kc., unlimited time; on Commission's own motion deleted Issue No. 3 which pertained to interference of KFRO with WSPD (B3-MP-872).
- WSPD**—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition for leave to intervene and enlargement of issues in re hearing on application of Edward J. Doyle, Rochester, N. Y., for construction permit for new station to operate on 1340 kc., 1 KW, unlimited time, using directional antenna day and night (B1-P-2031).
- WSPD**—The Fort Industry, Toledo, Ohio.—Dismissed without prejudice petition for leave to intervene and enlargement of issues in re hearing on application of Brown Radio Service & Lab. (WSAY), Rochester, N. Y., for construction permit to operate on 1340 kc., 1 KW, unlimited, using directional antenna day and night (B1-P-2924).
- WJLS**—Joe L. Smith, Jr., Beckley, W. Va.—Granted petition for leave to amend application for construction permit to operate on 900 kc., 1 KW, unlimited, directional antenna night, so as to request another frequency (B2-P-2752).
- Pan American Broadcasting System, Inc., Hollywood, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.**—Granted petition of applicants insofar as it requests leave to amend applications for construction permits for new stations, to alter corporate structure of applicants by withdrawal of George H. Bowles and substitution of Mrs. Alice M. Sholtz; denied insofar as it re-

quests retention of hearing date and ordered that the hearing scheduled for February 3 on these applications be cancelled (B3-P-2768, 2796, 2813, respectively).

Robert V. Lee, Bradenton, Fla.—The Commission on its own motion continued to an indefinite date the hearing scheduled for February 3 on the application for construction permit for new station to operate on **1500 kc.**, 250 watts night, 250 watts day, unlimited (B3-P-2780).

WOOD—King Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Granted leave to amend application for voluntary assignment of license of station WOOD by substituting new agreements between the parties in interest for the agreements presently attached to application, thus dismissing motion for continuance of hearing.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted motion to take depositions in re hearing on application for renewal of license of station WCAP (B1pR-181).

WAPI—Alabama Polytechnic Institute and University of Alabama, Etc., Birmingham, Ala.—Reconsidered action of January 20, 1930, in designating for hearing the renewal application of WAPI, and adopted order cancelling hearing now scheduled.

WESX—North Shore Broadcasting Co., Inc., Salem, Mass.—Granted motion to dismiss petition for rehearing directed against the action of the Commission December 17, 1940, granting without hearing the application of C. T. Sherer Company, Inc., for a new station in Worcester, Mass.

LeRoy's Jewelers, Los Angeles, Calif.—The Commission upon its own motion modified the conditional authorization for television station to substitute Channel No. 13 (**230000-236000 kc.**) in lieu of Channel No. 10, the conditional construction permit to otherwise remain the same.

Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted extension of time to May 1, 1941, for filing program of research in connection with construction permit for new television station.

APPLICATIONS FILED AT FCC

580 Kilocycles

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—License to cover construction permit (B3-P-2734) for increase in power, installation of directional antenna and changes in equipment.

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power—auxiliary transmitter.

WDBO—Orlando Broadcasting Company, Inc., Orlando, Fla.—Authority to determine operating power by direct measurement of antenna power—main transmitter.

600 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—License to cover construction permit (B3-P-2725) as modified for new equipment, increase in power and change in frequency.

KROD—Dorrance D. Roderick, El Paso, Texas.—Authority to determine operating power by direct measurement.

NEW—The WTBS Radio Company, Inc., Toledo, Ohio.—Construction permit for a new station to be operated on **600 kc.**, Class III-B, 1 KW, unlimited time.

680 Kilocycles

KFEQ—KFEQ, Incorporated, St. Joseph, Mo.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 500 watts; $2\frac{1}{2}$ KW, local sunset to 5 KW, hours of operation from daytime to unlimited time, and move transmitter. Amended: To make changes in directional antenna for day and night use.

720 Kilocycles

WGN—WGN, Incorporated, Chicago, Ill.—Extension of S.E.A. for transmission of facsimile signals using 50 KW. 8-1-40 to 2-1-41. Amended: To extend period to 8-1-41.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2658) for new equipment and increase in power requesting authority to install

new transmitter, and extend completion date to 180 days after grant.

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 1 KW to 1 KW; 5 KW, local sunset, and change hours of operation from daytime to unlimited time.

WFLA—The Tribune Company, Tampa, Florida.—License to cover construction permit (B3-P-2866) for a new station, and approval of studio site at Tarr Bldg., corner Lafayette and Hyde Park, Tampa, Florida.

WFLA—The Tribune Company, Tampa, Florida.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for night use and move transmitter, change frequency from **1010 kc.** to **690 kc.*** Amended: To change hours of operation from specified hours to unlimited time.

1070 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Authority to determine operating power by direct measurement of antenna power.

1120 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified for increase in power, change frequency, installation of new transmitter and directional antenna for night use, and move of transmitter, requesting authority to make changes in directional antenna system, night use, and extend commencement date to 30 days after grant and completion date 180 days thereafter. Also make changes in equipment. Amended: RE: to omit request for changes in directional antenna.

1130 Kilocycles

WJJD—WJJD, Incorporated, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1170 Kilocycles

WCAU—WCAU Broadcasting Co, Philadelphia, Penna.—Modification of construction permit (B2-P-3001) for new equipment, requesting changes in antenna system, and move of transmitter from $1\frac{1}{4}$ miles west by southwest of Newtown Square on Bishops Hollow Road, Penna. to near Church and Pamona Roads, Cinnaminson and Moorestown Township, N. J. Extend commencement date to 30 days after grant and completion date to 180 days thereafter.

1200 Kilocycles

KPOW—Albert Joseph Meyer, Powell, Wyo.—Modification of construction permit (B5-P-2593) for a new station, requesting approval of studio and transmitter site at corner East 7th and Hamilton Streets, Block No. 2, original townsite, Powell, Wyoming, changes in antenna system and transmitting equipment.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—License to cover construction permit (B3-P-2647) as modified for a new station.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—Authority to determine operating power by direct measurement.

WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. Car.—Modification of construction permit (B3-P-2647) as modified for a new station, requesting move of studio from East 10th Street, extended, near Roanoke Rapids, North Carolina, to 251 Roanoke Avenue, Roanoke Rapids, North Carolina.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1200** to **620 kc.**, increase power from 250 watts to 1 KW, and move

* Under NARBA.

transmitter from 203 College St., Burlington, Vt., to one-half mile north of Pine Island, Colchester, Vermont.

1210 Kilocycles

KFBC—Frontier Broadcasting Company, Cheyenne, Wyo.—Modification of license to change frequency from **1420** to **1210 kc.**, increase power from 100 watts; 250 watts local sunset, to 250 watts day and night.

WEDC—Emil Denmark, Inc., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

KFXM—J. C. Lee and E. W. Lee, Lee Bros. Broadcasting Co., San Bernardino, Calif.—License to cover construction permit (B5-P-3017) for a new transmitter.

KBIZ—J. D. Falvey, Ottumwa, Iowa.—Modification of construction permit (B4-P-2499) for a new station, for approval of vertical antenna, approval of transmitter site, and install a new transmitter.

1240 Kilocycles

WSPR—WSPR, Inc., Springfield, Mass.—License to cover construction permit (B1-P-2509) for change of frequency, hours of operation, installation of directional antenna for day and night use.

WSPR—WSPR, Inc., Springfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

1250 Kilocycles

NEW—R. B. Terry, D. A. Rawley, Staley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Construction permit for new station on **1250 kc.**, 250 watts, daytime operation. Amended to request 500 watts power, new transmitter.

1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Modification of construction permit (B3-P-2944) for directional antenna for night use, requesting extension of commencement and completion dates from 2-5-41 and 8-5-41 to 4-4-41 and 10-4-41, respectively.

1370 Kilocycles

WISE—Radio Station WISE, Inc., Asheville, N. C.—Modification of license to change frequency from **1370** to **1200 kc.** (1230 kc. under NARBA).

WMAN—Richland, Inc., Mansfield, Ohio.—Authority to determine operating power by direct method.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to move transmitter.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of construction permit (B4-P-2625) as modified for new equipment, changes in directional antenna, increase in power, requesting extension of completion date from 2-25-41 to —

1410 Kilocycles

KFJM—University of North Dakota, Grand Forks, N. Dak.—Modification of license to change hours of operation from unlimited time to specified hours which are from 3 to 5 p. m. daily; and move studio from 324 DeMers Ave., Grand Forks, N. Dak., to University Campus, Grand Forks, N. Dak.

NEW—Dalton LeMasurier, Grand Forks, N. Dak.—Construction permit for a new station on **1410 kc.**, Class III-B, 500 watts, 1 KW day, specified hours; facilities of KFJM.

1420 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Modification of construction permit (B1-P-2679) to make changes in synchronous amplifier equipment and antenna, and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore.—Authority to install automatic frequency control equipment.

WRLC—R. G. LeTourneau, Toccoa, Ga.—Modification of construction permit (B3-P-2767) for a new station, requesting authority to install a new transmitter and change type of antenna.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Modification of license to change name from Albert Lea Broadcasting Company to Albert Lea-Austin Broadcasting Company, Inc.

1450 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from **1450 kc.** to **1020 kc.** (Class II), change power from 1 KW to 50 KW, move transmitter, and install directional antenna for night use. Amended to install a new transmitter, change directional antenna for night use, and give transmitter site as 1.0 mile east of Curtis, La.; decrease power from 50 KW to 5 KW, 10 KW-LS.

1500 Kilocycles

WMRC—Textile Broadcasting Co., Greenville, S. C.—Authority to transfer control of corporation from R. A. Jolley to C. Granville Wyche, 1530 shares common stock.

WIGM—George F. Meyer, Medford, Wis.—Modification of construction permit (B4-P-2501) for a new station, requesting extension of commencement date from 1-19-41 to 4-19-41.

1530 Kilocycles

WBRY—American Republic, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) as modified for new transmitter and directional antenna for day and night use and increase in power, requesting extension of commencement date from 1-22-41 to 2-22-41.

FM APPLICATIONS

NEW—The A. S. Abell Company, Baltimore, Md.—Construction permit for new high frequency broadcast station. Frequency, **44300 kc.**; coverage, 15,489 square miles; population, 3,308,983. Amended re change frequency from **44300** to **46300 kc.**, coverage from 15,489 to 6,040 square miles, population from 3,308,983 to 1,810,159; install new type transmitter; change location of transmitter from Clarks-ville, Md., to Baltimore, Md., and give studio location as Baltimore, Md.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of construction permit (B1-PH-12) for a new high frequency broadcast station, requesting approval of transmitter and antenna system and change population from 4,893,439 to 1,036,400.

NEW—Stromberg-Carlson Telephone Manufacturing Company, Rochester, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45100 kc.**; coverage, 2,240 square miles; population, 543,000. Amended re change coverage from 2,240 to 3,200 square miles and population from 543,000 to 584,800.

NEW—Walker & Downing Radio Corp., Pittsburgh, Penna.—Modification of construction permit (B2-PH-24) for a new high frequency broadcast station, requesting changes in antenna.

NEW—Evansville on the Air, Inc., Evansville, Ind.—Modification of construction permit (B4-PH-11) for a new high frequency broadcast station, requesting change in type of transmitter, and change location of transmitter.

NEW—Courier-Journal and Louisville Times Company, Louisville, Ky.—Construction permit for new high frequency broadcast station to be operated on **45700 kc.**; coverage, 13,200 square miles; population, 1,004,320.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **44700 kc.**; coverage, 8,500 square miles; population, 11,212,416. Location: New York.

MISCELLANEOUS APPLICATIONS

WLOY—Loyola University, New Orleans, La.—License to cover construction permit for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts, emission A-3.

WEND—WHP, Incorporated, Harrisburg, Penna.—License to cover construction permit B2-PRY-228.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Beeman's Laboratory, Inc.—Misrepresentation of a medicinal preparation is alleged in a complaint issued against Beeman's Laboratory, Incorporated, 70 Central Ave., S. W., Atlanta, Ga. Other respondents are E. A. Rush and Mrs. J. F. Rush, officers, and H. C. Allen, director, of the corporation.

The complaint alleges that the respondents advertised that their preparation "BQR Remedy", "fights colds"; that it has value as a cold preventive and that it is a cure or remedy for colds. According to the complaint, the product is not capable of any curative action on the underlying factors that cause colds, and has no therapeutic value in the treatment of such conditions in excess of furnishing temporary relief from some of the symptoms often associated with colds and of furnishing laxative action. (4451)

S. Buchsbaum & Co., 243 East Huron St., Chicago, manufacturer of men's accessories made of "Vinylite", an organic material of glass-like appearance, has been charged with misrepresentation.

"Vinylite", the complaint points out, is a chemically manufactured plasticized resinous material resembling glass which the respondent company buys in the form of pliable, semi-elastic sheets, and converts into products such as suspenders, belts, garters, wrist watch bands, key chains, raincoats, and other accessories.

The complaint alleges that the respondent disseminates advertisements stating that its products are made of "Elasti-Glass" (its trade name for Vinylite), described as "science's latest miracle"; that the advertisements picture the transparency of the material, state it to be elastic in action and further ascribe to it many of the properties commonly associated with glass, such as durability and imperviousness to water or moisture.

By means of such advertisements, and otherwise, the respondent, according to the complaint, represents and implies that its Elasti-Glass accessories are made of glass, when in fact they contain no glass. (4450)

H. & L. Candy Company—A complaint has been issued charging J. C. Helms, trading as H. & L. Candy Company, Marshville, N. C., with the use of lottery methods in the sale of candy.

The respondent, according to the complaint, sells to dealers assortments of candy so packed and assembled as to involve the use of a lottery scheme when the merchandise is sold to the consuming public. Push card devices are used, the complaint alleges. (4455)

Preparatory Training Institute, 55 N. Clinton Ave., Trenton, N. J., in a complaint is charged with misrepresentation in the sale of correspondence courses intended to prepare students for civil service examinations.

The complaint alleges that by means of representations made by the respondent's agents, designated as "registrars", who call upon prospective pupils, the respondent represents that it has United States Government positions to offer students; that it is connected with the government and authorized by the United States Civil Service Commission to qualify applicants for government jobs; and that it has advance information concerning the holding of civil service examinations, or information concerning such examinations which is not readily available to prospective candidates.

According to the complaint, the respondent has no positions to offer, no connection with the government, and cannot guarantee positions or appointments of persons passing examinations. The complaint further charges that the respondent's representatives are merely salesmen and that their designation as "registrars" further tends to mislead prospective students into the belief that they are Civil Service Commission officials.

The respondent also is charged with misleading prospective students by concealing or failing to reveal pertinent facts regarding a provision in the respondent's enrollment contract which has to do with refund of tuition fees. (4454)

United Diathermy, Inc., 100 West 42nd St., New York, distributor of "United Short Wave Diathermy", an electrical device for treating diseases, is charged, in a complaint, with misrepresentation in the sale of its product.

In newspaper, radio and other advertising, the complaint alleges, the respondent corporation represents that its apparatus is a safe and scientific means for treating and alleviating the pain of rheumatism, arthritis, neuritis, bursitis, lumbago and other ailments, when used by the unskilled layman in treating self-diagnosed diseases by self-application in the home, and that its use will have no ill effects.

According to the complaint, the results claimed will not be accomplished by unskilled, self-application of the respondent's device under conditions prescribed in the advertisements or under usual conditions, and the treatment is not safe but may result in severe electric burns or other serious injury.

The complaint alleges that the respondent's apparatus is not competent for treating acute arthritis, neuritis, and bursitis, as distinguished from chronic cases of such disorders.

The complaint further alleges that the respondent has disseminated false advertisements through failure to conspicuously reveal that the apparatus may be safely used only after a competent medical authority has determined that diathermy is indicated and prescribed the frequency and amount of application, and a trained technician has instructed the user in the device's operation.

In December, 1940, the respondent corporation was restrained by the United States District Court for the Southern District of New York from further dissemination of certain advertisements concerning its device pending issuance of the Commission complaint and its final disposition under Commission procedure. (4453)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

AW-Advertising, Inc., 420 Lexington Ave., New York, an advertising agency, entered into a stipulation concerning advertisements of cosmetics which it disseminated in behalf of Rose Helen Kingstone, trading as The R. H. Laird Company and Rose Laird, New York. The respondent agency agrees to cease advertising that "Rose Laird's Greaseless Lubricant", "Protective Face Lotion", "Overnight Cream", and "Liquid Facial Soap", alone or in combination, will correct blemishes or other skin ills, or enable one to acquire or keep a clear skin, or be free from a problem skin, and that by use of the products, alone or in combination, one will not have bumpy skin, excess oil, eruptions, coarse pores or blackheads. (02716)

Courtland D. Ferguson, Inc., National Press Building, Washington, D. C., an advertising agency, has entered into a stipulation in which it agrees that in the advertisement of "Kohler Antidote", in behalf of Kohler Manufacturing Company, Baltimore, it will cease and desist from representing that use of this product affords complete relief from pain; that it will relieve pain double quick, lightning fast, or quicker than other similar preparations, and that it is absolutely safe and has no bad after-effects. (02718)

E. Fucini & Co., Inc., 524 West Broadway, New York, entered into a stipulation in which it agrees to cease representing that "Fernet Vittone" is a tonic, unless the representation is expressly limited to its effect as a gastric tonic; that everyone requires a tonic, stomachic and digestive; that Fernet Vittone is an effective remedy for intestinal disturbances or has any effects beyond those of a laxative, stomachic and gastric tonic, and that "Acqua Fiuggi" is an effective remedy for gallstones, kidney troubles, gout, calculus of the bladder, defective blood circulation or excessive uric acid. (02721)

Patten Concentrates, Inc., in the sale of "Patten's Concentrates," consisting of dehydrated vegetable products some of which are fortified with vitamins and others with drug laxatives, agrees

to cease representing that it manufactures or produces the products; that they are chemically or biologically analyzed and assayed at frequent intervals; that they are "correctives" and have any special health-giving or remedial value; that "Patten's Tablets Enriched with Vitamins A-B-D-G" will maintain a person's physical fitness; that its "Parsley-Garlic Tablets" are an effective remedy for high blood pressure or hardening of the arteries; that the use of "Ultra-Eleven Vegetable Tablets" is effective for treating anemia, loss of weight, arthritis and malnutritions, and to discontinue similar representations concerning these and other preparations.

The respondent further stipulates that it will cease disseminating advertisements which represent or imply that "Patten's Kelp Tablets" are in all cases safe or harmless; or which advertisements fail to reveal that the preparation should not be used by persons ill of lung diseases, chronic cough, goiter or thyroid diseases, except upon the advice of a physician; and which fail to reveal that if a skin rash appears, use of the preparation should be discontinued. The stipulation further provides that the advertisement need contain only a statement that the preparation should be used only as directed on its label, if and when the label either contains such a warning or specifically directs attention to a similar warning in the accompanying labeling. (02720)

D. B. Smith & Co., Inc., Utica, N. Y., stipulated that it will cease advertising that "Jim Dandy Rat and Mouse Killer" will kill moles, gophers and other rodents, except rats, wharf rats and mice; that it positively stops waste caused by rodents; will rid homes, barns, poultry houses, wharves, fields, warehouses and other buildings of rodents. (02722)

Southern Greeting Card Company—A Memphis and a Chicago corporation selling greeting cards, have had modified stipulations accepted in which they agree to cease and desist from certain representations in the sale of their products. The respondents are: Southern Greeting Card Company, McCall Building, Memphis, and John A. Hertel Company, 305 West Adams St., Chicago.

Under the modified stipulations, the respondents agree to cease advertising "free samples" or making any use of the word "free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity. The respondents further agree to desist from inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction.

The original stipulations, executed in May, 1940, have been rescinded. (2822-2825)

United Service Training Schools—Trading as United Service Training Schools, Ray W. Davis, 405 Arctic Building, Seattle, Wash., has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of a correspondence course for assisting students to pass civil service examinations.

Among practices which the respondent agrees to discontinue are use of the initials U. S. or any initials, words, emblems or depictions on printed matter to cause the impression that his school is a government agency or has an official connection with the United States Civil Service Commission.

The respondent further agrees to cease representing that the completion of his course is a prerequisite for success in passing civil service examinations, and that students or graduates of the course are assured of civil service appointments or Government employment. He also agrees to discontinue use of statements implying that his course was prepared by persons who have information concerning forthcoming civil service examinations. (3028)

U. S. Drug & Sales Company—Edwin L. Leisenring and Gordon Leisenring, trading as U. S. Drug and Sales Company, 1534 Lawrence St., Denver, Colo., have stipulated that they will cease representing that their medicinal product "Hex Tabs" constitutes a competent remedy or treatment for ailments of the kidneys, bladder, prostate or other glands. The stipulation recites that, according to reliable medical authority, the use of the respondents' product is not indicated as a treatment for the conditions named. (3030)

Vegetrates, Inc., in the sale of "Vege-broth", "Vegetrate BF-1", "Vegetrate Formula No. CC-413" and 13 other similar prepara-

tions, agrees to cease representing that modern conditions cannot assure the full measure of life-sustaining organic minerals in the food one buys or cooks today; that the "Vegetrate" formulas are concentrated or contain all the concentrated goodness of nature's own vegetables, or of vegetables grown in a specially mineralized soil; or that they give added protection to persons having low resistance. The respondent also agrees to cease advertising that "Vegetrate 'Caroa' Fortified with Vitamin 'A'" is a protection against infection; that "Wheat Germ Oil Perles, Standard Potency Vitamin 'E'", is essential during pregnancy and is of the highest available potency, and to discontinue various similar representations concerning other of its products. (02719)

Ar. Winarick, Inc., a corporation, trading as The Herpicide Co., 805 East 140th St., New York, stipulated to cease representing that "Newbro's Herpicide" will prevent loss of hair or baldness; assure beautiful or healthy hair; is a cure for or will remedy dandruff or is positive dandruff germicide or competent dandruff treatment (unless the representation is limited to temporary removal of dandruff scales and the mitigation of the symptoms of itching); that Newbro's Herpicide has been tested and approved and is recognized as the world's standard hair tonic; that it will penetrate pores, stir up sluggish scalp circulation, or cause the sebaceous glands to function properly, and that its use aids in overcoming faulty scalp conditions (unless clearly limited to those particular conditions in which it would be an effective treatment). The respondent further agrees to cease using the term "Inc." in referring to The Herpicide Co. or from otherwise representing that that concern is itself a corporation. (02717)

Wayne Short Wave Company—Lillian B. Ferentz, trading as Wayne Short-Wave Company, 556 Book Building, Detroit, has entered into a stipulation in which she agrees to cease certain representations in the sale of an electrical device designated "Approved Model Short-Wave Machine".

The respondent agrees to cease advertising that the device constitutes a cure or remedy for sciatica, neuritis, lumbago, arthritis, rheumatism or sinus, and to discontinue representing that it can be used for any purpose, unless it is clearly indicated that it cannot be safely used except under a competent physician's supervision, and that its use is dangerous in cases of acute inflammatory processes such as non-draining cellulitis, acute arthritis, and acute pelvic infection, and under other specified conditions.

Further representations to be discontinued by the respondent, according to the stipulation, are that the machine produces a "friendly fever" or that a fever can be created by use of an electrical short-wave machine; that the device is identical with short-wave machines used by medical practitioners and hospitals, or that the Wayne Short-Wave Company has been in business for a long time or has, because of mature experience, contributed to the development of perfection of diathermy machines. (3029)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

National Distributors—A. F. Duverger, trading as National Distributors, and as Income Audit Service, 3402 Rhode Island Ave., Mt. Rainier, Md., has been ordered to cease and desist from representing that an "Income Audit Service" sold by him is required under federal law; that persons failing to buy and use this service or record keeping system will be subject to arrest and imprisonment because of such failure, and from other similar representations.

A so-called free advisory service on federal income tax, social security and accounting questions, is included in the respondent's system for recording business transactions.

Representations concerning the service have been made by the respondent's agents to various prospective purchasers, particularly small business men, including immigrants and poorly educated persons, according to Commission findings. During a recent year the service was sold to approximately 3,000 subscribers.

The Commission order further directs the respondent Duverger and his agents to cease and desist from representing, directly or by implication, that his agents, salesmen or canvassers are officers or representatives of, or are connected with the United States

Government or any of its departments; that other income tax record systems or services must be replaced by the respondent's system or service, and that his system or service is produced by or sold under the direction of the Federal Government or any of its departments.

The respondent formerly maintained an office at 927 Fifteenth St., N. W., Washington, D. C. (3616)

Nu-Way Manufacturing Company—L. B. Patterson, trading as Nu-Way Manufacturing Company, Des Moines, Iowa, has been ordered to cease and desist from misrepresentation in the sale of the "Speed King Water Heater".

Commission findings are that in advertising for the services of distributors in various States the respondent made such misleading representations as "A big money clean-up for agents", and "Make up to \$20 a day". In advertising the heater itself, the findings continue, the respondent represented that although it afforded "the fastest way known of heating water, Speed King actually saves users up to 50% on gas and fuel bills too".

The Commission order directs the respondent to cease making these representations; to cease advertising that the heater boils water instantly, or in 60 seconds, or in any other specified time, unless the quantity of water that may be boiled in the time specified is conspicuously set forth, and to cease representing that the heater does the work of a \$50 heater or of a heater costing 40 to 50 times as much as the respondent's product.

Pictorial or other representations indicating that the respondent's heater has been approved or tested by "Underwriters Laboratories", or a similar organization, are prohibited, when contrary to the facts, and the order further provides that when only part of the product has been so approved or tested, that circumstances must be clearly indicated.

The Commission order also prohibits misrepresentation of the possible earnings of salesmen selling the respondent's heater; misuse of the word "free" to refer to products delivered for a consideration either in money or services, and misrepresentation as to prices. (3852)

Robinson Clay Products Company—An order has been issued directing The Robinson Clay Products Company of New York, New York City, and Russell L. Pinkley and Urban G. Weckesser, trading as Empire Clay Products Company, Rochester, N. Y., distributors, and 27 dealers selling in the Rochester area, to cease and desist from a combination and conspiracy to restrain competition by fixing and maintaining uniform prices for building materials, including vitrified pipe.

The respondent dealers, handling the bulk of the trade in vitrified pipe and other building materials in the Rochester area, are: American Clay & Cement Corporation; Nazareth L. Montalbino and George E. Hartman, trading as Barnard Service & Supply Co.; Comac Builders' Supply Corp.; Domine Builders Supply Co., Inc.; John G. Bianchi, trading as Flower City Builders' Supply Company; Goodstone Manufacturing Co., Inc.; H. D. Grey Corporation; Hutchison-Rathbun, Inc.; Keystone Builders Supply Company, Inc.; Mann Builders Supply Co., Inc.; Leslie E. Fields and Lena Matthews, trading as Matthews & Fields; Ardean R. Miller, Inc.; Monroe Block Co., Inc.; William Heydweiller, trading as Peoples Coal & Lumber Co.; George Rappl and George Hoenig, trading as Rappl & Hoenig Co.; Rochester Lime & Cement Corporation; Rochester Lumber Company; Schaeffer Brothers Builders Supply Co., Inc.; Stonewood Builders Supply, Inc.; Theodore H. Swan Brick & Tile Co., Inc.; Van de Visse & Kildea Lumber Co., Inc.; Joseph L. Weckesser, and Whitmore-Rauber & Vicinus, all of Rochester, and R. B. Mason, trading as Russell B. Mason Company, Webster, N. Y.; Sinamus & Beck, Inc., Fairport, N. Y.; Pittsford Lumber Co., Inc., and Schreib & Watson, Inc., both of Pittsford, N. Y.

The Commission order directs The Robinson Clay Product Company of New York, Russell L. Pinkley and Urban G. Weckesser, trading as Empire Clay Products Co., and the 27 building material dealers to cease and desist from carrying out their agreement or conspiracy, and to discontinue, as a part of that agreement, the maintenance of uniform or minimum delivered prices, terms, discounts and conditions of sale. The respondents are further directed to cease inducing or coercing industry members to raise the prices quoted by them to the uniform or minimum amounts resulting from the respondents' agreement, and to desist from holding meetings among themselves or with any organization or association created by them, to devise methods of exerting influence, pressure or other means of inducing building material dealers to fix, establish, maintain or publish prices for building materials, including

vitrified pipe, or abide by any uniform price list resulting from the respondents' understanding, agreement or conspiracy.

The Commission dismissed the complaint in this proceeding as to Frank A. Seiser, deceased, who formerly traded under the name Acme Builders' Supply Co., Rochester, and as to the Britton Stone & Supply Corporation, Rochester, which had entered bankruptcy proceedings.

The Commission found no evidence in the record to support the allegations of the complaint with respect to The Robinson Clay Product Company, Akron, Ohio, parent company of the respondent The Robinson Clay Product Company of New York; Universal Sewer Pipe Corporation, Cleveland; Rochester Builders Supply Association and Edwin C. Kaelber, its secretary; Gaetano Della Pietra, and The Irondequoit Coal and Supply Company, Rochester building supply dealers, and closed its case against them without prejudice to its right to resume proceedings as to them, should the facts warrant. (4034)

Scientific Manufacturing Company, Inc., 426 Prescott Ave., Scranton, Pa., and Howard J. Force, its president, have been ordered to cease and desist from making misleading representations in the sale of pamphlets entitled "Poisons Formed by Aluminum Cooking Utensils" and "Are You Heading for 'The Last Round-Up?'"

Devoted to the alleged dangers of using aluminum cooking and storage utensils, the pamphlets, according to Commission findings, have been sold to the public and to manufacturers, distributors and salesmen of utensils made of materials other than aluminum.

Finding that extensive scientific investigations have failed to disclose evidence that food prepared or stored in aluminum utensils is unsafe, deleterious, disease producing, poisonous or otherwise dangerous to health, as represented by the respondents, the Commission ordered the respondents to cease and desist from making representations of that character and from any unfair disparagement of aluminum utensils. (3874)

Shapiro Felt Rug Company, also trading as Esta Hat Company, Newark, N. J., and William Shapiro, Morris Shapiro, and Sarah Shapiro, its officers, have been ordered to cease and desist from representing that hats or caps made either wholly or partly from old, used or second-hand materials are new or are composed of new materials.

Commission findings are that the respondents buy old, worn and previously used felt hat bodies which they clean, steam, iron and shape into novelty hats and caps. In some instances they are fitted with new trimmings, sweat bands, and size labels. The hats and caps have the appearance of new ones and are sold to dealers, the findings continue, without labels or stamped markings to indicate to the public that they are made from old, worn and previously used hat bodies.

The order further directs the respondents to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides that if sweat bands are not affixed to such hats or caps, then such stamping must appear on the body of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (2647)

University Press—J. Herbert Blackhurst, Des Moines, Iowa, a dealer in classroom books and other printed matter, who formerly traded under the name "University Press," has been ordered to cease and desist from using the word "University" in his trade or corporate name and to discontinue representing in any manner that his business is owned, conducted or supervised by a university or other institution of higher learning. Commission findings are that the respondent discontinued use of the name University Press on October 31, 1940, a short time prior to issuance of the Commission's complaint in this proceeding, and that since that time he has operated by means of a corporation designated "Blackhurst Book Sales, Inc." (4375)

Vonnegut Hardware Company, 120 East Washington St., Indianapolis, as manufacturer of self-releasing fire exit devices, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act.

Commission findings are that the respondent has sold "Von Duprin Panic Devices" of like grade and quality to some purchasers at lower prices than to others. The discrimination, according to findings, is accomplished by granting to some purchasers a 40

per cent discount from the uniform list price, while at the same time allowing a similar 50 per cent discount to other purchasers competitively engaged with the group receiving the 40 per cent discount.

Commission findings are further that no justification has been affirmatively shown or is claimed by the respondent for the differential in prices charged competing purchasers.

The Commission order prohibits these discriminations. (4344)

Wallace Brown, Inc., 225 Fifth Ave., New York, greeting card distributor, has been ordered to cease and desist from using the words "free" or "free sample" to advertise merchandise which is not delivered without cost and unconditionally.

Commission findings are that the respondent sought agents for marketing its cards by advertising a "free sample" offer in connection with its "Golden Value" 21-card assortment. Persons answering the advertisements and requesting samples, the findings continue, received printed matter illustrating cards and assortments, and a complete and salable card assortment "on approval" which, according to an accompanying notice, was to be paid for in cash or selling services or returned to the respondent. Such an assortment, according to Commission findings, was not "free" or a "free sample," since it was not delivered without cost or unconditionally. (4312)

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THE WEEK IN WASHINGTON

Senator Wheeler (D. Mont.), chairman of the Interstate Commerce Committee, alleged this week that network commentators were "editorializing" and started an investigation. (p. 143)

A complete program of BMI music is to be presented at Town Hall in New York, March 13. Sales of BMI records and sheet music continue to show the importance of radio as a means of making music popular. (p. 143)

The NAB convention Housing Committee is ready for business. (p. 145)

A proposed form to be used in obtaining the War Department's permission for commercial programs from Army posts is included in this issue. (p. 145)

Establishment of the Clear Channel Broadcasting Service with an office in Washington, D. C., was announced by Edwin W. Craig, WSM. (p. 146)

The entire industry is cooperating with NAB's "movin' day" promotion. (p. 147)

James Lawrence Fly, Chairman of the FCC, and Joseph L. Miller, NAB Labor Relations Director, were among the speakers at a luncheon given by the American Civil Liberties Union. (p. 147)

Mr. Fly told a press conference that the FCC had begun the study of its "monopoly" report. (p. 150)

Wheeler Questions Networks About Commentators

Senator Burton K. Wheeler (D. Mont.), chairman of the Interstate Commerce Committee, addressed the following self-explanatory letter this week to the Mutual Broadcasting System:

February 12, 1941

Mr. Fred Webber
General Manager
Mutual Broadcasting Co.
1440 Broadway
New York, N. Y.

My dear Mr. Webber:—

A few days ago I called in Mr. Butcher and Mr. Russell representing the Columbia and National Broadcasting Companies re-

spectively, and asked them to furnish me with a list of the commentators over their stations, together with the names of their sponsors, and if the sponsor is a corporation, to give me the name of the President of the Company, and the members of the Board of Directors.

You will recall that just recently the Federal Communications Commission reprimanded a station in Boston for editorializing the news. In checking up on your commentators, I find that on the war issue particularly they have been not only editorializing, but in many instances propagandizing.

I would like very much to have you send me a copy of the script of your commentators during the past year. Complaints of propaganda by the radio, by some of the newspapers, by many columnists, and the motion picture industry, have become so numerous that official notice must be taken of them.

When we passed the Communications Act we tried to write into that legislation provisions which would require all broadcasting chains and stations to give equal time to both sides of every public question. While the originating stations of the chain have generally given equal time to individual speakers on the more important public issues, I question whether or not their affiliates have done so, and sponsored news commentators on the chains have been quite one-sided on the great issue that is pending before the country at the present time, namely, the lend-lease bill, and the question of our own neutrality.

If we are to preserve Democracy in the United States it is absolutely necessary on fundamental issues, such as granting dictatorial powers to the President, and the question of Peace or War, that the people should be fully and impartially advised. The only way that Hitler, or Stalin or Mussolini are able to keep their people in subjection is because of controlled press, radio and motion pictures.

Respectfully,

(Signed) B. K. WHEELER.

BKW*m

BMI

BMI CONCERT

A complete program of BMI music is to be presented by Otto Cesana and his orchestra at the Town Hall in New York on the evening of March 13.

This occasion may well make history not only for BMI but for the whole field of American music. The famous evening when Paul Whiteman first appeared on the concert stage stands in retrospect as the opening of

(Continued on page 144)



1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 143)

a new chapter in the story of American music. It was at that time that critics began to recognize the real musical importance of jazz as the American idiom. The so-called "serious" composers have become increasingly concerned with the development of the characteristic American musical speech. The young composers now make constant use of the expression "symphonic jazz." The borderline between "popular" music and "serious" is becoming blurred and shows signs of fading out. Those terms are losing their meaning. The emphasis is falling rather on the fact that we are producing music which is as American as hot dogs and chewing gum. Whether it be called jazz or swing is no longer important, but only the fact that it is characteristically American music.

Otto Cesana is well known as teacher, composer, and conductor. The direction of his musical interest is suggested by the title of the final number on his program for March 13, *Symphony in Swing*.

It is very significant that he should present a full program of music in the American idiom for a concert hall audience.

It is also very significant that every number on the program should be drawn from the BMI catalogue.

MORE CATALOGUES ACQUIRED

BMI has completed a contract for the licensing of the music controlled by the Society of Jewish Composers, Publishers and Songwriters. Some stations already have a license from this Society and in such cases adjustment of fees will be made.

BMI has also acquired the performance rights in the catalogue of band music controlled by Jean Missud of Salem, Massachusetts. This catalogue has about fifty well known and useful band numbers. Mr. Missud is an almost legendary figure in the band world. He is now eighty-nine years old and still rehearses regularly every Tuesday evening.

BMI has also completed the contract for the catalogue of the Majestic Music Corporation which is managed by Arthur Shilkret, son of the famous bandleader, Nat Shilkret.

BMI FEATURE TUNES

February 17-24

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. A STONE'S THROW FROM HEAVEN

The records of sales of sheet music and phonograph records and of play on the coin phonographs continue to establish conclusively the prime importance of radio as a medium of popularizing music. 12 of the 15 sheet music best sellers, 8 of the 10 best selling records, and 5 of the 10 coin phonograph leaders are licensed through BMI. These numbers include 9 BMI publications, 2 of Southern Music, and 1 from Marks.

Nevertheless there are clear indications that the BMI music wins and holds the public favor by its merit. The radio Daily for February 10th carries the following significant item:

Philadelphia—Although WDAS, here, has both BMI and ASCAP contracts and performers have been flocking to the station in order to be able to present any music, 85 per cent of the numbers played by the station are from non-ASCAP catalogues. Station's musical fare is built on popular requests of the public.

KATE SMITH FEATURES "WE'RE ALL AMERICANS"

Kate Smith, one of America's best loved singers, has made a new record of We're All Americans, the patriotic march song written by Jim Mangan, Merchandizing and Advertising Director of the Mills Novelty Company, which is licensed through BMI. It is understood that Miss Smith plans also to make the use of this song a feature of her weekly broadcasts on Friday evenings.

BMI WINS IN MARATHON PROGRAMS

Station WIP of Philadelphia challenges the claim of KTRH of Houston, Texas for the longest commercial program on the air, but announces similar results from the

use of BMI music. After receiving the reprint of the letter from KTRH which was recently mailed out, Murray Arnold, WIP's Program Director wrote Mr. Tompkins that WIP has an all-night program called *The Dawn Patrol*, sponsored by the Pep Boys (Auto Accessories), devoted entirely to music and running for 5¾ hours. "Since the first of the year," writes Mr. Arnold, "our telegram and mail response on this program has been slightly *over average*, which to me is a very fine indication of what our listeners think of BMI music."

HISTORY REPEATS ITSELF—TO MUSIC

The list of numbers suitable for special Washington's Birthday programs recently sent out to BMI member stations included the new BMI arrangement of an Old English song, *Heart of Oak*. This number was written by the English composer Boyce in 1710 during the so-called War of the Spanish Succession when Louis XIV of France was trying to establish the Bourbon dynasty to the Spanish throne. England had, not long before, ousted the autocratic James II, who fled to the French Court. Louis XIV, who was in some respects the Hitler of his time, found his way blocked by the military genius of the English general, John Churchill, Duke of Marlborough, direct ancestor of the present Prime Minister. There was then, as now, the threat of an invasion of England from the military power which was dominating the continent of Europe. The second stanza of *Heart of Oak*, now issued in its new BMI arrangement, may stand as well today as in the circumstances for which it was written more than 230 years ago:

They swear they'll invade us, these terrible foes,
They frighten our women, our children, and beaus;
But, should their flat bottoms in darkness get o'er,
Still Britons they'll find to receive them on shore.

NAB

HOUSING COMMITTEE READY

The Housing Committee for the assignment of reservations at NAB's Nineteenth Annual Convention to be held at the Jefferson Hotel, St. Louis, Missouri, May 12 to 15, inclusive, has perfected its plans and is ready for business.

Chairman Ray Dady, KWK, and his committee consisting of Rev. W. A. Burk, WEW; Arthur Casey, KMOX; Frank Eschen, KSD; and Elzey Roberts, KXOK, have perfected plans which assure an orderly and efficient handling of all requests for reservations. We cannot urge too strongly upon broadcasters the wisdom of early attention to their hotel requirements at St. Louis.

The convention city is unusually well equipped to care for the varying requirements of broadcasters but

there are other events scheduled in St. Louis simultaneously with ours and we sincerely hope that broadcasters will get their reservations in early in order to insure themselves proper accommodations.

All requests should be addressed direct to the hotel at which accommodations are desired. They will then be referred to the Housing Committee for final attention. Other matters connected with the convention are being ably handled, by the various committees appointed by Tenth District Director John J. Gillin, Jr.

PROMOTIONAL EXHIBITS

Howard O. Peterson, WOW, Convention chairman of the committee to assemble and stage the exhibit of station promotional material and his committee consisting of Chick Allison, WLW; J. Soulard Johnson, KMOX; and Robert Sampson, KWK, have perfected an effective plan. The outline of this plan will be sent to all NAB member stations within a short time after you receive this week's REPORTS. We urge your cooperation and immediate attention.

DISTRICT 13 MEETING

A meeting of the NAB stations in the Thirteenth District (Texas) is scheduled for February 28, in San Antonio, at the Gunter Hotel beginning at 10 a.m. A staff representative of NAB will attend to discuss industry problems and Association activities, and Carl Haverlin of BMI will bring the Texas broadcasters up to date on music developments. Election of a District Director for the ensuing two-year term will be another important item of business.

REALLOCATION ERRORS

Reallocation frequency list carried in February 7 NAB REPORTS listed the wrong call letters for three stations. On page 119 the call letter of Newburgh, New York should be WGNV instead of WHNY and on page 124 the call letter of Tyler, Texas should be KGKB instead of KGXB. The call letter of Modesto, California should be KTBR instead of KTRD.

PROGRAMS FROM ARMY POSTS

In a previous issue of the REPORTS advice was given to broadcasters that in arranging sustaining programs at Army camps, permission may be secured from the commanding officer of the post involved. The War Department has now provided information respecting the method of clearance of commercial programs originating at Army camps or posts.

A suggested form which is published herewith in full has been prepared for the use of any station or network desiring to secure permission to originate commercially sponsored broadcasts. This form should be prepared in

triplicate and sent direct to the Public Relations Director of the War Department at Washington, D. C. His address is 2012 Munitions Building.

This form has not been printed or mimeographed but those desiring to make requests are asked to follow it closely. The War Department states that it does not desire to burden stations with a multiplicity of questionnaires but is anxious that station and network requests for the origination of commercially sponsored programs be submitted as indicated.

NAB is cooperating with the War Department and other national defense agencies and seeking to make radio's part effective. Broadcasters are, therefore, urged to follow the procedure outlined, namely: On sustaining programs, make request directly of the commanding officer of the post involved; on commercial programs, send the request in triplicate to the address above given in the following form:

(To be sent in triplicate)

....., 1941.

SUBJECT: Request for commercial radio broadcast from military reservation.

To: The Director, Bureau of Public Relations, Room 2012, Munitions Bldg., War Dept., Washington, D. C.

1. Station located in (City)

FCC License in name of requests authority to originate a commercially sponsored broadcast (by wire or transcription) from (Name of Camp, Post or Station)

2. The following essential data is submitted for your information:

Date of program or schedule.....
 Length and time of program.....
 Name of sponsor.....
 Product to be advertised.....
 What is the general nature or type of the program? (Give brief outline of the entire program)—musical? talking? etc.
 Do you contemplate using Army talent? If so, of what nature?

If you plan on using any particular individual officially connected with the Army on the program, state whom you desire and the nature of his appearance.

Where do you desire to install microphones? Give definite location. If a building, at what actual location in the building?

What line or circuit facilities will be required? (1).....

Actual time wires to be in use, From To
 Is program to be transcribed?.....
 If so, is it planned to use the transcription on other stations?.....

3. It is understood that the program must be produced without expense to the Government and will not interfere with the normal training of the troops at the point of origin. It is also understood that the program must meet with the approval of the Commanding Officer of the Army post concerned.

4. It is further understood that the following must be announced at the opening and close of the broadcast:

"The presentation of this program from Fort (name of the Fort or Camp) does not constitute an indorsement by the War Department or its personnel of the product advertised, the origination of the broadcast from this station being made solely for the entertainment of the military personnel serving at this post."

5. The text of the proposed commercial copy to be used in this program—opening—middle—close—it attached.

Give name of your representative in charge of program.

.....
 (Name)

.....
 (Official Status)

NOTE: To be signed by an officer of the corporation in which the name of the station license is held. If individually owned, to be signed by the individual.

CLEAR-CHANNEL STATIONS OPEN WASHINGTON OFFICE

Establishment of the Clear Channel Broadcasting Service with office in Washington, D. C., was announced by Edwin W. Craig, Nashville, Tenn., chairman of a committee composed of independently owned radio stations throughout the country.

The service, Craig explained, is intended to familiarize American radio listeners with the importance of preserving "clear channel" broadcasting primarily as a domestic service, but also in line with the North American Regional Broadcasting Agreement which goes into effect March 29, 1941.

The Washington office will be headed by Victor Sholis, who recently resigned as Special Assistant to the Secretary of Commerce.

Clear channel stations are those broadcasting with a power of 50 kilowatts on a wave length not shared by any other radio station at night. "Since 81.7 percent of the United States is solely dependent upon clear channel broadcasts for radio reception at night," said Craig, who is Vice President of WSM, Nashville, Tenn., "the importance of this type of station is obvious. Without these stations, all the residents of this tremendous portion of our country would be living in a radio 'blackout.'

"Under the treaty entered into by the United States, Canada, Mexico and Cuba, however, the principle of clear channels assumes additional importance. The United States has been assigned exclusive use of 25 such channels in this agreement. Unless these channels are used as prescribed in the treaty—only one station at night to a channel—the United States loses its priority on the channel. Our neighboring countries would then be entitled to set up stations on these channels.

"This would mean that many American radio listeners would be denied the chance to hear broadcasts at night. It is our hope that our service will acquaint the millions of American radio listeners with the stake they have in preservation of clear channel broadcasting," added Craig.

Radio Movin' Day

The NAB broadside on Radio Movin' Day, March 29, will be mailed to all stations tomorrow, February 15. The two big jobs ahead are: (1) education of the public; and, equally important, (2) education of servicemen and dealers.

March 10 is suggested as the approximate date for bringing the reallocation story to the public. Right now is the time to set the stage for the public campaign of education and promotion and to line up the servicemen for a Radio Rally.

RADIO RALLY IN CHICAGO

On behalf of Chicago broadcasters, Don E. Kelley, of WLS, wired today that there would be a giant Radio Rally of the servicemen and the trade early in March.

CHARLESTON RALLY

Charleston, S. C., Radio Rally will be held February 18, according to John M. Rivers, president, WCSC.

UTILITY STUFFERS

In Janesville customers of the Wisconsin Power & Light Company will receive Movin' Day stuffers in their bills. This was arranged by James F. Kyler, general manager, station WCLO.

Furthermore, wrote Mr. Kyler, Les Hayes of the power company asserted that the company will "be more than glad to cooperate in every manner possible."

IN LOUISVILLE

Though the Louisville Gas & Electric Company collects all of its accounts by solicitors, it will cooperate with Louisville stations by devoting a large space in the Louisville Courier-Journal to Movin' Day. Advertising Manager Green's decision was reported by Steve Cisler, manager, WGRC.

IN COLUMBIA

In Columbia, S. C., G. Richard Shafto, manager, WIS, "has obtained agreement of the South Carolina Electric and Gas Company whereby the power company will mail a list of the new frequency assignments within the state of South Carolina to all consumers. This will be contained in the regular monthly statements for service."

IN JAMESTOWN

Simon Goldman, manager, WJTN, Jamestown, N. Y., reports that the local servicemen are anxious to cooperate all along the line.

IN BOSTON

Boston members of RSA are conducting classes for members demonstrating every available type of me-

chanical tuning so that on and after March 29 Boston push buttons may be setup with dispatch.

IN WEST PALM BEACH

In West Palm Beach, Florida, city officials, county officials, the school system, Red Cross, Unified Drive and Girl Scouts have volunteered to help Steve Willis, general manager, WJNO, spread the news of the station's new dial location. The Boy Scouts volunteered to distribute notices house to house. The County Ministerial Associations are considering the observance of March 30 as "WJNO Day."

OVER NBC BLUE

Dr. O. H. Caldwell, editor, RADIO TODAY and former radio commissioner, will discuss reallocation on his broadcasts over WJZ and the Blue Network on Fridays at 7:15 p.m. The subject will occupy all of Dr. Caldwell's radio talks beginning February 21 straight through to and including Friday, March 28.

AT WBIG

Major Edney Ridge of WBIG, Greensboro, N. C., has begun to plug Movin' Day in his weekly printed, advance program schedule. That for February 18 contained a three column box, four inches deep.

Other utilities which have pledged cooperation were reported to members in the bulletin of January 31.

YOCUM HITS FREE OFFER

Ed Yocum, KGHL, Billings, Montana, recently received a form letter from the MacFadden Publications, offering "without a penny of cost to your station," dramatic script, "This Is My True Story" and another "True Detective Mystery." Both were for a half hour. On receipt of this free offer Mr. Yocum made a counter offer, knowledge of which we believe will be advantageous to all stations. Here is what he wrote:

"We have available for you, without a penny of cost to your editorial department, a series of success stories by advertisers who have used this station. If and when, MacFadden Publications care to carry this material, we will be happy to carry the also gratis advertising suggested in your letter of January 31st."

The letter was addressed to George B. Davis, Sales manager, MacFadden Publications, Inc., Bartholomew Building, 205 East 42nd Street, New York City.

FLY AND JOSEPH MILLER ADDRESS CIVIL LIBERTIES UNION

James Lawrence Fly, chairman of the FCC, and Joseph L. Miller, NAB labor relations director, were among the speakers February 12 at the Lincoln's Birthday Luncheon of the American Civil Liberties Union in New York. Their talks:

Mr. Fly—

How can radio broadcasting best function as an instrument of democracy? The Federal Communications Commission receives

scores of suggestions each month on this subject. Let me describe a few of them.

One type of suggestion involves keeping something or other off the air. Thus a Georgia resident, in the interest of democracy, wants to ban all news from Germany. A New Jersey man wants to ban all news. A citizen of the Bronx believes that the majority should rule, and that any opinion not approved by a majority of Americans should be prohibited.

A woman from Pennsylvania, however, has brought forward the most far-reaching suggestion. She wants the Federal Communications Commission, until peace returns to this war-torn world of ours, to shut down broadcasting stations altogether.

The Commission usually replies to such suggestions that under the Communications Act it has no power of censorship. It is specifically forbidden to interfere with free speech. But the exponents of censorship deserve a more convincing answer—in short, that democracy and censorship are incompatible.

Democracy, which is another name for self-government, can work if and only if citizens have adequate knowledge of the issues which confront them, and make their decisions in the light of that knowledge. If we are cut off from sources of news or from well-rounded discussions of public issues, our ability to govern ourselves is impaired, and we end up by letting others govern us.

The function of distinguishing truth from error and right from wrong resides and should reside, not at the transmitting, but at the receiving end of our radio system. It belongs to the millions who listen, not to the few who broadcast. Depriving radio listeners of their right to decide for themselves strikes at the very roots of democracy and self-government. Banning free discussion on the air, far from making radio an instrument of democracy, robs listening millions of their democratic birthright.

As against those who urge that we ban various programs, others suggest to the Commission that we require stations to broadcast one program or another. There are in the United States literally thousands of special interest groups, each with a particular cause to plead, and each seeking radio time in which to plead it.

Radio stations are in duty bound to meet these requests as fully as the public interest requires. But to meet all requests for broadcasting facilities, at least one law would have to be repealed—not a man-made law, but a law of nature. This law decrees that the number of broadcasting stations is limited by the number of channels available. Every man can have his day in court, but unfortunately every man cannot have his hour on the air. So long as there is room for only a limited number of programs, some people who want to broadcast will not be accorded that privilege by the broadcasters.

This is not government censorship. It is the necessary exercise of a discretion by the broadcaster. It is, in fact, physics, engineering, and common sense.

Because the way in which programs are selected is widely misunderstood, I want to describe it briefly. Primary responsibility for selecting some programs and rejecting others rests with radio station managements. From the thousands of would-be programs battling for time on the air, stations and networks are expected to select those which will, in their opinion, best serve the public interest.

To guide them, the radio stations have a set of rules which they have themselves drawn up, the Code of the National Association of Broadcasters. This code provides that stations shall provide time for the presentation of controversial issues, and shall use their best efforts to divide the available time fairly among those interested in the controversy. The code further provides that news shall be presented fairly and accurately, without editorial twisting, and uncolored by the opinions or desires of the station, the announcer, or the advertiser. Under the code, commentators and analysts are free to discuss and explain the news, but not to warp or color it. Their complete freedom from any special or commercial influence is essential to a proper discharge of their functions.

The Federal Communications Commission did not draft the code, and has no responsibility for enforcing it. The radio stations have full responsibility. The Commission's function is rather to see that radio stations in the long run have not abused their power to select or reject programs consistently with the public interest.

The reasons for this requirement that broadcasters serve the public interest is clear. The air waves belong to all the people, not to the few who happen to own licensed radio broadcasting equipment. And, thus far, the licensee has not been required to pay any fee to obtain this privilege. A station owner who uses a broadcasting channel for private ends is like a man who blocks

a public highway. The station's license for exclusive use of a broadcasting channel is a license to keep that channel open in the interests of listeners, not to close it to all views but those of the owner.

The Commission stated its position on this issue a few weeks ago, when considering the license application of a New England station. We then said:

"Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate."

This, obviously, is not censorship. A station which continuously abuses its public trust is not refused renewal of its license for fear that listeners will hear what it chooses to broadcast, but because others eagerly await an opportunity to do a better job on that wave length in the public interest. A million listeners cannot and should not be deprived of honest news, fair comment, and well-rounded discussion of public issues merely because one broadcaster has a personal axe to grind. The public has a right to the benefits of free speech. The broadcaster has the duty to keep the avenue for free speech open.

In applying this standard, the Federal Communications Commission must face and find democratic solutions to scores of particular problems. Let me mention a few.

One is the maintenance of even-handed treatment during political campaigns. We have recently emerged from one of the most hotly contested elections in American history. Radio was on trial. It was an important factor. Had favoritism been shown for any candidate, the confidence of the public would have been shattered.

The broadcasting industry, I think, can pride itself on the impartiality displayed in rendering this great public service. Other media for the distribution of ideas and opinions may well envy its record. I trust that radio will do equally well in handling the fateful issues which now confront us.

Current world conditions have also raised special problems—for example, the question of foreign-language broadcasts by some of our domestic stations. Many who hear these programs without understanding them—and few of us can understand all of the 31 languages spoken over U. S. stations last year—are concerned lest, because the language is not English, the thoughts expressed must be un-American.

The Commission has made some special studies of foreign-language broadcasts, and has assembled information concerning their extent. To discontinue foreign-language broadcasts, especially at a time when so many influences are competing for the allegiance of our foreign-born citizens and residents, might prove to be an error in judgment. It would at least tend to cut them off from the democratic influence of well-managed radio stations, broadcasting to them in the languages they best understand and to which they are most responsive. These stations can, and in large measure do, serve a constructive purpose.

The problems of radio broadcasting in areas torn by war, of course, are varied, and differ markedly from the problems confronting broadcasting in the United States. In Europe today, for example, broadcasting stations may, under certain conditions, act as direction finders and beacons for enemy aircraft. Last spring, broadcasts were used much like artillery to soften up enemy morale prior to direct attack. The great significance of radio, and its power for evil as well as for good, is demonstrated by the alacrity with which the invader first of all seizes the broadcasting station and utilizes it shrewdly for his own ends.

It is interesting to note that even in the heart of a besieged country, the normal functions of broadcasting are continued to the greatest extent consistent with military expediency. The daily life of civilians must go on; and the need is doubly great for information, and for the entertainment and emotional release which radio so pre-eminently affords. I think it significant that in England even the raids of invading enemy aircraft have not caused the discontinuance of broadcast programs generally. Indeed, from the heart of the bomb-wracked city, radios bring us news of the battle.

The United States has not found it necessary to interfere in any way with regular broadcast programs. Nor can I conceive an emergency so grave that it would require taking the vast burden of broadcasting operations out of the hands of the broadcasting industry. Intensification of our defense efforts will make it all

the more important that radio broadcasting continue to play its part, under private auspices, in the home life and daily activities of the American listening public. It is conceivable that our defense problems may require some sacrifice, but they will not require sacrificing the basic pattern of our American system of broadcasting.

In saying this, I have in mind not merely the activities of the Commission, under its mandate to act "for the purpose of the national defense," but also the activities of the Defense Communications Board. This Board, established by Executive Order last September, is essentially a planning body, concerned with the defense aspects of all branches of our far-flung wire, cable, and radio communication systems. So far as radio broadcasting is concerned, I do not anticipate that the potential effect of the Board's plans will extend beyond purely technical matters of procedure and coordination; or that they will reach such substantive matters as control of program content. The latter questions are, of course, vital ones, and in treating them we must have a jealous regard for our basic freedoms.

Maintaining civil liberties and other democratic traditions in an era like ours is no easy task. I am inclined to believe that it has never been an easy task. History has a habit of recording past decisions without recording the debate, the turmoil, the searching of heart and soul that went into the making of them. I am hopeful that historians of some future day will view the decisions we now make as worthy of our country, and will deem the techniques we now evolve to be suitable for their purpose—the maintenance of democracy in a war-torn world.

Mr. Miller—

When we finished writing the NAB Code of Program Standards down in Atlantic City two years ago, we were pretty sure that we could count on an unqualified endorsement from organized labor.

Father Coughlin might not like it. Judge Rutherford might not like it. Some parents might think we should have set up more rigorous standards for children's programs. But organized labor should be with us, 100 per cent.

What had we done?

We had said that broadcasting stations were obligated to carry labor programs when they served the public interest. Time should not be sold for such programs. All parties to any controversy raised in a labor program should be afforded an equal opportunity before the microphone.

In other words, when a national labor issue of importance arose, a nation-wide network was obligated to give the justified amount of network time for discussion from all viewpoints.

When a labor issue of local importance arose, a local station was obligated to give the justified amount of its time for discussion from all viewpoints.

Time should not be sold for this discussion because the employer ordinarily could out-buy the union, and thus weight the argument in his favor. That wouldn't be fair play.

It turned out that labor wasn't with us, 100 per cent. A few who conceive of radio as a common carrier, like a railroad, have accused us of the most outrageous censorship, because we refuse to sell a seat before the microphone to anyone who can pay the fare. As Chairman Fly pointed out after luncheon today, there can be only so many programs a day. Denial of requests for time—free or paid for—isn't censorship. "It is the necessary exercise of discretion by the broadcaster. It is, in fact, physics, engineering and common sense." You can add a car to a railroad train, but you can't add an hour to the day.

A great majority of labor leaders, however, have given the code their enthusiastic support. We have heard nothing but praise of the national network policy in regard to the amount of time accorded labor leaders and government officials dealing with labor problems. The National Broadcasting Company alone had 43 labor talks on the coast-to-coast network last year. William Green gave six of these; John L. Lewis, five. While I do not have the exact figures at hand, I venture that the Columbia and Mutual Broadcasting Systems carried about the same number.

Locally labor has fared well under the code. Let me cite an instance:

Out in Cincinnati, about 20,000 of those who work in town live across the Ohio river in half a dozen Kentucky communities. Until last fall, they commuted by two bus lines. One of these lines had a closed shop contract with the "Amalgamated," an A. F. of L. union of bus drivers and street car employees. The other had a closed shop contract with the "Brotherhood" an independent union of bus drivers and railroad employees. The two lines merged. A jurisdictional strike resulted. Service stopped

completely. Taxis were at a premium. Thousands had to walk to work.

The issues in jurisdictional strikes are often confused and difficult for the general public to understand. And so L. B. Wilson, manager of Station WCKY, asked representatives of the two unions, the merged companies, government conciliators, and the city managers to sit around the microphone together, to explain the issues from their respective viewpoints.

Only the bus companies turned down the invitation. They said they would not have enough time before the broadcast to prepare their case.

The program was an outstanding success. Ideas were developed that aided materially in the settlement of the strike.

After the forum program, Mr. Wilson assigned several of his best news analysts to "cover" the strike. On a news basis, statements from all sides were carried as they were issued.

After the strike eventually was settled, the station reported to us:

"We found both the companies and the unions willing to cooperate in acquainting the public with the facts, and there was not a single case of objection by the unions, companies, or the listening public to the way our strike broadcast and our strike news was handled."

I don't mean to imply that the forum type of program is the *only* proper medium for a labor broadcast. It is an extremely fair means of presenting the issues and the arguments of all parties—because all sides reach the same audience—and round table discussion is often more fruitful than set speeches. A forum makes a good show, too. Labor leaders—and others as well—too often are inclined to forget that it takes showmanship to build and hold an audience.

There have been only two outstanding complaints against the operation of the code from labor quarters. They were much alike. Both came from the C. I. O. Both resulted from the refusal of stations to continue C. I. O. local "news" broadcasts for which C. I. O. unions bought time. The first was last winter, against a small station in Akron, Ohio. The United Rubber Workers, a C. I. O. affiliate, had been broadcasting news *and views* about local labor troubles for some time. After the code went into effect, the station exercised a cancellation clause in its contract with the union, maintaining rightfully that sale of time for discussion of controversial issues would constitute code violation. As a display of good faith, the station staged a forum program to discuss the rubber workers' contention that the code was "unfair to organized labor" and union representatives took part. They refused the station's offer, however, of free time to discuss their problems from time to time, as the public interest warranted. Last fall, a San Francisco station refused to renew an expired contract with the local C. I. O. council for a similar program. Not only the station directly involved but all other stations in San Francisco offered the C. I. O. free time, as the public interest warranted, to discuss labor questions of general public interest. To date, this offer has not been accepted. In both instances, the C. I. O. unions complained to the Federal Communications Commission. The Commission informed them that there was nothing in the Communications Act of 1934 to require a station to accept any program.

Most of the other complaints—and they have been few—have arisen from differences of opinion between local labor leaders and station managers over the air-worthiness of programs or speeches proposed by the labor leaders.

For instance, a local business agent is conducting a strike involving 200 factory employees in a city of 150,000 population. He has a great deal to say about the situation and he wants to tell the whole world, too. And so he goes to the manager of a 50,000-watt, clear channel station that serves not only the 150,000 city dwellers but farmers 100 miles around and asks to buy or get free time to air his views. The station manager informs him that he cannot buy time, under the code, and that he regrets he cannot give away the time, either, because that station's far-flung audience or a good share of it just wouldn't be interested in hearing about the merits and demerits of a small strike.

On the other hand, the size of a strike certainly is not the only criterion for a broadcaster, in determining whether it should be discussed on his station. A strike of three employees in a power plant which threw a community into total darkness would surely be of prime public interest.

We feel that measuring a proposed labor program by the standard of "public interest" involves more, however, than just measuring whether it would be of considerable interest to the public to hear a well-known labor leader urge armed revolution, but it certainly could not be considered "in the public interest" to broad-

cast such a speech. In this connection, I would like to quote from our code manual:

"The broadcaster who denies time to a labor leader or organization solely because the broadcast might "stir up trouble" or disturb the *status quo* is treading dangerous ground.

"Of course, no broadcaster would permit his facilities to be used to incite to riot or bloodshed. When a broadcaster is in doubt on this score, after reading the proposed script, he might well consult the proper police officials.

"On the other hand, the opinion of an employer that a labor program dealing with his employees would be "dangerous" should be considered for just what it is worth. It is certainly not for the broadcaster to decide that labor unions are good or bad, and give or refuse to give them time accordingly.

Not long ago, I helped to arrange for a national network program for a labor leader who had made his first request for time. First, he was surprised that he received it, and received it so promptly. Then he submitted his script. In it, he quite strongly attacked three of the largest industrialists in the country. The network lawyers looked it over, found no libel, and gave it their O.K. The labor leader was amazed.

"Do you mean I can say all that?" he asked.

We think labor is getting a pretty good break on the air.

FEDERAL COMMUNICATIONS COMMISSION

The FCC, this week, began its "monopoly" report study. In this connection James Lawrence Fly, Chairman, said at a press conference early this week that "the Commission began consideration of the network matter a few days ago, but it is still in the discussion stage and the Commission has not reached a report draft status."

Mr. Fly told the newspapermen that he has read the report of the National Television Systems Committee recommendations, but in view of the hearing which has been slated he would make no comment. Also, Mr. Fly said in answer to a inquiry that there is no additional news about the Defense Communications Board other than its committees are quite active and very much on the job, meeting where they choose, some in New York and others in Washington.

Mr. Fly said that the \$1,600,000, special defense fund has been used for new equipment and personnel and the FCC is still taking on technicians. He stated that additional funds may mean more equipment and more people.

Answering a specific question relative to evidence of subversive use of radio, Mr. Fly said that he could hardly say that it was acute, but agreed that it was an important subject. He stated further that he could hardly say it is under control, but a lot of work is being done on it in the field. He admitted "hitting some pay dirt, if you want to know that."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard in broadcast cases before the Commission

during the week beginning Monday, February 17. They are subject to change.

Monday, February 17

- WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—C. P., 1370 kc., 250 watts, unlimited.
NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., 1370 kc., 250 watts, unlimited.
NEW—William H. Amesbury, Minneapolis, Minn.—C. P., 630 kc., 1 KW, unlimited. DA-night and day.

Thursday, February 20

Oral Argument Before the Commission

REPORT NO. B-121:

- WHDH—Matheson Radio Company, Inc., Boston, Mass.—C. P., 830 kc., 5 KW, unlimited, DA-night. Present assignment: 830 kc., 1 KW day.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

March 10

- WARM—Union Broadcasting Co., Scranton, Pa.—License to cover C. P., 1370 kc., 250 watts, unlimited.

Consolidated Hearing

- WCAM—City of Camden, Camden, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WTNJ and WCAP.
WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WTNJ and WCAM.
WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WCAM and WCAP.
WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., 1230 kc., 1 KW night, 1 KW day, unlimited, DA-day and night.
NEW—Trent Broadcast Corp., Trenton, N. J.—C. P., 1230 kc., 1 KW, unlimited, DA-day and night.

March 12

- WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), 890 kc., 1 KW night, 5 KW LS, unlimited time.

March 13

Oral Argument Before the Commission

- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

March 24

- WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of license, 1350 kc., 5 KW, unlimited, DA-day and night. Present assignment: 1350 kc., 1 KW night, 5 KW day, unlimited, DA-night and day.

March 25

- NEW—West Publishers, Inc., Houston, Texas.—C. P., 610 kc., 1 KW, unlimited, DA-night.

April 2

- NEW—Symons Broadcasting Co., Ellensburg, Wash.—C. P., 1110 kc., 1 KW, unlimited.
NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., 1310 kc., 250 watts, unlimited time.

April 25

- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., 1500 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—Granted modification of construction permit for approval of directional antenna and transmitter site at Clear Lake Road, U. S. Highway No. 18, Mason City, Iowa, and change in equipment (B4-MP-1095).
- WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted voluntary assignment of license of station WKPT from C. P. Edwards, Jr., and Howard Long, d/b as Kingsport Broadcasting Co., to Kingsport Broadcasting Co., Inc. This represents all the tangible and intangible partnership property pertaining to the station to be assigned and transferred by assignors for a cash consideration of \$58,230.00. Station operates on **1370 kc.**, 250 watts, unlimited time (B3-AL-297).
- KXO—F. M. Bowles (Assignor), Valradio, Incorporated (Assignee), El Centro, Cal.—Granted consent to voluntary assignment of license of station KXO from F. M. Bowles to Valradio Company, Inc., for the sum of \$9,250. Station operates on **1500 kc.**, 100 watts, unlimited time (B5-AL-291).
- WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit to increase daytime power from 1 to 5 KW; install new transmitting equipment; move transmitter site to approximately 4 miles northwest of center of city; and extend commencement date to 30 days after grant, completion date to 180 days thereafter; **920 kc.**, 1 KW day, unlimited time (B3-MP-1124).
- WWL—Loyola University, New Orleans, La.—Granted modification of license to change hours of operation from specified hours, sharing with KWKH, employing directional antenna, to unlimited time on **850 kc.**, 50 KW (B3-ML-583).
- W9XC—Central Broadcasting Co., Mitchellville, Iowa.—Granted construction permit to increase power of developmental broadcast station from 1 to 150 KW; frequency tolerance: 20 cycles plus or minus; hours of operation: 12 midnight to 6 a. m., CST, in accordance with Sec. 4.4(a) and on condition that no objectionable interference will be caused to the regular broadcast service of any standard broadcast station; install new transmitter, and make changes in antenna system which utilizes the vertical radiator of WHO for its center element. If it becomes necessary to operate WHO other than as authorized, it will be necessary for applicant to obtain express authority of the Commission prior to proceeding with such operation of WHO (B4-PEX-34).
- Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **44700 kc.**, 9,300 square miles, 4,500,000 population (B2-PH-69).
- John Lord Booth, Detroit, Mich.—Granted construction permit for new high frequency (FM) broadcast station; frequency **44900 kc.**, 6,800 square miles, population 2,900,000 (B2-PH-20).

DESIGNATED FOR HEARING

- WBNX Broadcasting Co., Inc., New York City.—Application for construction permit for new high frequency broadcast (FM) station, requesting frequency **47500 kc.**, 8,730 square miles, hours of operation day 3 hours, night 3 hours (B1-PH-85).
- Bremer Broadcasting Corp., New York City.—Application for construction permit for high frequency broadcast (FM) station to operate on channel **47100 kc.**, with coverage of 8,500 square miles, hours of operation 11 day, 6 night (B1-PH-72).
- The Outlet Company, Providence, R. I.—Application for construction permit for new high frequency (FM) broadcast station to operate on **44300 kc.**, 16,370 square miles, hours of operation 4 hours day, 4 hours night (B1-PH-22).
- WJJD—WJJD, Inc., Chicago, Ill.—Application for construction permit to increase hours of operation from limited time to unlimited, and install directional antenna for use after sunset at Salt Lake City; **1130 kc.**, 20 KW (B4-P-2532).

- Ralph L. Lewis, Greensboro, N. C.—Application for construction permit for new station to operate on **1370 kc.**, 100 watts, unlimited time (B3-P-2808). Hearing on this application to be consolidated with application of High Point Broadcasting Co., requesting identical facilities in High Point, N. C., located 15 miles southwest of Greensboro.
- Butler Radio, Inc., Tyler, Tex.—Application for construction permit for new station to operate on **1370 kc.**, 250 watts, unlimited time (B3-P-2896).
- Wayne M. Nelson, Concord, N. C.—Application for construction permit for new station to operate on **1380 kc.**, 1 KW, daytime only. Exact transmitter site and type of antenna to be determined (B3-P-3007).
- KEMA—May Seed and Nursery Co., Portable-Mobile, area of Shenandoah, Iowa.—Application for consent to voluntary assignment of the license for relay station KEMA from the licensee, May Seed and Nursery Co. to May Broadcasting Co. This application to be heard in connection with the hearing on renewal application of broadcast station KMA already designated for hearing.

MISCELLANEOUS

- WBEN—WBEN, Inc., Buffalo, N. Y.—Granted construction permit to move auxiliary transmitter to site of main transmitter at corner Bush Road and Beaver Island Parkway, Grand Island, N. Y. (B1-P-3076).
- WALB—The Herald Pub. Co., Inc., Albany, Ga.—Granted modification of construction permit which authorized a new station to operate on **1530 kc.**, 1 KW, unlimited time, DA-night, for authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 90 days thereafter (B3-MP-1152).
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted license to cover construction permit (B1-P-2243) which authorized change in hours of operation and installation of directional antenna for night use (B1-L-1521); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-656).
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to install automatic frequency control equipment (B3-F-171).
- WHP, Inc., area of Harrisburg, Pa., Portable-Mobile.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station WHP; **33380, 35020, 37620, 39820 kc.**, 25 watts (B2-PRE-380).
- W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast station W1XOJ, Paxton, Mass., for the period ending no later than March 1, 1941, in order to continue rebroadcasting experiments.
- WPAY—Vee Bee Corp., Portsmouth, Ohio.—Designated for hearing application for renewal of license of WPAY, and adopted order consolidating the hearings on transfer of control of corporation and on the renewal.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Scheduled oral argument for February 20 on application to install new transmitter, directional antenna for night use, and increase power from 1 to 5 KW day, and operate unlimited time on **830 kc.**
- Thumb Broadcasting Co., Brown City, Mich.—Dismissed application for new station to operate on **600 kc.**, 250 watts, daytime (B2-P-1886).
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:50 to 9:50 p. m., CST, February 7 and 14, in order to broadcast State College basketball games only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to conclusion of basketball games, February 4; from 9 p. m., PST, to conclusion of Jr. Chamber of Commerce meeting February 5; from 7:30 p. m., PST, to conclusion of concert of Modesto Symphony Orchestra Assn., February 11; from 7:30 p. m., PST, to conclusion of meeting of Yosemite Area Council of Boy Scouts, February 13; from 7:30 p. m., PST, to conclusion of basketball game, February 18; from 7:30 p. m., PST, to conclusion of basketball game, February 21, only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST,

- February 12, in order to broadcast sustaining musical programs as described in letter of January 27, only (provided WSVS remains silent).
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7 to 11 p. m., CST, February 4, in order to broadcast basketball game only.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted motion for leave to amend application for construction permit to change frequency from 950 to 690 kc.; increase power from 5 to 50 KW, unlimited time, DA night; and move studio to Kansas City, Kans., to substitute revised and amended technical exhibits.
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Dismissed without prejudice the petition to intervene in the hearing on application of KMBC listed above.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Dismissed without prejudice the petition to intervene in the hearing on application of KMBC listed above.
- KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted motion for order to take depositions in re application for construction permit to operate on 940 kc., 1 KW, unlimited time, DA night and day.
- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Granted petition for leave to amend application by February 28 to specify a new transmitter site and furnish information pertinent thereto, in re construction permit to change frequency from 560 to 740 kc., and increase power to 50 KW, unlimited time, DA day and night.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted motion to accept amendment to application for modification of license to reduce request for night power from 1 KW to 500 watts.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Dismissed without prejudice petition to intervene in the hearing on application of KWK, St. Louis, to change frequency from 1350 to 680 kc., and increase power to 50 KW, unlimited time, using DA.
- KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted motion for leave to amend application for construction permit to change frequency from 1480 to 690 kc., increase power to 50 KW, unlimited time, DA-night, to substitute revised and amended technical exhibits.
- WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co. (assignor), and Albemarle Broadcasting Co. (assignee), Elizabeth City, N. C.—Granted petition for leave to amend application relating only to corporate structure, to withdraw Aubrey G. McCabe and substitute Trim W. Aydlett in assignee corporation, in re application for consent to voluntary assignment of license of WCNC.
- Park Cities Broadcasting Corp., Dallas, Texas.—Granted petition to accept amendment with regard to minority stock holder in corporation, in re application for new station to operate on 940 kc., 500 watts, unlimited time, with retention of hearing date now set for February 28.
- The Community Broadcasting Corp., Middletown, N. Y.—Motion for continuance of hearing now set for February 12, withdrawn, and the proceedings in Dockets Nos. 5952 and 5953, in re applications of Community Broadcasting Corp. and Herbert L. Wilson, both applicants for new station at Middletown, to operate on 1310 kc., 250 watts, unlimited time, were consolidated.
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance of hearing for period of 60 days from February 24, on application to operate on 1500 kc., 250 watts, unlimited time.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued oral argument now set for February 13 to March 13, in application for renewal of license.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion for leave to amend application by February 28, with regard to technical information, new transmitter location and new directional antenna data, in re application to change frequency and increase power.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing set for February 10 for 30 days, on application for renewal of license.
- Park Cities Broadcasting Corp., Dallas, Texas.—Granted motion to take depositions in re application for new station.
- WMBG—Havens and Martin, Inc., Richmond, Va.—Granted motion for continuance of hearing now set for February 21, for period of 30 days, on application for modification of license to increase night power to 5 KW.
- Mosby's Inc., Anaconda, Mont.—Granted petition for leave to amend application for construction permit so as to request 1200 instead of 1100 kc., 500 watts night, 1 KW day, unlimited time.
- R. B. Eaton, Des Moines, Iowa.—Granted petition for continuance of hearing now set for March 3, until after hearing on television scheduled for March 20, in re application for new television station.
- Trent Broadcast Corp., Trenton, N. J.—Adopted order denying petition for reconsideration and grant of application of Trent Broadcast Corp. for construction permit for new broadcast station to operate on 1230 kc., 1 KW, directional antenna day and night; dismissed without prejudice to requesting leave to amend application, the alternative request that the Commission grant its application modified to specify operation upon the frequency of 890 kc.
- General Television Corp., Boston, Mass.—Granted special temporary license to operate television Station W1XG for the purpose of conducting tests ending in no event later than March 20, 1941; frequencies 50000-56000 kc. (Channel No. 1), on an experimental basis only, upon the express condition that this authority is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises; A5 emission, 500 watts visual power, in accordance with Sec. 4.78; to operate as a television broadcast station in accordance with Sections 4.71, 4.72, 4.74, 4.75, and 4.76.
- WRDO—WRDO, Inc., Augusta, Maine.—Adopted an order dismissing renewal of license proceedings and continuing on a temporary license to March 29, 1941, pending application for transfer of control of the station.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Adopted an opinion and order dismissing petition which requested that the Commission (1) classify station WQAM as a Class III-A station upon its present assignment of 560 kc., 1 KW, unlimited time, and modify the license of station accordingly; (2) that action upon petitioner's application for authority to install a new transmitter and increase power to 5 KW be deferred until after final action upon petition; and in event petition were granted, that application for authority to increase power to 5 KW be returned to petitioner. (In its opinion the Commission points out that classification of stations as Class I, II, Class III-A, etc., is merely for administrative convenience and such classification is not part of any license and not a source of any right in the licensee.)
- KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Adopted a similar decision and order dismissing application for modification of license to add "Class III-A" to license of station KFDM.
- City of New York, Municipal Broadcasting System, New York, N. Y.—Designated for hearing application for new high frequency (FM) broadcast station to operate as follows: Frequency, 46700 kc.; service area, 3,889 square miles; hours of operation, day 10 hours, night 5 hours (B1-PH-83).
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Designated for hearing application as amended to request construction permit to change frequency to 710 kc., increase power to 10 KW, change transmitter site locally, and employ directional antenna at night (WTCN now operates on 1250 kc., with power of 1 KW night and 5 KW day) (B4-P-2439).
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Designated for joint hearing with WTCN (above) application for construction permit to change frequency to 710 kc., increase power to 5 KW unlimited time, install directional antenna for day and night use, install new transmitter, and move transmitter site locally (WHB now operates on 860 kc., with 1 KW, daytime).
- Joint petition of WTCN and KSOO (Sioux Falls Broadcast Association, Sioux Falls, S. Dak.) was granted in part only insofar as it requests leave to amend the application of KSOO; denied as to balance.

APPLICATIONS FILED AT FCC 610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897)

for a new station, requesting authority to install new transmitter, approval of studio site at 1819 Elm St., Manchester, N. H., and extension of commencement date to 10 days after grant and completion date to 60 days thereafter.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—License to cover construction permit (B1-P-2475) as modified for new transmitter, directional antenna for day and night use, increase in power, and move of transmitter.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Authority to determine operating power by direct measurement of antenna power.

810 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to install new automatic frequency control equipment on 830 ke. under NARBA.

850 Kilocycles

WHCU—Cornell University, Ithaca, N. Y.—Construction permit to install directional antenna for use from local sunset at Ithaca, N. Y., to local sunset at Los Angeles, Calif.; change frequency from 850 ke. to 640 ke., and change hours of operation from day to limited, using 1 KW power.

940 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) as modified for new transmitter, installation of directional antenna for night use, change in hours of operation, increase in power, and move of transmitter, requesting extension of completion date from 2-25-41 to —

WCHS—Congress Square Hotel Co., Portland, Maine.—Modification of construction permit (B1-P-2535) for installation of directional antenna for day and night use and increase in power, requesting extension of completion date from 2-25-41 to 4-25-41.

1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1180 Kilocycles

WMAZ—Southeastern Broadcasting Company, Inc., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

WSKB—McComb Broadcasting Corp., McComb, Miss.—Construction permit to change frequency from 1200 ke., to 590 ke. (Class IV), make changes in equipment and antenna.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Construction permit to reinstate construction permit (B4-P-2537) as modified (B4-MP-1019) for equipment changes, antenna changes, increase in power from 100 watts, 250 watts local sunset, to 250 watts day and night, and move of transmitter.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Authority to make changes in automatic frequency control equipment on 1240 ke., under NARBA.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—License to cover construction permit (B4-P-2510) as modified for new transmitter, increase in power, and changes in directional antenna for night use.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Authority to determine operating power by direct measurement of antenna power.

1260 Kilocycles

KGVO—Mosby's Incorporated, Missoula, Mont.—Construction permit to increase power from 1 KW, 5 KW LS, to 5 KW; install directional antenna for day and night use; and move transmitter.

1280 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new station to be operated on 1280 ke., 500 watts, 1 KW LS, unlimited time (1310 ke. under NARBA). Amended to make changes in corporate structure.

1290 Kilocycles

KLCN—Fred C. Grimwood, Blytheville, Ark.—Construction permit to install a new transmitter and vertical antenna; increase power from 100 watts to 1 KW; and move transmitter from Railroad and Walnut Sts., Blytheville, Ark., to Blytheville, Ark. Amended to change requested site from Highway No. 61 to Highway No. 18, Blytheville, Ark., and make changes in requested vertical antenna.

WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit (B-P-2762) for changes in equipment, antenna, increase in power, and move of transmitter, requesting extension of completion date from 2-25-41 to 4-25-41.

1310 Kilocycles

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Modification of license to change hours of operation from specified hours to unlimited time.

1370 Kilocycles

NEW—Chilton Radio Corporation, Dallas, Tex.—Construction permit for a new station to be operated on 1370 ke., 100 watts, unlimited time, facilities KFJZ. Amended to request 660 ke., 1 KW daytime, antenna to be determined, equipment changes, omit request for facilities relinquished by KFJZ.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Authority to determine operating power by direct measurement of antenna power on 1400 ke., under NARBA.

KFVD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of station KFGQ.

1380 Kilocycles

WING—Great Trails Broadcasting Corporation, Dayton, Ohio.—License to cover construction permit (B2-P-2761) for new equipment, changes in directional antenna, and increase in power, and move.

WING—Great Trails Broadcasting Corporation, Dayton, Ohio.—Authority to determine operating power by direct measurement.

1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—License to cover construction permit (B2-P-2670) for increase in power, and installation of directional antenna for night use.

WHK—United Broadcasting Company, Cleveland, Ohio.—Authority to determine operating power by direct measurement.

1420 Kilocycles

NEW—Washington Broadcasting Co., Washington, Pa.—Construction permit for a new Class IV station on 1420 ke., 250 watts, unlimited time. Studio and transmitter to be determined, Washington, Pa.

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for a new station to be operated on 1420 ke., 250 watts, unlimited time. Amended to make changes in corporate structure.

1500 Kilocycles

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Modification of construction permit (B1-P-2909) for a new station, requesting authority to install new transmitter.

1530 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on 1530 kc., 1 KW, unlimited time (1590 kc. under NARBA). Amended to make changes in corporate structure.

FM APPLICATIONS

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for new high frequency broadcast station to be operated on 43900 kc.; coverage, 15,300 square miles; population, 5,091,500. Amended: Change frequency from 43900 to 47500 kc.

NEW—National Broadcasting Company, Inc., New York, N. Y.—Modification of construction permit (B1-PH-15) for approval of transmitter and changes in antenna. Population given as 11,896,500.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Amasia Importing Corporation, 10 East 39th St., New York, is charged with misrepresentation in the sale of corsets and foundation garments for women in a complaint.

According to the complaint, the respondent uses the trade name "Silk Skin" in advertising and on tags, labels and boxes, representing that its garments consist in part of silk when in fact none of them contain more than 20 per cent silk and many have no silk at all. Some allegedly consist of a cotton elastic yarn and others of such yarn combined with lisle, rayon or silk.

The complaint charges that on certain boxes and on tags attached to garments the term "Silk Skin" appears in large type and in smaller type is printed the notation "80 per cent to 100 per cent elastic yarn combined with lisle, rayon or silk." It is alleged that beneath a primary label containing the name "Silk Skin" is a secondary label, not readily discernible, stating the purported percentages of elastic and lisle, rayon or silk, as the case may be. However, the complaint alleges that neither the respondent's advertising and printed matter nor the primary cloth label differentiate between the types of garments containing various combinations of lisle, rayon or silk, and that many garments contain percentages other than those stated on the secondary label.

The respondent further is charged with representing through its business stationery that it has branch houses or factories in Paris, Berlin, London, Shanghai and other foreign cities, when such is not a fact. (4459)

Illinois Herb Company—Misrepresentation in the sale of 40 medicinal preparations advertised as having value in treating various diseases and conditions, is alleged in a complaint issued against Charles A. Bilgman, trading as Illinois Herb Co., 542 South Dearborn St., Chicago.

The complaint alleges that the products do not possess the therapeutic values advertised. According to the complaint, preparations designated as "Calexa Herb Compound" and "Sonada Tonic," and represented as cures or remedies for digestive ailments, have no therapeutic value in excess of temporary relief afforded by their laxative properties, and the respondent's use of the word "tonic" to designate "Sonada Tonic" and "Verbita Tonic" is misleading in that these preparations have no substantial therapeutic value as tonics.

The complaint charges that the respondent's product "Lura,"

advertised as being of value in eliminating halitosis, has no effect upon that condition other than to mask it temporarily; that the value of the preparation "Rexora Herb Compound," represented as a remedy for bladder weakness and irritations, is limited to such slight relief for bladder irritations as it may afford because of its properties as a weak diuretic, and that "I. H. C. Dorelle Hair Tonic," advertised as being capable of stimulating hair growth and preventing falling hair, has no value in stimulating hair growth, or in preventing falling hair except as it may assist in temporary removal of dandruff scales.

The complaint further alleges that the respondent's advertisements concerning the preparations "Wahoo Bark," "Geroca Herb Compound" and "Trilax Herb Tea," constitute false advertisements in that they fail to reveal that use of these preparations under conditions prescribed in the advertisements or under usual conditions, may result in serious injury to health. (4460)

Wayne-Townsend & Company—Misrepresentation in the sale of men's wearing apparel is alleged in a complaint issued against Albert Walters, trading as Wayne-Townsend & Co., 1001 Chestnut St., Philadelphia.

According to the complaint, the respondent promotes a merchandising plan under which a participant paying \$1 a week for 39 weeks would be entitled to receive a garment.

Through his agents and otherwise, the respondent is alleged to make representations such as that a drawing or some similar method would be held weekly at the respondent's place of business for the selection, by lot or chance, of a participant's name; that a participant so selected would receive a garment without further payment on the contract, and that, in order to advertise the merchandising plan, a suit or other garment would be given in certain instances to a participant after three, four or other small number of payments had been made.

The complaint alleges, however, that no such drawings have been held, and that a suit has never been given to a participant for less than the contract price, either through a method of employing a chance feature or to advertise the respondent's merchandising plan. (4461)

Webster Electric Company—A complaint has been issued charging Webster Electric Company, Racine, Wis., with misrepresentation in the sale of fuel units for oil burners.

According to the complaint, the respondent advertised that the capacity of its "Webster Electric Fuel Unit" is greater than that of any other fuel unit on the market; that the unit is more easily serviced than are all similar devices, and that it is the only device of its kind having the outboard bearing outside of the seal.

The complaint further charges the respondent with representing that the unit's dependability exceeds that of similar devices, and that, during a certain year, more oil burners would be equipped with its fuel unit than with the fuel unit of any competing manufacturer. (4456)

STIPULATIONS

Following stipulations have been entered into during the past week:

Agnes MacGregor, Inc., 350 North Clark St., Chicago, cosmetics distributor, has entered into a stipulation to cease using on labels affixed to its products or in advertising matter representations directly asserting or implying that use of any of its preparations will, among other things, effectively cleanse enlarged pores, eliminate blackheads, be a proper treatment for all types of acne, penetrate into the second layer of skin tissue, remove crows feet, wrinkles or fine lines, nourish the skin, promote the growth of new hair, and correct dandruff. (3031)

Cass Bean & Grain Co., 603 Germania Ave., Bay City, Mich., has entered into a stipulation in which it agrees to cease advertising that "Snelling's Dog Food" will prevent skin diseases, worms, and other ailments, and that it will assure better health, or resistance to colds and distemper. The respondent further agrees to cease representing that it guarantees its food, unless the nature and extent of the guarantee are clearly disclosed. (02726)

John R. Evans & Co., Second and Erie Sts., Camden, N. J., have entered into a stipulation to cease and desist from certain representations in the sale of leathers imported from France.

According to the stipulation, the respondent sells certain of its imported leathers to novelty manufacturers for use in making ladies' handbags, belts and other novelty articles. In shipping memoranda and invoices, the stipulation continues, the respondent has represented its leathers as "Black French Ant. Fin. Suede" or as "Black French Ant. Suede" and certain manufacturers advertised the articles made from these leathers as "Imported French Antelope Suede."

The leathers referred to in the memoranda and invoices were not made from the skin of the antelope, according to the stipulation and the respondent agrees to cease using in its printed matter the word "Antelope" or the abbreviation "Ant." in connection with the words "Black French Suede" or "Black French Fin. Suede" as descriptive of leathers not made from the hide of an antelope. (3033)

M. B. Grogan Company—Merwin B. Grogan, trading as M. B. Grogan Co., 122 South Michigan Ave., Chicago, distributor of greeting cards, has entered into a modified stipulation to cease and desist from advertising "free samples" or making any other use of the word "free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity. The respondent further agrees to desist from inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction. The original stipulation, executed in May, 1940, has been rescinded. (2819)

Harrington Publishing Company—John Harrington, trading as Harrington Publishing Company, Portland, Oreg., has entered into a stipulation in which he agrees to cease certain representations in the sale of a correspondence course designated "Harrington Diesel Conversion Method."

The respondent stipulates that he will cease advertising that those who study the course can earn from \$15 to \$25 a day, and that prospective purchasers can make profits in a specified time which exceed the average net profits theretofore consistently made by purchasers of the course in like periods of time under normal conditions.

The respondent further stipulates that he will cease employing the word "Diesel" as part of the name of his course or otherwise representing that the method will enable one to convert an ordinary gasoline engine into an engine in which the crude oil used as fuel is ignited by the heat resulting from the high compression of air drawn into the cylinders. (02723)

R. H. Macy & Co., Inc., New York, entered into a stipulation to cease certain representations in the sale of rugs.

The respondent corporation agrees to desist from use of the words "Oriental," "Chinese," "Persian," "Numdah" or other distinctive Oriental names as descriptive of rugs not made in the country or locality designated; from use of the words "Oriental Reproductions," "Oriental Copies," "Chinese Reproductions," "Persian Reproductions," "Numdah Reproductions" or the words "reproduction" or "copy" or similar words as descriptive of rugs which are not reproductions or copies of the types named, that is, true counterparts or reconstructions in all particulars.

Under its stipulation, the respondent further agrees to cease using the words "Oriental," "Chinese," "Persian," "Numdah" or other distinctively Oriental appellations in connection with any rug or carpet which does not contain all the essential qualities and properties of such types of rugs; unless, when properly employed to describe the design or pattern only, such words shall be immediately accompanied by a word like "design" or "pattern" printed in equally conspicuous type to clearly indicate that only the form delineated on the surface of the rug or carpet is a likeness of the type named; for example, "Oriental Design" or "Chinese Pattern." (3032)

Seneca Specialties—George A. Springstead, trading as Seneca Specialties, 24 Main St., Geneva, N. Y., entered into a stipulation

in which he agrees to cease advertising that the hair preparation "Nova" will banish gray hair, or impart the original or former color or the exact shade desired, and to cease representing or implying by any other terminology that the product will have more than a slight coloring action on the hair. The respondent also stipulates that he will desist from representing that the use of Nova cannot be detected; that Nova is blended or balanced according to a French formula, and that the respondent is assisted by a staff of employees. (02725)

Smith Products—Trading as Smith Products, H. B. Smith, 226 East Orchard Ave., Council Bluffs, Iowa, stipulated that he will cease advertising that "Smith's Rat Kill" will stop destruction by rats, is a sure or quick death for rats, and will stop waste due to rats; that the preparation will be taken by rats under all baiting conditions, and that it is approved by the United States Department of Agriculture. (02724)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Continental Baking Company—Seven Sioux City, Iowa, bakery products dealers and a labor union local whose members operate delivery trucks belonging to the different bakeries, have been ordered to cease and desist from agreements tending to restrain trade in bakery products.

The respondents are: The Continental Baking Company, Wilmington, Del., operating a Sioux City plant; The Sioux City Bakery; Metz Brothers Baking Company; Fred W. Lenhardt, trading as Quality Bakery; Emil A. Madsen, trading as Madsen Bakery; Jake Schindler, trading as Iowa Bakery Company; Anthony Pages, trading as Sunkist Cake and Pie Company; Local No. 383 of the Chauffeurs, Teamsters and Stablemen and Helpers Union, and Glenn Beaman, Charles Cunningham, Jim Brookhart, William Carlson, O. G. Foster, Ralph Johnson and Howard Foutz, officers of the union local, all of Sioux City.

Commission findings are that following a strike of union drivers of bakery trucks in Sioux City in 1938, the seven respondent baking companies and the labor union local entered into a contract under which they prevented independent route men who had entered the business of delivering and selling bakery products, subsequent to January 1, 1938, from obtaining bread and other bakery products for sale in the Sioux City area. After the agreement was made by the respondents, members of the respondent union local accosted the independent route men and by threats forced them to cease their operations and go out of business, according to findings.

The Commission order directs the seven bakery dealers, the labor union local and its officers, representing the membership, to cease and desist from entering into or carrying out any agreement or understanding, the purpose or effect of which is to hinder or suppress competition in the purchase, sale and distribution of bread, cakes, or other bakery products; to cease entering into, carrying out or enforcing any agreement to classify dealers for the purpose or with the effect of preventing any dealer or class of dealers from obtaining bakery products for resale, and to discontinue the use of threats or other coercive methods or practices pursuant to agreement or understanding with each other or with others to prevent any bakery, dealer, or route man from purchasing and receiving or selling and delivering bakery products.

The Commission dismissed its complaint in this proceeding as to Interstate Bakeries Corporation, Kansas City, Mo., operating the Schultz Baking Company, Omaha, Nebr. According to findings, this respondent had not entered into the contract between the respondent bakeries and union. (3900)

Imperial Knife Co., Inc., and Colonial Knife Co., Inc., both of Providence, R. I., and Utica Cutlery Co., Utica, N. Y., have been ordered to cease and desist from using the word "Scout" or similar words as markings for knives not endorsed by The Boy Scouts of America, and to discontinue representing that their "Scout" knives are a part of the equipment of that organization's members. (4115-4116-4117)

ReVigator Corporation, 1630 Hanna Building, Cleveland, and its president, E. O. Loeber, have been ordered to cease and desist from misrepresentations in the sale of their "ReVigator Pressure Cap," either alone or in combination with their preparations "ReVigator Liquid Home Treatment for Scalp and Hair," and "ReVigator Liquid Shampoo."

Commission findings are that the respondents, in advertising "The ReVigator System of Home Treatment for the Scalp and Hair," represented that use of the pressure cap provides a cure or remedy for falling, fading and thinning hair, and for dandruff and baldness, and a means of making new hair growth. However, according to findings, the use of this cap, alone or in combination with the respondents' preparations, will not accomplish the results claimed and the cap has no therapeutic value in treating such conditions in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales.

The Commission order directs that the respondents cease disseminating advertisements containing such representations. (4329)

Walker & Woodward, Inc.—A Casper, Wyo., corporation and four individuals have been ordered to cease and desist from misrepresentation in the sale of "George's Compound," a medicinal

preparation. The respondents are Walker & Woodward, Inc., J. Lawrence Walker and T. Kyle Woodward, trading as Walker & Woodward, and Nick A. George and John G. Brown.

Commission findings are that the respondents disseminated periodical, radio and other advertisements representing that "George's Compound" has substantial therapeutic value in the treatment of all ailments and conditions except cancer and diabetes, and that it is a cure, remedy and effective treatment for some 60 specified diseases or conditions.

According to findings, the respondents' preparation possesses no therapeutic properties except that its use for rheumatism, colds, influenza, tonsillitis, arthritis, muscular aches and pains, sore throat, headache, fever or backache results in a temporary palliation of attendant pain or discomfort due to its analgesic properties, and that stomach, digestive and gastric disturbances may be benefited when these conditions are associated with an insufficient flow of gastric juices.

The Commission order directs the respondents to cease and desist from disseminating advertisements which represent that their preparation constitutes a cure or remedy for the specified ailments or conditions, or possesses any therapeutic value in the treatment of any ailment in excess of affording a stimulus to the flow of gastric juice, a mild stimulus to the appetite, and a temporary and palliative relief from aches and pains. (4194)

THE WEEK IN WASHINGTON

Facing criminal prosecution in a Federal Court by the Department of Justice as an alternative, ASCAP's Board of Director's last night signed a Consent Decree. (p. 157)

C. E. Hooper reports that there has been no noticeable increase or decrease in the size of the radio audience as a result of the absence of ASCAP music in the majority of radio stations. Other BMI news, including the acquisition of new catalogs and the announcement of the formation of a special "Public Domain Lyrics Department," is found on pp. 158-161.

Samuel Rosenbaum, IRNA Chairman, answers Senator Wheeler's attack on radio commentators. (p. 161)

Asserting that he did not want to "promise" Chairman Fly of the FCC this week declared that the final monopoly report may be expected shortly, possibly next week. (p. 161)

A full report of the Fourth Annual Broadcast Engineering Conference, by Lynne Smeby, NAB Director of Engineering, including discussions of television, reallocation, FM coverage, is found on p. 162.

A new compilation of pending Federal and State legislation is given by NAB Counsel, Russel Place. (p. 165)

The Federal Communications Commission reports the operation of 881 stations as of February 1, 1941. (p. 167)

Reports from all over the country indicate industry-wide action in NAB's effort to bring about an orderly procedure for Radio's "Movin' Day." (p. 167)

Members will be particularly interested in the Appendix of this week's Report, showing the measurement of broadcast advertising volume by units and classification for November, which has just been compiled by the Research Department. This valuable information is of particular importance in control of sales efforts and in production of new business. Research Director Paul Peter shows managers how this information can mean more and better time sales. (p. 177)

Many stations, included in the itinerary have an opportunity to present the outstanding impressions of radio, magazine, and newsreel executives, who are being taken on an aerial tour to inspect Army camps and National

Defense preparation. Ed Kirby as Civilian Radio Advisor to the War Department, will be on hand to assist stations in lining up broadcasts. The complete itinerary of this trip is on p. 164.

ASCAP CAPITULATES

Facing criminal prosecution in a Federal Court by the Department of Justice as an alternative, ASCAP's Board of Directors last night signed a Consent Decree.

While the details of the decree were still being negotiated at press time, Neville Miller declared "It will be necessary to make a careful study of the Consent Decree to ascertain its full effects upon the present music situation. We hope that its effect will be to create and maintain an open and competitive market for music. Such a competitive market is, in our opinion, necessary if American creative genius is to have freedom of opportunity."

Meanwhile a general meeting of ASCAP's membership was to be held last (Thursday) night at the Hotel Astor in New York City for the purpose of presenting the Decree for ratification.

After the signing of the Decree ASCAP issued the following statement:

ASCAP's Statement

"The Board of Directors of the American Society of Composers, Authors and Publishers, at a special meeting held this (Wednesday) morning, unanimously approved and authorized signature by the Society of a Consent Decree, the terms of which were negotiated in its behalf with the Department of Justice by Special Counsel, Charles Poletti, and Milton Diamond, associated with General Counsel, Schwartz and Frohlich of the Society.

"This action marks the termination of litigation between the Department of Justice and the Society under the Anti-Trust Laws which has been in and out of the courts since 1934.

"The Decree as proposed by Assistant Attorney General Thurman Arnold, and accepted by ASCAP, modifies previous policies of the organization in respect to licensing the public performance for profit by broadcasters and others of copyrighted musical works, by providing that ASCAP may not as heretofore be an exclusive agent in behalf of its members, but that the members individually may deal directly with users if that is their preference. This privilege is, however, conditioned upon the member notifying ASCAP of the intention to deal directly, and also that any fees charged by the member shall be paid into ASCAP by the user and distributed according to ASCAP's royalty distributing formulae. The Decree further provides that individual members of ASCAP may not appoint any other agency than ASCAP for the re-sale of rights, and specifically prohibits them from appointing Broadcast Music, Inc., as an agent in that regard.

"The Decree also stipulates that any person who regularly prac-

(Continued on page 158)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone National 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

ASCAP CAPITULATES

(Continued from page 157)

tices the profession of songwriting shall be eligible to membership in ASCAP upon the production and regular publication of one song, instead of five compositions which has heretofore been the minimum requirement for eligibility to membership in the Society.

"Another provision of the Decree stipulates that the Board of Directors of ASCAP must be elected by the general membership as rapidly as the terms of present directorships expire. The practice heretofore has been for the Board of Directors itself to elect successors to vacancies.

"Another provision of the Decree provides for a broadcaster at his option to have the privilege of securing a license to utilize the ASCAP repertoire upon either a blanket basis as has heretofore prevailed, or a "per program" basis, in either case paying fees only in respect of such programs as make use of ASCAP music.

"In the case of network broadcasts, the Decree puts into effect a provision which has been a main source of contention of the existing controversy, that is, that as to such broadcasts the entire fee for the use of copyrighted music must be paid by the originating station, and no fee whatever paid by the interconnected stations.

"The Decree is to become effective ninety days after it is approved by the U. S. District Court for the Southern District of New York.

"Commenting upon the Decree, Gene Buck, President of the Society, said:

"ASCAP accepts this Decree in a completely conciliatory and cheerful spirit, and in utter good faith, and with every intention of meticulously fulfilling its every condition. We are entirely willing to accept its guidance as to our future policies, and we feel that while we have been in complete disagreement with the Department of Justice as to the alleged illegality of any phase of our operations or policies which have for more than a quarter of a century remained unchanged, we nevertheless believe that on the whole the Decree's conditions will clarify the whole atmosphere and certainly we are very pleased to at last be operating in full accord rather than in constant disagreement with the Department of Justice.

"I would like to say that while the Department of Justice has been firm and determined in its approach to and discussion of these differences, it has nevertheless shown a constant disposition to be fair within its construction of the law.

"ASCAP has no objection whatever to its Board of Directors being elected by the general membership, and in years past has frequently suggested such a procedure only to have the suggestion rejected by the general membership, which has preferred to continue the policies of more than a quarter of a century in this regard. Likewise, ASCAP has no objection whatever to reducing the requirement for eligibility for membership as to a person regularly practicing the profession of songwriting, to one published composition instead of five which has heretofore been the general rule, though to this there have been many exceptions. Also, we have no objection whatever to offering broadcasters their option of a license upon either a blanket basis as has heretofore prevailed or a "per program" basis relating only to programs which use ASCAP music.

"During past years many offers have been made to broadcasters of such an alternative, and repeatedly the National Association of Broadcasters has been requested to prepare the details of a formulae providing for a "per program" license plan. We have always believed that the most economical, efficient and generally satisfactory method of licensing the use of more than a million copyrighted musical compositions is to do so upon a blanket basis. We feel very confident that the broadcasters will find any other basis much

more costly. Our belief is based upon more than a quarter of a century of experience in licensing the use of copyrighted music in more than thirty thousand public amusement enterprises. We shall be glad to try another method in the case of such users as prefer it.

"ASCAP is of course especially pleased to note the government's complete agreement of the soundness and justice in the case of a network broadcast of the entire copyright fee being paid by the originating station. This has been a principal bone of contention between ASCAP and the broadcasters in connection with the proposed new licensing agreement.

"It is our sincere hope that the broadcasters, who have heretofore consistently refused to negotiate or discuss their differences with us, will now decide to do so, to the end that the American public may be no longer deprived of its opportunity to hear on radio the musical works of the foremost composers of the United States and Europe.'

"A general meeting of ASCAP's membership will be held at the Astor Hotel on Thursday evening for the purpose of presenting the Decree for their ratification."

BMI

NO SIGNIFICANT CHANGE IN RADIO AUDIENCES

The most recent surveys both by the C. E. Hooper organization and by the Cooperative Analysis of Broadcasting (Crossley) show that there has been no noticeable increase or decrease in the size of the radio audiences and no marked change in listening habits as a result of the absence of ASCAP music from the majority of radio stations.

The latest regular C. A. B. Report is made the subject of a feature article in the current issue of *Variety*, which lists various musical programs showing gain and those showing loss. There is a danger in drawing conclusions from slight variations in the showing of programs because under the method by which any survey is conducted there is room for a certain amount of fluctuation without any actual change at all in the situation which is being investigated by the survey—in other words a variation which is regarded as a normal statistical fluctuation, having no significance. In the last C. A. B. Report only one evening commercial of an hour's length showed a change greater than this normal statistical allowance. That was Fred Allen's hour which showed a gain. Out of 80 half-hour evening programs only 17 showed a change greater than the margin allowed for purely statistical variations. Of these, 8 were musical shows or variety shows using music as a secondary appeal. Three of these showed gains. Of the 5 which showed losses, 2 were musical quizzes the change in which is probably to be accounted for by the fact that quiz programs of all kinds showed a drop. That leaves the programs which might be assumed to be affected by music showing exactly a 50-50 stand.

A similar conclusion is reached by the survey made by the Hooper organization making a comparison between December and February.

PUBLIC BACKS THE BROADCASTERS

The February 17th issue of *Tap & Tavern* carries the following item:

Philadelphians sympathize with the broadcasters in their current battle with ASCAP, the Front Door Ballot Box, conducted by Dan E. Clark, II, of the *Evening Public Ledger*, found in a survey recently completed in that city.

In an effort to find out what popular sentiment is in a dispute which has kept all ASCAP music off the programs of the major radio networks since January 1, the Ballot Box polled a typical cross-section of Philadelphia's citizens.

Among other things, it discovered:

First. That practically one-third of the city (32 percent) is unaware that any dispute is going on, and

Second. That although a majority thinks that the barring of ASCAP tunes has lessened somewhat their enjoyment of the radio, they are, nevertheless, opposed to ASCAP and would like to see the radio stations win out.

Of those who had heard of the ASCAP dispute, the Front Door Ballot Box asked whom they favored, ASCAP or the radio stations. Results showed:

ASCAP	25 percent
Radio stations	42 percent
Neither	18 percent
No opinion	15 percent

Eliminating those who had no opinion or wanted neither side to win, the score stood:

ASCAP	38 percent
Radio stations	62 percent

CONTINUITY DEPARTMENT VALUED BY MEMBER STATIONS

BMI's Continuity Department, which prepares introductions which announcers may use in presenting BMI numbers and plans scripts for programs of BMI's new music and standard arrangements, has been receiving expressions of approval and appreciation. An interesting example is a letter from Station KMYC at Marysville, California, saying:

"We have found the Continuity Department very helpful. You might also be interested in knowing that the first series of Gilbert & Sullivan scripts were used to close a long term contract with an account we had been seeking for several months."

The Continuity Department wishes all member stations to know that it is glad to cooperate with them in building continuities for specific purposes, commercial and otherwise. So many BMI stations have found the BMI scripts to be of great use with respect to spot announcements and partial commercial sponsorships that the department is anxious that all stations should understand the nature of this service which BMI is offering them.

BMI GETS NEW CATALOGUES

Broadcast Music, Inc. announces the acquisition of a catalogue of selections of Golden Gate Publications, consisting chiefly of Hawaiian numbers. The new music came to BMI in accordance with the terms of an agreement with the Peer International Corporation. Among the

many songs are: *Dusky Hula Eyes*, *It Happened On the Beach at Waikiki*, *Moon O'er Hawaii*, *Love Song of Old Hawaii*, and *Sweet Hawaiian Maid*.

BMI has also acquired the performing rights in the catalogue of the Stevens Music Company, publishers of the currently popular song, *I Do, Do you*.

SPECIAL PUBLIC DOMAIN LYRICS DEPARTMENT FORMED

Continuing to expand its activities in all phases of music production, Broadcast Music, Inc., announced the formation of a special Public Domain lyrics department, headed by Irving Weill. The new department, which is entirely separate from BMI's lyric department for popular songs, was created to meet the demand of performing artists and BMI stations for lyrics to use with BMI's Orchestral Library of Public Domain selections. Because ASCAP-owned copyrights of most P.D. numbers cover words as well as melody, BMI arrangements of public domain selections are being supplied with lyrics from either original source, or new copyrighted words written by free-lance writers. To date, lyrics for some 75 numbers, including those for *Melody In F*, *Dark Eyes* and *Martha*, have been written and hundreds are scheduled for future publication.

Mr. Weill joined BMI after some 20 years of experience in the music and radio field. He was for several years connected with M. Witmark & Sons before leaving the music business for work in radio. Mr. Weill has also been associated with the Columbia Broadcasting System as musical coach and director and prior to his affiliation with BMI did free lance musical work for the National Broadcasting Company and other radio stations in New York City.

BMI TUNES IN NEW ROOSEVELT PICTURE

BMI tunes, *Hi, Si!*, *What's Cookin'*, *Broadway Caballero*, and *Peter Piper*, will be featured in James Roosevelt's forthcoming production, *Pot Of Gold*, which stars James Stewart and Paulette Goddard and Horace Heidt's orchestra. The tunes are by Lew Forbes and Henry Russel. A double set of lyrics will be issued for *Hi, Si!*, *What's Cookin'*—one for the rhythm or *hot* bands, and the other for straight performance. Release to BMI member stations some time next month is scheduled.

CONTRACTS SIGNED FOR BMI SONG SHEETS

Lyrics of BMI songs are to appear in two song sheets to be issued monthly—one 16-page sheet to sell for five cents and one 32-page sheet to sell for ten cents. BMI has just signed contracts with the D. S. Publishing Company, Inc., and with the Charlton Publishing Cor-

poration granting these companies the right to use BMI lyrics in illustrated song sheets which will be devoted exclusively to songs published and licensed by BMI. Subject to cancellation provisions, the contracts run to March 31, 1944.

BMI FEATURE TUNES

February 24-March 3

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. WHERE'S THE CAPTAIN'S HAT
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. TALKING TO THE WIND
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. STONE'S THROW FROM HEAVEN

Billboard this week restores its list of 20 songs with most radio plugs, announcing that it does in response to numerous requests. All numbers listed are, of course, covered by the BMI license. The record gives gratifying evidence of an increased diversification in radio programs. Of the 20 songs 4 come from the catalogue of the Southern Publishing Company, 3 from E. B. Marks, and 1 from the Stevens Music Company. The rest are BMI's own publications.

The 10 sheet music best sellers last week were all numbers published or licensed by BMI. And again 8 of the 10 leading records were also BMI numbers. In *Billboard's* record of the biggest money makers in the coin machines, 4 of the 7 were BMI numbers, including *There I Go*, heading the list and appearing for the eleventh week. The *Variety* lists, obviously made up from very different reports, showed 5 of the 10 leaders carrying the BMI flag including *Frenesi* and *I Hear a Rhapsody*, which stand at numbers 1 and 2 respectively.

BMI BRINGS GEMS OF JAZZ

Hot Jazz is not dead on the airlines, despite the protest of Tin Pan Alley publishers that the ASCAP-

Radio situation would kill swing. Prime platters of jazz evergreens that have been marked o. k. for broadcasting range from the new Hit Parade favorite *There'll Be Some Changes Made*, first made famous by Tesch and the Chicagoans, down to *Astoria Strut*, recorded in New Orleans in 1929 by a small combination lead by trumpeter Lee Collins.

Among the outstanding jazz jam tunes which radio stations and orchestras throughout the country have available for performance are *Cherry*, *Rockin' Chair*, *Georgia On My Mind*, *Lazy River*, *You Can Depend On Me*, *Jazz Me Blues*, *Shim-Me-Sha-Wobble* and *Song Of The Islands*.

Of especial interest to collectors and musicians is the fact that many compositions recorded by jazz combinations and never heard on the air before are now made available through BMI. Foremost among these selections are the classic *Minor Drag*, recorded by Fats Waller in 1930, and *Pleasin' Paul*, recorded by the great Luis Russel band with Trumpeter Henry (Red) Allen, Jr., and Trombonist J. C. Higginbottam.

Other tunes in the BMI books are *Moten Swing* and *Moten Stomp*, two of Bennie Moten's outstanding sides; King Oliver's *Mule Face Blues*, *Sugar Foot Strut*, recorded by Louis Armstrong on the old Okeh Label; *Balling the Jack*, Crescent City favorite *Mary Lou Williams'*, *Froggy Bottom*; and *Didn't He Ramble*, the old New Orleans marching tune, whose stirring melody has been swung along Perdido and Rampart Streets by every New Orleans jazzman from Buddy Bolden on.

BMI'S ONE IN A THOUSAND

More than 1,000 manuscripts from hopeful tunesmiths pour into the offices of BMI each day, and in this mountain of music the general average of material suitable for publication and radio performance is about one in one thousand. Examination of the fifty most recent BMI publications, representing the pick of 50,000 submitted manuscripts, reveals that they have been created by many composers with diverse occupations, including nine profession musicians, among them Horace Heidt, the band leader; one newspaper man now drilling in the ranks of the selectees; and the American Household Poet, Edgar Guest, who has written *At Home*, *When Lights Are Low*, in collaboration with Maurice Wetzel, Chicago radio program director. Another of BMI's new songs, *Penthouse On The Palisades*, was written by a Philadelphia dentist and a postoffice clerk.

The desire of the office worker for the romance of the wide-open spaces is reflected in the novelty western song *Little Hobby Horse*, written by a mid-western bookkeeper, and published last month by BMI.

Milton Rettenberg, Chief Music Editor, offers the following advice:

"*I Love You* may be a welcome sentence to millions of American girls, but it has proven to be the stumbling block to more than one hopeful songwriter. Probably the greatest fault of the amateur songsmith is the lack of freshness of his work. Hundreds of songs on the 'love and you' theme are received by BMI each day, but it is the song with the new twist or an original approach that is accepted.

"Originality of the expression of a familiar idea in a different way is one of the major points to be remembered in the creation of a song and an ingenious title or phrase has been responsible for the success of many hits. Professional songwriters are always on the alert for some new phrase around which to build a song, amateurs, on the other hand, are content to write what they consider a good song without realizing that the same thing has been used in a thousand other songs."

ROOKIE FATHERS A FEATHER

Walter Brevig of the New York Herald Tribune staff, composer of the new BMI tune *She Wears A Feather In Her Hat*, and *Miles Apart*, which was number six on the Hit Parade in February 1937, now carries the address Private Walter Brevig, G. Company, 1222nd Reception Center, Camp Upton, N. Y.

Cyrano said, "I have kept my plume" and Kay Vincent, Fashion Editor of the Herald Tribune, has kept hers despite Hitler. Thereon hangs the song *She Wears A Feather In Her Hat* which has been picked up by BMI. Brevig will soon hear it coming over the air at Camp Upton.

"When you see a gal wearing a feather in her hat," says Brevig, "while the talk of the country centers around lease-and-lend bills, crisis in the Balkans and the invasion of England, you are impressed. It is not too hard to get a tune."

Brevig comes from a musical family. He was born in Oslo, Norway, when his parents were on a visit there and has lived on McCord Avenue in Merritt, Long Island, since he was six. A cousin in Norway is director of a large glee club and McCord Avenue is named after Nancy McCord, Broadway musical star. Brevig began on the Tribune as a copy boy and recently was promoted to the telegraph desk. He hopes to write some tunes around army life, but so far, he says, "My only taste of military life is a two-mile hike through the rain."

ROSENBAUM ANSWERS WHEELER'S CHARGE

In a statement released over the weekend, Samuel R. Rosenbaum, Chairman of the Independent Network Affiliates, answered the criticisms of Senator Wheeler concerning the alleged bias of radio commentators. Mr. Rosenbaum's statement follows:

"Senator Wheeler is quoted as stating that he questioned whether the affiliated stations have been as careful as the network originating stations to give equal time to both sides of every public question, particularly on the Lend-Lease Bill and American neutrality.

"Speaking for the affiliates, I am quite positive Senator Wheeler is not correctly informed. There is no class

of business men in the country more aware of public service obligation than the owners and operators of the network-affiliated stations. We are at all times eager to bring to our listeners views on both sides of current controversial questions.

"Apart from the legal requirement, it makes for vital and thought-provoking programs and that increases our listening audience, something every station desires.

"We have no editorial policies. We do not color our news. It may be that there is an overwhelming current of public opinion running one way or another, but we do not create it. Each listener draws his own conclusion.

"It would be a calamity for American freedom if it were otherwise. We want to preserve freedom in radio from unwarranted censorship or coercion.

"If Senator Wheeler believes that individual stations have knowingly departed from this standard, our group will be the first to see to it that it be maintained."

Monopoly Report Soon—Fly

Monopoly report is in the works FCC Chairman James Lawrence Fly told a press conference early this week. Answering a specific question the Chairman said that it is possible that the Commission might receive a draft of the monopoly report from the Legal Department this week. However, Mr. Fly said that he did not want to "promise" this.

The Chairman told newsmen that the draft might be considered by the Commission next week. He stated that the general scope and extent of the Commission's report has already been discussed by the Commission and the Legal Department in outline form. "In other words," Mr. Fly said, "the Commission knows what it is going to get."

Chairman Fly told the correspondents that the Commission will take time on the report and "be sure to do the job right." He said that "a thoroughgoing and convincing Commission report is necessary."

Chairman Fly was asked regarding complaints received by the Commission in connection with news commentators. Mr. Fly said that he did not believe that a great many such complaints are received. He contended that the FCC in its administration of the Communications Act must see "that the avenues of free speech be kept open."

Engineering

REPORT ON ENGINEERING CONFERENCE

The fourth annual Broadcasting Engineering Conference opened on the campus of the Ohio State University at Columbus, February 10. Over 250 engineers from all

par the country were in attendance. All the meetings were presided over by Dr. W. L. Everitt, Director of the Conference.

F. V. Hunt of Harvard University, speaking on the subject "Sound Reproduction From Recordings," said that it was his opinion that a frequency range up to 15,000 cycles could be attained on transcriptions. He said, however, that the development of such transcriptions would probably be expensive.

Television

The subject of "Television" was covered during five Conference periods. The first period, entitled "Television Standards," was conducted by W. R. G. Baker, Chairman of the National Television System Committee. Mr. Baker was assisted by the chairmen or their alternates of the nine NTSC panels and each one explained the part of the standards developed by his committee. Peter C. Goldmark, of the Columbia Broadcasting System, presented a paper entitled "Color Television" in which he illustrated with slides the work he has carried on in developing the CBS Color Television System. Harry Sadenwater of the RCA Manufacturing Company discussed the status of television. It was Mr. Sadenwater's belief that television can develop into the greatest entertaining and advertising medium we have ever known. Mr. Sadenwater pointed out the possibility that if television were allowed to grow on a normal basis that it could become a big factor in National Recovery at the end of the present crisis the same as Sound Broadcasting aided the nation in recovering after the World War.

The subject "Studio Acoustics" was discussed by Paul J. Washburn of Johns-Manville Corporation. He went into the factors involved in acoustically treating broadcasting studios.

Polyphase Experiment

The Polyphase Broadcasting Experiment carried on at WHO was described by Paul Loyet, technical director of the Central Broadcasting Company. He said that there was a 50% saving in the modulator capacity of the transmitter and that the scheme probably was only feasible for high-powered stations.

Re-Allocation

The re-allocation and high frequency broadcasting were the principal topics during the "General Discussion and Question Box," conducted by Andrew D. Ring, assistant chief engineer of the FCC with Lynne C. Smeby of NAB as chairman. Mr. Ring spent considerable time discussing the re-allocation problems and covered the various items in detail, using FCC release number 47182 as a guide. Mr. Ring told the engineers that the FCC had carefully investigated the obtaining of crystals before ordering the re-allocation into effect on such short notice.

He said that the FCC had been assured by the manufacturers that they would be able to produce the required crystals. Upon discussing the NAB request that the regular experimental period of 1 to 6 a. m. be extended to midnight to 7 a. m., Mr. Ring asked for a vote among the engineers present to see if they thought this would be desirable. A unanimous vote was registered by all of the engineers in support of the request. The NAB requested that this special authority be given until March 30. In discussing FM rules and regulations, Mr. Ring said that the FCC was studying modifications of its coverage requirements for commercial operation.

Recent developments in Speech Input Systems was discussed by C. M. Lewis and J. D. Colvin of the RCA. They discussed the additional problems involved in extending the frequency range of audio facilities from 10,000 to 15,000 cycles.

H. F. Olson of the Radio Corporation of America, spoke on the subject "Loud Speakers." Mr. Olson discussed the various factors involved in building loud speakers with a satisfactorily low distortion.

The members of the "Round Table on Receivers" were J. Kelly Johnson of the Hazeltine Corporation, E. B. Passow of the Zenith Radio Corporation and W. L. Dunn of the Belmont Corporation. Receiving sets were discussed in light of how they are correlated with the radio transmitters in order to form the complete broadcasting system. This subject became so interesting that an additional informal session was held on the subject.

The first paper on High Frequency Broadcasting was presented by Edwin H. Armstrong of Columbia University. The chief proponent of FM discussed the status of frequency modulation.

FM COVERAGE

Stuart Bailey of Jansky & Bailey discussed the subject "FM Allocation and Coverage." He discussed the FCC procedure for determining the coverage FM stations should have under various conditions. He pointed out that it was sometimes necessary to modify an FM application more than once before the proper coverage could be arrived at.

One of the most interesting papers of the conference was that presented by Harvey Fletcher of the Bell Telephone Laboratories entitled "Hearing the Determining Factor for High Fidelity." Mr. Fletcher said that the hearing of over two million people was tested at the San Francisco and the New York World's Fairs. He discussed the tone and volume range of various music and set the limits for a perfect system. He then showed how these ideal conditions could be compromised in order to meet practical considerations and still render a high fidelity service to the listener. Mr. Fletcher discussed Binaural Transmission and described a series of tests made, using

Binaural and Diotic transmission. The Diotic system used had a frequency characteristic up to 15,000 cycles. A low pass cut-off filter was used on the Binaural system. The following table lists the low-pass cut-off frequency of the Binaural system and the percentage of the observers preferring the quality from the Binaural system as against the percent who preferred the 15,000 cycle Diotic system.

<i>Low-pass cut off</i>	<i>Binaural Percent</i>	<i>Diotic Percent</i>
8500 cycles	68	32
5500 "	58	42
4510 "	70	30
3750 "	50	50
2850 "	42	58

Mr. Fletcher continued that more extensive tests on this subject were needed. He felt that there is a great possibility of improvement in using a Binaural system of two 7,500-cycle channels as against a single channel of 15,000 cycles. He explained the effects produced on the ear by various sounds and said that there was very little to be gained in going above 8,000 cycles even when using one channel. Mr. Fletcher explained another experiment conducted by the Bell Laboratories. He said that a number of observers were asked to give their preference between a system cutting off at 5,000 cycles and another cutting off at 8,000. There was a preference of 20 to 1 in favor of the wider band. The same group was then subjected to a test between an 8,000 and a 15,000 cycle system. The votes between these two conditions were practically even.

M. L. Levy of the Stromberg Carlson Company discussed FM receivers. Mr. Levy covered the various design features involved in producing FM receivers.

Transmission Lines

"UHF Antennas and Transmission Lines" was the subject of the presentation made by Andrew Alford of the Mackay Radio and Telegraph Company. Mr. Alford discussed in particular the turnstyle antenna invented by Dr. Brown and the horizontal ring antenna invented by himself. He also discussed the various methods of feeding UHF antennas. He pointed out that a coaxial transmission line could be unbalanced as much as three to one without introducing serious additional losses provided the line in the first place was an efficient one. He also pointed out that open transmission lines have much lower loss for the same amount of copper used provided the line is balanced. He showed that the radiation losses on a properly balanced open line are, for all practical purposes, negligible in comparison to the copper losses. Mr. Alford also pointed out that open lines have mechanical problems which are not present in coaxial lines such as sleet forming on the conductors, thereby changing characteristics.

Raymond F. Guy, National Broadcasting Company,

discussed the subject "FM Field Tests." He described the elaborate tests made by NBC, comparing amplitude modulation, frequency modulation with a deviation of 15 k.c. and FM with a 75 k.c. deviation. Mr. Guy played a set of test records showing the threshold effect with various deviations.

Kenneth A. Norton of the FCC Technical Information Department discussed UHF transmission. Mr. Norton showed how the atmosphere and ground conditions effect radio transmission with particular emphasis on the UHF spectrum. He also outlined the theory involved in reflection from the Ionosphere.

Mr. E. K. Jett, chief engineer of the FCC, was scheduled to talk on the subject "Communication and National Defense" on Tuesday night. Mr. Jett was not able to attend the conference because of an attack of flu and his place was taken by Gerald C. Gross, chief of the International Section of the FCC. Mr. Gross' talk covered the organization and functions of the Defense Communications Board. He pointed out that communication was of vital concern in our national defense.

Tuesday night, February 18, the conference was addressed by Mr. Homer Dudley on the subject "The Vocoder or Remaking Speech Electrically." Mr. Dudley demonstrated with the Vocoder the various elements involved in speech. He also showed how music could be remade from the words recited in a monotone.

The subjects of the conference during the first week and up through Wednesday of the second week have been covered. The balance of the program to be given on Thursday and Friday will be outlined in next week's NAB Reports.

COMPLETE NTSC REPORTS AVAILABLE FOR SUBSCRIPTION

Notice from Bond Geddas, Executive Vice President of RMA and Trustee of NTSC, advises that the complete reports of the proceedings, including all standards and technical data, of the National Television System Committee which were presented January 27 to the FCC, are available for subscription. The reports of the NTSC main committee and its nine panels comprise 2,000 pages in 10 bound volumes and include, in addition to the recommendations of proposed television broadcasting transmission standards, the detailed record of the meetings and discussions of the NTSC main committee and all panels. This includes the wide range of technical papers, reports of studies, tests, investigations and demonstrations, bibliographies and correspondence developed in the minutes of the work by the entire NTSC membership, which totaled 168 experts and comprise some 40 organizations.

The 10 volumes of the NTSC reports comprise a most significant contribution yet made to the literature of

tel n, with the vast amount of material which has been developed.

A few sets of the complete reports of 10 volumes are available at cost, by subscription, and they are of especial interest to those who will be concerned in the public hearing ordered by the FCC on television, scheduled for March 20. Subscription orders at \$250 for each complete set and check should be sent to Mr. Bond Geddes, Trustee, National Television System Committee, c/o Radio Manufacturers Association, 1317 F Street, N. W., Washington, D. C.

NOTICE TO ALL STANDARD BROADCAST LICENSEES

Supplementing the FCC's announcement concerning the North American Regional Broadcasting Agreement, all standard broadcast stations are permitted to test between 12 midnight and 7 a. m., local standard time, provided the operation between 12 midnight and 1 a. m. is restricted to unmodulated carrier only and precautions are taken to avoid interference to stations maintaining a regular schedule during the period from 12 midnight to 1 a. m. local standard time.

It is hoped that all broadcast licensees will cooperate in enabling adjustments to be made properly on the new frequencies. In cases where interference may be caused to regular operation, but program schedule has no particular or unusual significance, it is requested that such licensees cooperate in making the testing possible.

All testing should be done on a dummy antenna when feasible. Where no dummy antenna is available, the low power stages should be tuned completely before the last power stage is tuned.

It has been suggested that stations on local channels could check their frequency by observing the heterodyne note between their station and other stations on the channels at the outskirts of the service area. If it is found that the heterodyne note is in the order of a few cycles with the majority of the signals on the channels, it is reasonable to believe that the station is within the required tolerance of the assigned frequency. This method of checking should be used only for preliminary checking.

The monitoring schedule from March 10 to 15 has been cancelled. Monitoring schedule for the month of April should be observed at the same time as now scheduled.

Any broadcast licensee experiencing any particular difficulty which the Commission may be able to assist in resolving should advise the Commission of the facts promptly.

ARMY AERIAL TOUR OFFERS PROGRAM POSSIBILITIES

A group of well-known radio, magazine and newsreel executives have been invited by the War Department

to make an aerial tour of inspection of Army camps and activities next week. Under the direction of Lieutenant Colonel Frank A. Allen Jr., chief, Pictorial and Radio Branch, the Bureau of Public Relations, the group will arrive at Dayton, Ohio, on the morning of February 27. Ed Kirby, NAB Director of Public Relations, on leave of absence as Civilian Radio Advisor to the War Department for radio, will be in the party.

To facilitate those stations who desire to broadcast the impressions of National Defense preparations of the prominent people on the tour, the itinerary and tentative arrival and departure schedule is given below.

To arrange for broadcasts, stations should contact the commanding officers at the posts concerned. Mr. Kirby will be available to assist the stations in completing preparations for any broadcasts upon arrival.

<i>Date</i>	<i>Station</i>
February 27	Arrive Wright Field, Dayton, Ohio, 11 a. m. Visit of inspection of Air Corps activities at that station. Leave Wright Field 3 p. m.; arrive Fort Knox, Kentucky, 5 p. m.
February 28	Visit of inspection of activities at Armored Force, Fort Knox, Kentucky. Leave Fort Knox 1:30 p. m. for Fort Sill, Oklahoma. Arrive Fort Sill, Oklahoma, 8 p. m.
March 1	Activities incident to Field Artillery School and Field Artillery Training, Fort Sill, Oklahoma. Leave Fort Sill 2 p. m.; arrive Tucson, Arizona, 8 p. m.
March 2	Leave Tucson, Arizona, 9 a. m.; arrive Los Angeles, California.
March 3	Los Angeles, California—activities incident to production of U. S. Army aircraft.
March 4	Los Angeles, California—activities incident to motion picture cooperation in furthering national defense interests.
March 5	Leave Los Angeles, California, 7:30 a. m.; arrive Fort Bliss (El Paso), Texas, 12:30 noon. Activities incident to training, 1st Cavalry Division, Fort Bliss, Texas.
March 6	Leave Fort Bliss 7:30 a. m. for San Antonio, Texas; arrive San Antonio 12:30 noon. Activities incident to Air Corps and Infantry, San Antonio, Texas.
March 7	Activities incident to Infantry and Air Corps training, San Antonio area.
March 8	Leave San Antonio 7:30 a. m., for Maxwell Field, Alabama. Arrive Maxwell Field 12:30. Activities incident to training of Air Corps personnel at that station.
March 9	Leave Maxwell Field 9 a. m. for Fort Benning, Georgia. Arrive Fort Benning, Georgia, 11 a. m.
March 10	Activities incident to Infantry School, Infantry Division, and Armored Force.
March 11	Leave Fort Benning 8 a. m. Arrive Fort Bragg 10 a. m. Activities incident to Field Artillery Firing Center and Infantry Division training. Leave Fort Bragg 2 p. m. Arrive Langley Field, Virginia, 4 p. m.
March 12	Activities incident to GHQ Air Force and Coast Artillery Training, Fort Monroe, Virginia. Depart for Washington, D. C., arrive Bolling Field.

NEW REMOTE RECORD TOPS ALL—2,563 MILES

Business of reporting "record," single station, long-distance remote pick-ups continues. Latest record is for 2563 miles—Honolulu to Fresno, Cal.

Manager Clyde F. Coombs, claims premier honors for KARM, Fresno. His claim is based on the New Year's Day broadcast, from Honolulu, of the game between the Fresno State College Bulldogs and the Roaring Rainbows of Hawaii. Says Mr. Coombs:

"We sent Dick Wegener, our sportscaster, to Hawaii with the Bulldogs to cover the Pineapple Bowl Classic. Dick not only broadcast this game, but also presented a fifteen-minute greeting program, exclusively for KARM listeners, on Christmas night.

"He used equipment he took along with him, as well as some furnished by KARM's sister CBS station, KGMB. But neither of the broadcasts were released in the Islands. RCA short-waved the broadcasts across the Pacific to San Francisco. Telephone lines from there to Fresno completed the transmission facilities.

"It's 2563 miles from Honolulu to Fresno, and only 1627 miles from Peoria to Los Angeles, the last 'record' printed in NAB REPORTS."

LISTENERS LIKE UTILITY SHOW

Broadcast stations continue to deliver for utility companies. Proof is the case of WROK, Rockford, Ill., and the Central Illinois Electric and Gas Company. The program is broadcast six times per week for a total of one and one half hours. Despite the fact that the original contract had a thirteen week cancellation clause, three 13-week periods have gone by with no cancellation in sight.

Recently, the utility's monthly mailing piece, "Home Fires," which goes to 30,000 Rockford homes each month, contained a story on the company's WROK program, "Town Crier." It was written without the station's knowledge. Tone of the article indicates the company's great satisfaction with the program.

The "Town Crier" gives publicity to meetings and special programs of religious, school, fraternal, civic and social organizations. It frequently contributes to public service by locating articles of value which have been lost and even finding pets which have strayed. One writer was quoted as saying the program was a "civic necessity."

According to Bill Traum, WROK promotion director, NAB's utility survey of January 16, 1940, was of assistance in getting the utility on the air.

SAM HENRY'S NEW JOB

Samuel J. Henry, who resigned as supervisor of the NAB Bureau of Radio Advertising, effective February

1, has become radio director of Vincent Tutching and Associates with offices in Washington, D. C.

ED CRAIG'S TRIBUTE TO RADIO AT WMC CEREMONY

Tribute to the American System of Broadcasting and a plea that its riches be used to maintain democracy, not destroy it, was made by Edwin W. Craig, WSM, Nashville, and NAB District 6 director, on the recent dedication program of WMC studios, Memphis.

"The American System of Broadcasting, the finest and freest to be found in the world," said Mr. Craig, "is based squarely on the American principles of democracy. In comparatively recent years this new force has come into our possession. Its full possibilities and potentialities are yet unknown, but we all know that it has an educational force. As a social force it has the power to remake our national life; and, conversely, wrongly used, to turn forces capable of destroying our way of life and our civilization. Certainly it behooves us to give serious thought to radio in all its phases that it may be used here in America to promote the greatest good—that its power not be abused lest we find that its riches have been squandered and we, as a nation, have become the poorer.

"WMC, Memphis, Tennessee, has served to make American radio better radio, and this occasion marks but another milestone in its record of faithful public service. My hearty congratulations, my sincere good wishes!"

Legislation

FEDERAL HOUSE

H. R. 3331 (KRAMER, D-Calif.) COPYRIGHT—To amend section 8 of the Copyright Act of March 4, 1909, as amended, so as to preserve the rights of authors during the present emergency, and for other purposes. Referred to Committee on Patents.

H. R. 3456 (KENNEDY, D-N. Y.) To protect the public, sponsors of broadcasting programs, broadcasting stations, performers, and all persons interested in radio from being deprived of the enjoyment by means of radio broadcast of music. Referred to Committee on Interstate and Foreign Commerce.

SENATE

S. 864 (BONE, D-Wash.) COPYRIGHT—To amend section 8 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended, and for other purposes. Referred to Committee on Patents.

S. 918 (HATCH, D-N. M., and VAN NUYS, D-Ind.) To provide for the more economical, expeditious, and just settlement of disputes with the United States, and for other purposes. Referred to Committee on Judiciary.

STATE

ARKANSAS:

H. 362 (GATES) BROADCASTING—LEGISLATIVE ACTIVITIES—To create a Board of Public Information, to provide for broadcast of proceedings of both House and Senate of General Assembly. Referred to Committee on Elections.

CALIFORNIA:

A. 354 (FIELD) FRAUDULENT ADVERTISING—JEWELRY—Tightens the unfair trade practices act to prevent fraudulent advertising of jewelry. Referred to Committee on Government Efficiency.

A. 2347 (DILLS, ET AL.) MUSIC BROKERS—An act relating to the regulation and licensing of music brokers. Referred to Committee on Judiciary General.

S. 1287 (KENNY) RADIO SOLICITATION—INITIATIVE PETITIONS—An act relating to improper radio solicitation on behalf of initiative petitions. Referred to Committee on Judiciary.

CONNECTICUT:

H. 1096 (MILLER) EMPLOYMENT AGENCIES—Concerning Private Employment Agencies. Referred to Committee on Judiciary.

H. 1635 (FAULKNER) COPYRIGHTS—MUSICAL COMPOSITIONS—Relates to copyrights and public performing rights in musical compositions and dramatico-musical compositions; repeals all laws in conflict herewith. Referred to Committee on Judiciary.

H. 1732 (CARPENTER) SLANDER—LIBEL—Concerning uttering slanderous or libelous remarks against any race or religion, providing for fine or jail sentence. Referred to Committee on Judiciary.

H. 2409 (Same as S. 1041) LIBEL—Concerning breach of the peace, intimidation and libel. Referred to Committee on Judiciary.

H. 2424 (Same as S. 1056) CORRUPT PRACTICES—Providing for changes in statutes referring to corrupt practices—sponsor of advertising, in printed form, on radio or in movies must be disclosed. Referred to Committee on Judiciary.

H. 2453 (Same as S. 1085) COPYRIGHTED MUSIC—Concerning copyrighted music, providing that no one other than true or original composer shall issue licenses or agreements for public rendition of copyrighted music unless licensed by secretary of state—licensors shall file organization papers with secretary of state—penalties for violation. Referred to Committee on Judiciary.

S. 1041 (GEELAN) LIBEL—Concerning breach of the peace, intimidation and libel. Referred to Committee on Judiciary.

S. 1056 (COLES) CORRUPT PRACTICES—Amending the provisions of Chapter 39 of the General Statutes, providing for changes in statutes referring to corrupt practices—sponsor of advertising, in printed form, on radio, or in movies must be disclosed. Referred to Committee on Judiciary.

S. 1085 (SULLIVAN)—COPYRIGHTED—LICENSES—Concerning copyrighted music, providing that no person, firm, corporation or association, other than true or original composer, shall issue licenses or agreements for public rendition of copyrighted music unless licensed by secretary of state. Referred to Committee on Judiciary.

S. 1196 (MURPHY) DENTISTS—ADVERTISING—Amending Section 1014e of the 1939 Supplement to the General Statutes, providing for striking out subdivision twelve thereof referring to advertising by dentists. Referred to Committee on Public Health and Safety.

S. 1972 (Same as H. 1096) EMPLOYMENT AGENCIES—Concerning private employment agencies. Referred to Committee on Judiciary.

S. 2017 (Same as H. 1141) LIBEL—RETRACTION—Concerning actions of slander and libel, providing for no action of slander or libel shall be instituted until the defendant has refused to retract the alleged slanderous or libelous charge in writing after a reasonable time and providing for the filing of a bond by the plaintiff. Referred to Committee on Judiciary.

S. 2394 (Same as H. 1635) COPYRIGHTS—MUSICAL COMPOSITIONS—Concerning copyrights and public performing rights in musical compositions and dramatico-musical compositions and repealing all laws in conflict herewith. Referred to Committee on Judiciary.

S. 2491 (Same as H. 1732) SLANDER—LIBEL—Concerning uttering slanderous or libelous remarks against any race or religion, providing for fine or jail sentence. Referred to Committee on Judiciary.

GEORGIA:

H. 281 (DORSEY) SMALL LOANS—To regulate the business of making loans in the amount of \$300.00 or less. Referred to Committee on General Judiciary No. 1.

INDIANA:

H. 501 (KORN) COPYRIGHT INCOME TAX—Levies 20 per cent tax on incomes received from selling, licensing or otherwise

disposing of performing rights of copyrighted compositions, gives Secretary of State authority to license such business. Referred to Committee on Judiciary B.

MAINE:

H. 676 (ARZONICO) DENTISTRY—Relating to the practice of dentistry; provides for annual dental examining law. Referred to Committee on Public Health.

S. 345 (HILDRETH) ADVERTISING—To prevent fraudulent advertising. Referred to Committee on Judiciary.

MARYLAND:

H. 277 (CORDISH) INSURANCE COMPANIES—ADVERTISING—Providing that it shall be unlawful for any insurance company, association, society, exchange, adviser or other person to publish or broadcast advertisements regarding insurance in unlicensed companies, associations, etc., or persons to solicit insurance business or offer advice on insurance matters. Referred to Committee on Insurance and Loans.

H. 291 (KOPERS) RACIAL DISCRIMINATION—To add seven new sections to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", to be under subtitle "Racial or Religious Hatred, Propaganda Inciting", said new sections to be known as Sections 534A to 534G, inclusive, making unlawful any propaganda or acts inciting or tending to incite racial or religious hatred. Referred to Committee on Judiciary.

MINNESOTA:

H. 428 (MANN, ET AL.) MUSIC—Code to regulate ASCAP and BMI. Referred to Committee on Judiciary.

S. 469 (MULLIN) EMPLOYMENT AGENCIES—Relates to licensing and regulating employment agencies. Referred to Committee on Labor.

MISSOURI:

H. 56 (TURNER) TRUSTS AND POOLS—Repealing Section 8301, Article 1, Chapter 43, Revised Statutes, 1939, relating to pools, trusts, conspiracies and discriminations; enacting in lieu thereof, Sections 8301 and 8301a.

MONTANA:

H. 188 (JUDICIARY COMMITTEE) MUSICAL COMPOSITIONS—COPYRIGHTS—Relates to copyrights and public performance of musical compositions. Referred to Committee on Judiciary

CCH H. 1572 (MURRAY, ET AL.) RADIO—TAX—REGULATION—Regulating radio broadcasting and taxing chain stations.

NEW HAMPSHIRE:

H. 278 (VELISHKA) PRACTICE OF DENTISTRY—Relating to the practice of dentistry. Referred to Committee on Public Health.

NEW JERSEY:

A. 54 (HERBERT) MUSIC—COPYRIGHTS—Regulates monopolistic activities under the guise of copyrights by price-fixing compensations and pools; defines a method whereby copyrighted musical works shall be used; substitutes a "per piece" system of fees. Referred to Committee on Taxation.

NEW MEXICO:

H. 81 (LOVE) MUSIC TEACHERS—LICENSE—To license music teachers and musical entertainers for hire. Referred to Committee on Educational Institutions.

NEW YORK:

A. 619 (WRIGHT) (Same as S. 455) INSURANCE SERVICE ORGANIZATIONS—Prohibits insurance service organizations from using phrase "supervised by the insurance department of the state of New York" or its equivalent or any part thereof. Referred to Committee on Insurance.

A. 703 (EHRlich) CHILD LABOR—Prohibits employment of children under 16 years of age in certain enterprises that are dangerous to life, limb or morals and authorizes education boards and districts to issue permits to child for singing, dancing, and theatrical exhibition and the making of motion pictures; exhibitions for church, academy or school or in amateur radio program at regular broadcasting station are excepted. Referred to Committee on Education.

S. 598 (HAMPTON) (Same as A. 703) CHILD LABOR—Prohibits employment of children under 16 years of age in certain enterprises that are dangerous to life, limb or morals and authorizes education boards and districts to issue permits to child for singing, dancing and theatrical exhibition and the making of motion pictures;

exhibitions for church, academy or school or in amateur radio program at regular broadcasting station are excepted. Referred to Committee on Education.

S. 800 (PERRY) BROADCASTS—RECORDINGS—Makes it petit larceny for person to sell, lease or license any recording of broadcast obtained without consent in writing of performer or of sponsor of broadcast or of owner of broadcasting station, and provides that records may be seized on warrant and destroyed by court order; broadcasts of lectures on political, educational, religious or civic nature are excepted. Referred to Committee on Codes.

OHIO:

H. 548 (COUGHLIN) MUSIC BROKERS—LICENSING—To provide franchise taxes on music brokers.

OREGON:

S. 281 (MCKENNA, ET AL.) MUSIC PUBLISHERS—MONOPOLY—Prohibits a combination of two or more music publishers as monopoly; publishers to pay five cents copy fee to secretary of state.

SOUTH CAROLINA:

S. 120 (PARLER) SMALL LOANS—REGULATION—To define and regulate the business of making loans in the amount of three hundred (\$300.00) dollars or less. Referred to Committee on Banking and Insurance.

SOUTH DAKOTA:

H. 286 (TRIPPLER) COPYRIGHTED MUSIC—TAX—Provides for license and franchise tax for the rendition of copyrighted music.

TENNESSEE:

S. 790 (MAHONEY) EMPLOYMENT AGENCIES—Regulating public employment agencies.

TEXAS:

H. 377 (ALSUP, ET AL.) RADIO RECEPTION—Making it a misdemeanor, and imposing a fine of not less than one dollar and not more than twenty-five dollars for any person who shall intentionally interfere, obstruct, or willfully keep radio programs from being clearly brought in over radios. Referred to Committee on Criminal Jurisprudence.

WASHINGTON:

H. 264 (SCHUMANN) RADIO DEFAMATORY MATTER—Defines liability of station for broadcasting defamatory matter over radio, or by television. Referred to Committee on Judiciary.

Ray E. Dady, KWK, St. Louis, has accepted an appointment as Legislative Contact man at the Missouri capital. (NAB REPORTS, p. 32.)

NOTICE TO ATTORNEYS

The FCC has invited the attention of attorneys appearing before it to its rule (Sec. 1.254) concerning the time for filing motions. This rule is designed not merely to afford other parties to the proceedings sufficient time within which to file oppositions to motions prior to the motions hearing date, but to allow sufficient time to the Commission itself for the study of such motions before the hearing thereon. The latter purpose is sometimes overlooked by attorneys, with the result that motions are filed a day or two before the next motions hearing date with the request that they be heard on such date. The Commission realizes that there may be circumstances which may make it impossible to file earlier, in which case the presiding commissioner may waive the

rule, but to expedite the orderly discharge of the Commission's business, such cases should be the exception.

Since there have been a number of inquiries concerning the day of commencement of the five-day period specified in the rule, the Commission also desires to point out that attorneys desiring to have their motions considered on Friday's Motions Docket should file such motions not later than the preceding Saturday.

EDUCATIONAL PROGRAMS

Hugh B. Wood, professor of education at the University of Oregon, Eugene, Oregon, advises the NAB that he has available for broadcasters a series of inexpensive bulletins dealing with educational programs. Interested members should communicate with Professor Wood.

NAB will be represented at the annual meeting of the American Academy of Political and Social Science by Mr. James Aull, Publicity and News Director of Radio Station KYW, Philadelphia. The appointment was made by Lee B. Wailes, Manager of Broadcasting of the Westinghouse Radio Stations, with which KYW is affiliated.

881 STATIONS

During the month of January, 1941, the Federal Communications Commission issued operating licenses to five stations and granted one permit for the construction of a new station. One operating station and one CP station were deleted. A comparative table by months follows:

	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1
Operating	769	771	775	779	783	791	799	806	810	816	825	831	835
Construction	48	51	48	47	53	56	58	57	54	52	51	51	46
	817	822	823	826	836	847	857	863	864	868	876	882	881

JOHN KIRBY?

Anyone desiring information about John Kirby should communicate with Joseph Lang, Secretary-Treasurer, Station WHOM, 29 West 57th Street, New York City.

GEORGE H. BOWLES?

Information about George H. Bowles will be furnished by Frank Katzentine, President of WKAT, Miami Beach, Florida.

Radio Movin' Day

DANVILLE-LYNCHBURG-ROANOKE

Virginia's Tri-City group of stations, WBTM, Danville, WLVA, Lynchburg, and WSLS, Roanoke, are perfecting aggressive Movin' Day plans.

It is planned to hold a Radio Rally in each city, now that preliminary conversations with the radio trade have been completed. At each call servicemen will leave in listeners' homes a brochure which sells the stations' program service. A section will be devoted to plans which the station managers have for listeners in the months ahead. Window displays will be spotted in prominent locations in shopping district.

HARTFORD

Movin' Day plans for stations in Hartford, Conn., have passed the preliminary stages, according to information via telephone this week. They plan to take Movin' Day in their stride.

FIRST LEAFLET ORDER

James L. Howe, WBTM, Danville, Va., was first station manager to forward his order for the Movin' Day leaflets.

Imprinted with city, call letters and dial location, these two-color leaflets are ideal for distribution throughout a station's entire listening area. Delivery is free. It is anticipated that large numbers of these leaflets will be used as they do a nice job, economically. All stations have been mailed convenient order blanks.

THREE GOVERNORS SAY "OK"

Three of the 48 Governors, up to Thursday, had agreed to issue Radio Movin' Day proclamations. West Virginia's Governor, Matthew M. Neely, was first to OK the proclamation. A few hours later Arkansas' Governor, Homer M. Adkins, came through. Governor Payne Ratner, Kansas, was next.

Orchids to Howard Chernoff, WCHS, Charleston, Ed Zimmerman, KARK, Little Rock, and Ben Ludy, Topeka, WIBW, for their fine work.

Gov. Ratner "will make this proclamation in all the official state papers as of March 15," said Mr. Ludy.

THIS LETTER MAY HELP

The following letter has been mailed to the heads of the Department of Education of all 48 states and the District of Columbia:

"On March 29 approximately 90 per cent of all United States broadcast stations will change frequencies. Seven hundred and ninety-five out of 883 stations will come in at new dial locations on the sets used by the girls and boys of —(state).

"Reallocation occurs after more than three years of deliberation and planning by the government of the United States, Canada, Cuba, Mexico and Haiti. It is regarded as a major improvement in broadcasting and destined to improve over-all reception.

"Perhaps you will find it agreeable to communicate with the various school executives in —(state) to insure that all school programs be received without confusion or interruption on and after March 29. School principals and teachers, in turn, could notify their pupils of the changes and the reasons for them.

"Your cooperation will be sincerely appreciated.
"Enclosure: New Frequency List."

It is hoped that these letters will induce a fanning out of Movin' Day information from state headquarters.

They are no substitutes for contracts which station managers have locally. They're intended only to supplement the more effective local effort.

WHEN TO BEGIN

Several inquiries have been received concerning suggested dates for taking Movin' Day to the public. As seen here it will serve the broadcasters' purposes best to put on a "radio blitz" beginning about March 9 or a little later. Begin strong, increasing the pressure as the day approaches. This gives three weeks for "conditioning" listeners to the reasons for this major improvement in broadcasting and to make them familiar with new dial settings.

FOUR TALKS TO COME

Commissioner T. A. M. Craven and E. K. Jett, FCC chief engineer, have accepted our invitation to prepare official talks on Reallocation for station use. These two talks with those of FCC Chairman Fly and NAB President Neville Miller will be mailed as soon as material is received.

Let us know what you plan to do. It may help some other fellow. Write Art Stringer.

FIVE NEW FM GRANTS

More than 9,000,000 persons reside in the nearly 28,500 square miles of potential service area of five prospective FM broadcast stations which received construction permits from the FCC.

A population of 8,820,000 is in the contemplated 24,600 square mile service area of four FM stations of Westinghouse Radio Stations, Inc. One such station plans to serve 9,300 square miles with 4,500,000 population on 45,700 kilocycles from Philadelphia; another contemplates service to 6,700 square miles with 3,400,000 population on 46,700 kilocycles from Boston; a third, 2500 square miles with 500,000 population, on 48,100 kilocycles, from Springfield, Mass.; and the fourth, 6100 square miles, 42,000 population, on 44,900 kilocycles, from Fort Wayne, Indiana.

The other grant went to Rockford Broadcasters, Inc., at Rockford, Ill., which proposes to serve 3900 square miles with 270,000 population on 47,100 kilocycles.

Application of Columbia Broadcasting System, Inc., for a station at Boston to use 44,100 kilocycles to serve 16,230 square miles of area with more than 4,300,000 population was designated for hearing.

To date the Commission has authorized 39 FM stations to embark on full commercial operation.

OVERTIME FOR RADIO INSPECTORS

House of Representatives with practically no debate this week passed H.R. 533 which amends section 4(f) of the Communications Act of 1934 to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the FCC.

The bill as passed by the House provides: That section 4 (f) of the Communications Act of 1934, as amended (49 Stat. 1098), is hereby further amended by inserting after the letter "(f)" the figure "(1)" and by adding after section 4 (f) as so amended the following additional paragraph:

"(2) The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock p. m. and 8 o'clock a. m. or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III of this act, on the basis of one-half day's additional pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 o'clock p. m. (but not to exceed 2½ days' pay for the full period from 5 o'clock p. m. to 8 o'clock a. m.) and 2 additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided*, That the amounts of such collections received by the said collector of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further*, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be heard before the Commission during the week beginning, Monday, February 24. It is subject to change.

Wednesday, February 26

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit; **1340 kc.**, 5 KW, unlimited, DA night. Present assignment: **1340 kc.**, 1 KW, unlimited, DA night.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

March 6

Consolidated Hearing

WGNY—WGNY Broadcasting Company, Inc., Newburgh, N. Y.—C. P., **1370 kc.**, 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., **1370 kc.**, 250 watts, unlimited.

March 28

KGNO—The Dodge City Broadcasting Company, Inc., Dodge City, Kans.—Modification of license, **1340 kc.**, 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.**, 250 watts night, 1 KW day, unlimited.

March 31

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.**, 1 KW, unlimited, DA night.

NEW—KNOE, Inc., Monroe, La.—C. P., **1420 kc.**, 250 watts, unlimited.

April 7

Joint Hearing

NEW—The Yankee Network, Inc., Boston, Mass.—C. P., **44300 kc.**, coverage 19,230 square miles.

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—C. P., **43100 kc.**, coverage 20,437 square miles.

April 15

Television

W1XG—General Television Corporation, Boston, Mass.—Modification of license (considered as construction permit); **50000-56000 kc.**, 500 watts visual, emission A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.**, 500 watts visual, emission A-5, Sec. 4.4(a).

W1XG—General Television Corporation, Boston, Mass.—C. P., **42000-56000, 60000-86000 kc.**, 500 watts aural and visual, emission A-3 and A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.**, 500 watts visual only, emission A-5, Sec. 4.4(a).

FEDERAL COMMUNICATIONS COMMISSION ACTION

NEW STATION GRANTS

Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted construction permit for new broadcast station to operate on **1310 kc.**, 250 watts, unlimited time, subject to the condition that in any authorization to operate after March 29, 1941, the Commission may specify the frequency **1340 kc.** in lieu of **1310 kc.** (B-P-2978).

Vermont Radio Corp., Inc., St. Albans, Vt.—Granted construction permit for new broadcast station to operate on **1390 kc.**, with 1 KW daytime; requested facilities of station WQDM, which consents; order will be issued to dismiss renewal proceedings against WQDM (B1-P-3065).

Harbenito Broadcasting Co., Harlingen, Tex.—Granted construction permit for new broadcast station to operate on **1240 kc.**, power 250 watts, unlimited time (B3-P-2747).

Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **45700 kc.**, 9,300 square miles, population 4,500,000 (B2-PH-65).

Westinghouse Radio Stations, Inc., Boston, Mass.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **46700 kc.**, 6,700 square miles, population 3,400,000 (B1-PH-62).

Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted construction permit for new high frequency (FM) broadcast station to operate on **44900 kc.**, 6,100 square miles, 420,000 population (B4-PH-63).

Westinghouse Radio Stations, Inc., Springfield, Mass.—Granted construction permit for new high frequency (FM) broadcast station to operate on **48100 kc.**, 2,500 square miles, 500,000 population (B1-PH-64).

Rockford Broadcasters, Inc., Rockford, Ill.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **47100 kc.**, 3,900 square miles, 270,000 population (B4-PH-56).

APPLICATIONS GRANTED

W1XSN—Westinghouse Electric & Mfg. Co. (Assignor), East Springfield, Mass., Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of high frequency broadcast station W1XSN (B1-ALHB-6).

W1XK—Westinghouse Electric & Mfg. Co. (Assignor), Hull, Mass., Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of high frequency broadcast station W1XK (B1-ALHB-7).

WBZA-WEMA—Westinghouse Electric & Mfg. Co. (Assignor), Boston, Mass., Portable-Mobile, Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of standard broadcast station WBZA and portable-mobile station WEMA (B1-AL-296).

KDKA-WEMS-WEMO-WEMC-WAHA—Westinghouse Electric & Mfg. Co. (Assignor), Pittsburgh, Pa., Portable-Mobile, Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of standard broadcast station KDKA and portable-mobile relay stations WEMS, WEMO, WEMC, and WAHA (B2-AL-295).

KYW-WEMN—Westinghouse Electric & Mfg. Co. (Assignor), Philadelphia, Pa., Portable-Mobile, Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license and construction permit from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of standard broadcast station KYW and portable-mobile station WEMN (B2-APL-10).

WPIT—Westinghouse Electric & Mfg. Co. (Assignor), Saxonburg, Pa., Westinghouse Radio Stations, Inc. (Assignee).—Granted voluntary assignment of license and construction permit from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc., of international broadcast station WPIT (B1-APLIB-1).

WBZ-WHER-WEMQ-WEMB—Westinghouse Electric & Mfg. Co. (Assignor), Boston, Mass., Portable-Mobile, Westinghouse Radio Station, Inc. (Assignee).—Granted voluntary assignment of license and construction permit (B1-P-2998), (construction permit for reinstatement of construction permit as modified, B1-P-2161), from Westinghouse Electric & Mfg. Co. to Westinghouse Radio Stations, Inc. (B1-ALP-11).

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts, night and day (B3-P-3015).

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted construction permit to move transmitter site to approximately 9 miles south of center of city and install directional antenna for nighttime use, subject to the condition that no interference is caused to Naval aeronautical communications on **542 kc.**; station operates on **550 kc.**, 1 KW night, 5 KW day (B1-P-2907).

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Granted construction permit to move transmitter to approximately 1000 feet from present location; increase power from 1 KW day and night to 5 KW day and night (Shares with WHAZ and WBBR), install new equipment and directional antenna with different adjustments for day and night use (B1-P-2955).

DESIGNATED FOR HEARING

WEEU—Berks Broadcasting Co., Reading, Pa.—Application for construction permit to increase time of operation from day-

time to unlimited and install directional antenna for night use; **830 kc.**, 1 KW LS. (B2-P-3048).

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Amended application for consent to voluntary assignment of license for station WOOD from King-Trendle Broadcasting Corp. to WOOD Broadcasting Corp.; station operates on **1270 kc.**, 500 watts, shares WASH (B2-AL-285).

Columbia Broadcasting System, Inc., Boston, Mass.—Application for construction permit for new high frequency (FM) broadcast station to operate on frequency **44100 kc.**, 16,230 square miles, hours of operation: minimum 3 day, 3 night (B1-PH-79), designated for hearing.

General Electric Co., Schenectady, N. Y.—Designated for hearing renewal applications of television relay stations W2XI and W2XD, together with main television station W2XB, which is located at New Scotland, N. Y.

MISCELLANEOUS

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW power night, using directional antenna, for a period not to exceed thirty days, in order to overcome interference from Cuban Station CMBC, provided such operation with additional power terminates immediately when CMBC ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, and pending reallocation effective March 29, 1941.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate additional time March 8, 1941, in order to broadcast the Knights of Columbus Athletic Meet from Madison Square Garden only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 10 p. m., February 12, 1941 to 2 a. m., EST, February 13, 1941, in order to broadcast the Brooklyn Boy Scout Dinner and the Annual Brooklyn Republican Dinner only.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate from 5:30 p. m. to 8 p. m., February 27 and 28, from 6 p. m. to 8 p. m., March 1, from 6 p. m. to 8 p. m., March 8, 15, and 22, 1941, in order to broadcast basketball games described in letter dated January 30, 1941, only.

WSVA—Shenandoah Valley Broadcast Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 8:28 p. m. to 10 p. m., EST, on February 12, 1941, in order to broadcast an address by Honorable Robert P. Taft, Senator from Ohio, only.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XOY the frequency modulated programs of high frequency broadcast station W2XMN for the period beginning February 11 to not later than March 1, 1941.

W9XZR—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate a high frequency experimental broadcast station on **32800 kc.**, 5000 watts power, special emission for frequency modulation, with transmitter located at 135 South LaSalle St., Chicago, Ill., instead of 505 N. Michigan Ave., Chicago, as authorized December 21, 1940, for the period ending in no event later than March 1, 1941.

WBOS—Westinghouse Electric & Mfg. Co., Hull Mass.—Granted special temporary authority to operate international broadcast station WBOS with a power of 50 KW using two WL-895R tubes in lieu of tubes specified in construction permit application, File No. B1-PIB-23 for the purpose of obtaining data on performance of such tubes preparatory to securing final approval for a period not to exceed thirty days.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with station KLX from 10 p. m. to 11 p. m., PST, on February 11, 1941, in order to broadcast matter incidental to blackout in cooperation with the American Legion and National Defense Committee only.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted construction permit to install a new transmitter (B5-P-3078).

WIGM—George F. Meyer, Medford, Ore.—Granted modification of construction permit (B4-P-2501, authorizing new station to operate on **1500 kc.**, 100 watts, unlimited time), for ex-

- tension of commencement date to April 19, 1941 (B4-MP-1159).
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (B2-P-2658 authorizing increase in power from 1 to 5 KW, using DA at night) for authority to install new transmitter and extend completion date to 180 days after grant (B2-MP-1160).
- KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Granted modification of license to change name from Albert Lea Broadcasting Co. to Albert Lea-Austin Broadcasting Co., Inc. (B4-ML-1047).
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted authority to determine operating power by direct measurement of antenna input on **1230 kc.**, under NARBA in accordance with Sec. 3.54 (B5-Z-657).
- WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-659).
- WDSM—WDSM, Inc., Superior, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-488).
- WEDC—Emil Denemark, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-651).
- WMAN—Richland, Inc., Mansfield, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-645).
- WJJD—WJJD, Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-664).
- WCBT—J. Winfield Grew, Jr., Roanoke Rapids, N. C.—Granted modification of construction permit (B3-P-2647, authorizing new station to operate on **1200 kc.**, 250 watts, unlimited time), for approval of studio site at 251 Roanoke Ave., Roanoke Rapids, N. C. (B3-MP-1161).
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted modification of construction permit (B4-P-2625 which authorized new equipment, changes in directional antenna system, increase in power to 5 KW day and night) for extension of completion date from February 25 to April 25 (B4-MP-1169).
- WBRV—American Republican, Inc., Waterbury, Conn.—Granted modification of construction permit (B1-P-2756, which authorized installation of new transmitter and DA for day and night use and increase in power) for extension of commencement date to February 22, 1941 (B1-MP-1165).
- WRLC—R. C. LeTourneau, Toccoa, Ga.—Granted modification of construction permit (B3-P-2767, authorizing a new station to operate on **1420 kc.**, 250 watts, unlimited time), for installation of new transmitter and change type of antenna (B3-MP-1166).
- WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of construction permit (B3-P-1929, which authorized increase in power to 1 KW night, 5 KW day; change in frequency to **1120 kc.**; new transmitter and installation of DA for night use; and move of transmitter), for changes in transmitting equipment and extension of commencement date to 30 days after grant and completion date to 180 days thereafter (B2-MP-1123).
- W45D—The Evening News Assn., Detroit, Mich.—Granted modification of construction permit (B2-PH-21, which authorized a new FM broadcast station) for approval of transmitter, antenna changes, and change in population from 5,641,981 to 2,498,000; **44500 kc.**; 6,820 square miles (B2-MPH-3).
- W63NY—Marcus Loew Booking Agency, New Ycrk City.—Granted modification of construction permit (B1-PH-3, which authorized a new FM broadcast station), for approval of transmitter and antenna and change population from 13,950,852 to 12,074,192; **46300 kc.**; 8,500 square miles (B1-MPH-1).
- W59NY—Frequency Broadcasting Corp., New York City.—Granted modification of construction permit (B1-PH-47, which authorized a new FM broadcast station) for approval of transmitter and change in population from 11,900,000 to 11,000,000; **45900 kc.**; 8,500 square miles (B1-MPH-6).
- W45CM—WBNS, Inc., Columbus, Ohio.—Granted modification of construction permit (B2-PH-8, which authorized a new FM broadcast station) for change in type of transmitter; **44500 kc.**; coverage 12,400 square miles (B2-MPH-5).
- WEIX—Memphis Publishing Co., Memphis-Mobile (Area of Memphis, Tenn.).—Granted construction permit for increase in power of relay station from 5 to 22 watts, and install new transmitter (B3-PRE-378). Also granted license to cover same (B3-LRE-338).
- KRJF—Star Printing Co., Miles City, Mont.—Granted modification of construction permit, which authorized a new station, for approval of studio and transmitter sites at U. S. Highway No. 212, south near intersection of road to Miles City Country Club; approval of antenna, and change in type of requested transmitting equipment; **1310 kc.**, 250 watts, unlimited time (B5-MP-1127).
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted petition for leave to amend application of KEEN (KVL, Inc.) for construction permit to change frequency from **1370 kc.** to **1420 kc.**, using 100 watts night, 250 watts day, unlimited time; to substitute Evergreen Broadcasting Corp. as applicant; and show change of call letters to KEVR; complete application to be filed on new form.
- WRVA—Larus & Brother Co., Inc., Richmond, Va.—Dismissed without prejudice, at request of petitioner, petition to intervene in the hearing on the application of Symons Broadcasting Co., Ellensburg, Wash., for a new station to operate on **1110 kc.**, 1 KW, unlimited time.
- KGIR—KGIR, Inc., Butte, Mont.—Granted motion for authority to take depositions in re application of KGNO, The Dodge City Broadcasting Co., Inc., Dodge City, Kans., for modification of license to increase power to 500 watts night, 1 KW day, on **1340 kc.**
- KGIR—KGIR, Inc., and State of Montana.—Granted petition to continue hearing on application of KGNO now scheduled for February 26, for a period of 30 days.
- State of Montana—Granted petition to intervene in the hearing on application of KGNO, subject to conditions Attorney General of Montana amend his petition to comply with rules within 10 days after receipt of order.
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted motion to consolidate hearing and continue hearing now set for February 17, for period of 20 days, on applications of WGNV, Newburgh, N. Y., and Stephen R. Rintoul, Stamford, Conn., for authority to operate on **1370 kc.**, 250 watts, unlimited time.
- Stephen R. Rintoul, Stamford, Conn.—Dismissed petition to intervene in the hearing on application of WGNV listed on previous page; new issue to be incorporated "to determine the radio service available in Stamford and Newburgh."
- Park Cities Broadcasting Corp., Dallas, Tex.—Granted motion for consent to amend application for new station to operate on **940 kc.**, 500 watts, unlimited time, so as to change frequency power and type of equipment, etc.
- KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted motion for continuance of deposition proceedings scheduled for February 20, and hearing now scheduled for February 28, on application for construction permit to operate on **940 kc.**, 1 KW, unlimited time, DA day and night, until Commission has acted on petition of KRBC for reconsideration.
- WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted petition to amend application for construction permit to operate on **1100 kc.**, 5 KW night, 10 KW local sunset, DA night, unlimited time, by substituting redesigned directional antenna system and in certain particulars pertaining to equipment.
- WOV—Greater New York Broadcasting Corp., New York City.—Dismissed without prejudice petition to intervene in the hearing on application of WDGY listed above.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of the Junior Chamber of Commerce Americanism Rally on February 20, 1941, in order to broadcast said rally only.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 to 5 p. m. and from 7:15 to 9:30 p. m., March 1, from 7:15 to 9:30 p. m., March 3, from 7 to 11 p. m., March 7 and 8, from 4 to 5 p. m., March 8 and 15, and from 7:45 to 9:30 p. m., CST, March 15, 1941, in order to broadcast sports events listed in letter dated February 7, 1941, only.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, from 6 p. m. to 9:30 p. m., EST, February 15, 1941, in order to broadcast speech of Thomas S. Beck on the subject "Our South American Relations" only.
- W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension

of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago, Ill.; Link Transmitter Type No. 50-UTX, 100 watts aural; temporary steel tower to be used on roof of said building, in order to conduct tests, from February 18 to not later than March 19, 1941, in accordance with construction permit.

William H. Amesbury, Minneapolis, Minn.—Dismissed application for new broadcast station to operate on **630 kc.**, 1 KW power, unlimited time, using directional antenna night and day (B4-P-2746).

WAKR—Summit Radio Corp., Akron, Ohio.—Dismissed petition without prejudice to applicant filing an amended application showing the proposed antenna pattern, within such period as the Commission may determine. (Applicant requested construction permit to install new transmitter, make changes in directional antenna, and increase power from 1 KW to 5 KW.)

William D. and Violet Hutton Hudson, Clarkville, Tenn.—Granted petition for reconsideration and grant without hearing the application for a new station to operate on **1370 kc.**, 250 watts, unlimited time; cancelled the hearing now scheduled and granted application (B3-P-2983).

Clinton Broadcasting Corp., Clinton, Ia.—Adopted amended order to permit construction of new station authorized on February 4, to commence construction immediately.

Courier-Post Publishing Co., Hannibal, Mo.—Adopted amended order to permit construction of new station authorized on February 4, to commence construction immediately.

Burlington Broadcasting Co., Burlington, Ia.—Adopted decision and order to permit construction of new station to start immediately.

J. Leslie Doss, Bessemer, Ala.—Denied petition requesting Commission to reconsider its action of December 4, 1940, designating for hearing application for new station to use **1370 kc.**, 250 watts power, unlimited time.

APPLICATIONS FILED AT FCC

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of construction permit (B4-P-2579) which authorized installation of directional antenna for night use and increase power, requesting authority to make changes in directional antenna system.

590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Construction permit to move formerly licensed RDA 1-D 1 KW transmitter from fronting on Kapiolani Blvd., Honolulu, Hawaii, to Kapiolani Blvd., Honolulu, Hawaii, for use as an auxiliary transmitter.

610 Kilocycles

NEW—Inter-City Advertising Co., Charlotte, N. C.—Construction permit for a new station to be operated on **610 kc.**, 500 watts night, 1 KW day, unlimited time, directional antenna day and night, Class III-B. Amended re antenna and to give transmitter site as NW Charlotte, N. C.

620 Kilocycles

NEW—Yankee Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new station to be operated on **620 kc.**, 1 KW, unlimited time, directional antenna day and night, Class III-B.

680 Kilocycles

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit (B3-P-2216) as modified, for new equipment, increase in power from 5 KW to 50 KW, changes in directional system, requesting extension of completion date from 3-16-41 to 4-16-41.

780 Kilocycles

KFDY—South Dakota State College, Brookings, S. Dak.—Authority to determine operating power by direct measurement of antenna power on **790 kc.** under North American Regional Broadcasting Agreement.

KFDY—South Dakota State College, Brookings, S. Dak.—Authority to make changes in automatic frequency control equip-

ment on **790 kc.** under North American Regional Broadcasting Agreement.

800 Kilocycles

WFAA—A. H. Belo Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power on **820 kc.** under North American Regional Broadcasting Agreement.

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Authority to determine operating power by direct measurement of antenna power on **820 kc.** under North American Regional Broadcasting Agreement.

920 Kilocycles

NEW—Alamance Broadcasting Co., Inc., Burlington, N. C.—Construction permit for a new station to be operated on **890 kc.**, **920 kc.** under the North American Regional Broadcasting Agreement, 1 KW, daytime, Class III.

940 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit for a new station to be operated on **940 kc.**, 500 watts, unlimited time, Class III-B. Amended re stock ownership.

950 Kilocycles

WTRY—Troy Broadcasting Company, Inc., Troy, N. Y.—License to cover construction permit (B1-P-2910) to install directional antenna, change time from daytime to unlimited time, using 1 KW power night and day.

WTRY—Troy Broadcasting Company, Inc., Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for increase in power and installation of directional antenna for night use, requesting extension of completion date from 3-5-41 to 4-5-41.

1120 Kilocycles

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of construction permit (B1-P-2710) for change in hours of operation and installation of directional antenna for night use, requesting approval of directional antenna for night use and approval of transmitter site at 300 feet northeast of present site, Speedway West of Soldiers Field, Boston, Mass.

1140 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Extension of special experimental authorization to operate unlimited time, directional antenna after sunset at Tulsa, Okla., period 8-1-40 to 8-1-41. Amended to change name from Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI) to Voice of Alabama, Inc., and change period 8-1-40 to 8-1-41 to period beginning 3-29-41.

1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power on **1170 kc.**, and under North American Regional Broadcasting Agreement **1210 kc.**

1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Modification of construction permit (B5-P-2783) as modified, for changes in equipment, increase in power from 10 KW to 50 KW, requesting extension of completion date from 3-8-41 to 5-7-41.

1200 Kilocycles

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Authority to determine operating power by direct measurement of antenna power.

NEW—Mosby's Incorporated, Anaconda, Mont.—Construction permit for a new station to be operated on **1110 kc.**, 500 watts night, 1 KW day, unlimited time. Amended to change requested frequency from **1110 kc.** to **1200 kc.** (Class IV), power from 500 watts night, 1 KW day, to 250 watts;

1330 Kilocycles

KGB—Don Lee Broadcasting System, San Diego, Calif.—Modification of construction permit (B5-P-2940) for changes in equipment, requesting extension of commencement and completion dates from 10-10-40 and 4-10-41 to 4-10-41 and 6-9-41 respectively.

1350 Kilocycles

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Modification of license to increase power from 500 watts to 1 KW. Amended: to request power of 500 watts night, 1 KW day.

1370 Kilocycles

WCNC—Aubrey G. McCabe & Trim W. Aydtlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Voluntary assignment of license from Aubrey G. McCabe and Trim W. Aydtlett, d/b as Albemarle Broadcasting Co. to Albemarle Broadcasting Co. Amended: re corporate structure.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Construction permit to change frequency from 1370 kc. to 1210 kc., increase power from 100 watts to 250 watts, and install new equipment.

WDEF—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Authority to determine operating power by direct measurement of antenna power.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Authority to make changes in automatic frequency control equipment on 1400 kc. under North American Regional Broadcasting Agreement.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Modification of license to change frequency from 1370 kc. to 1210 kc.

1430 Kilocycles

KGEZ—Donald C. Treloar, Kalispell, Mont.—Modification of construction permit (B3-P-2573) for new transmitter, increase in power and change of frequency, requesting authority to install directional antenna for night use.

WOKO—WOKO, Inc., Albany, N. Y.—Authority to determine operating power by direct measurement of antenna power.

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in equipment and antenna and increase power from 1 KW to 5 KW.

1500 Kilocycles

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Construction permit to install new transmitter, directional antenna for night use, increase power from 250 watts to 1 KW, and change frequency from 1500 kc. to 1350 kc.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Authority to transfer control of corporation from James F. Hopkins to Richard A. Connell, 110 2/3 shares of stock.

1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-3027) to move old main transmitter to site of main transmitter, for use as auxiliary transmitter with power of 1 KW, emergency use only.

FM APPLICATIONS

NEW—Gibraltar Service Corporation, Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 46100 kc., 9,318 square miles, population 3,998,402.

NEW—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PH-19) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change population from 1,560,000 to 805,060.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc., 8,500 square miles, population 11,212,416. Amended to change type of transmitter.

NEW—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 48300 kc., 9,110 square miles,

make changes in requested antenna; change requested type of transmitter, and give transmitter and studio sites as Lincoln St., north of Front, Anaconda, Mont.

WOLS—O. Lee Stone, Florence, S. C.—Authority to determine operating power by direct measurement of antenna power.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Authority to transfer control of corporation from J. B. Roach to Kemer Brothers, 59 shares of common stock.

WCED—The Tri-County Broadcasting Co., DuBois, Penna.—Authority to determine operating power by direct measurement of antenna power.

KPHO—M. C. Reese, Phoenix, Ariz.—Construction permit to install a new transmitter.

WJOB—O. E. Richardson & F. L. Adair, Hammond, Ind.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WATN—Watertown Broadcasting Corp., Watertown, N. Y.—License to cover construction permit (B1-P-809) as modified for a new station.

WATN—Authority to determine operating power by direct measurement of antenna power.

WLAG—LaGrange Broadcasting Co., LaGrange, Ga.—Modification of construction permit (B3-P-2763) for a new station, requesting authority to install a new transmitter and make changes in antenna.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Penna.—Voluntary assignment of license from John H. Stenger, Jr., to Wilkes-Barre-Scranton Broadcasting Co., Inc.

WGGA—Henry Estes, Austin Dean and L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Modification of construction permit (B3-P-2627) for a new station, requesting approval of antenna, and approval of transmitter and studio sites at Atlanta Road, Gainesville, Ga. Amended to give transmitter and studio sites as Athens Road, Gainesville, Ga., make changes in requested antenna, and request frequency 1240 kc. under North American Regional Broadcasting Agreement.

1230 Kilocycles

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new station on 1210 kc., 250 watts, unlimited time, Class IV. Amended to change frequency from 1210 kc. to 1230 kc. under North American Regional Broadcasting Agreement.

WNAC—The Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-MP-322) for increase in power, changes in equipment and installation of directional antenna for day and night use, requesting extension of commencement dates from 9-29-40 and 3-24-41 to 3-29-41 and 6-29-41 respectively.

WFBM—WFBM, Inc., Indianapolis, Ind.—Modification of construction permit (B4-ML-354) to increase power using directional antenna at night requesting extension of completion date from 2-25-41 to 4-25-41.

1260 Kilocycles

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Authority to determine operating power by direct measurement of antenna power, under North American Regional Broadcasting Agreement 1290 kc.

KOIL—Central States Broadcasting Co., Lincoln, Nebr.—Authority to determine operating power by direct measurement of antenna power.

1300 Kilocycles

WHBL—Press Publishing Company, Sheboygan, Wis.—Construction permit to increase power from 250 watts night, 1 KW day to 1 KW day and night, and install directional antenna for night use. Class III-A. Amended: re changes in directional antenna system.

1310 Kilocycles

WBRK—Harold Thomas, Pittsfield, Mass.—Authority to install new automatic frequency control equipment on 1340 kc. under North American Regional Broadcasting Agreement.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to determine operating power by direct measurement of antenna power on 1340 kc. under North American Regional Broadcasting Agreement.

population 11,717,445. Amended to change coverage from 9,110 to 8,550 square miles, and population from 11,717,445 to 10,817,455.

NEW—The Yankee Network, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **46700 kc.**, 8,500 square miles, population 11,298,250, transmitter to be located at Palisades Park, Clifside, N. J. Amended to change frequency from **46760 kc.** to **44700 kc.**, and give location of studio as 25 W. 45th St., New York, N. Y.

NEW—Metro-Goldwyn-Mayer Studios, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.** 7,060 square miles, population 2,467,178, with directional antenna.

NEW—Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **48300 kc.**, 9,600 square miles, population 3,900,000. Amended to change coverage from 9,600 to 9,400 square miles.

TELEVISION APPLICATIONS

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile (Area of New York, N. Y.)—License to cover construction permit (B1-PVB-70) for a new television station.

NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30) as modified for a new television broadcast station, requesting extension of completion date from 2-13-41 to 4-13-41.

MISCELLANEOUS APPLICATIONS

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new special relay broadcast station to be operated on **330000, 333000, 336000 kc.**, or any three suitable frequencies in the band **330 to 350 mc.**, 25 watts, special emission for frequency modulation.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new special relay broadcast station to be operated on **330000, 333000, 336000 kc.**, or any three suitable frequencies in the band **330 to 350 mc.**, 25 watts, special emission for frequency modulation.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new special relay broadcast station to be operated on **330000, 333000, 336000 kc.**, or any three suitable frequencies in the band **330 to 350 mc.**, 25 watts, special emission for frequency modulation.

WEPA—Edwin H. Armstrong, Portable-Mobile (area of New York).—Modification of construction permit (B1-PRE-277) as modified for a new special relay broadcast station, for extension of commencement and completion dates from 10-7-40 and 4-20-41 to 60 days after grant and 180 days thereafter, respectively, and specify new group "I" frequencies of **156750, 158400, 159300 and 161100 kc.**

KRCO—Columbia Broadcasting System, Inc., Portable-Mobile (area of Los Angeles, Calif.)—License to cover construction permit (B5-PRE-377) for a new relay broadcast station.

NEW—Echo Park Evangelistic Association, Los Angeles, Calif.—Construction permit for a new relay broadcast station to be operated on **350000 kc.**, or any channel allotted by FCC, 20 watts, special emission for frequency modulation with 100 maximum swing for 100 per cent modulation.

NEW—Guy S. Cornish, Portable-Mobile (area of Cincinnati, Ohio).—License to cover construction permit (B2-PARE-1) for a new Class II experimental public address relay station.

KALW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Modification of construction permit (B5-PED-14) to make changes in equipment.

NEW—Echo Park Evangelistic Association, Portable-Mobile (area of Los Angeles, Calif.)—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 40 watts, A-3 emission.

NEW—J. J. White, tr/as Greenville Broadcasting Co., Portable-Mobile (area of Greenville, N. C.)—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 40 watts, A-3 emission.

WBKY—University of Kentucky, Beattyville, Ky.—License to cover construction permit (B2-PED-17) for a new non-commercial educational station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Continental Premium Mart—Complaints have been issued charging Continental Premium Mart, Milwaukee, a distributor of novelty jewelry and other merchandise, and Irving Cohn, trading as Irvin Novelty Co., Danville, Ill., a distributor of candy and novelty merchandise, with the use of lottery methods in the sale of their products.

The respondents, according to the complaints, sell to dealers assortments of their merchandise so packed and assembled as to involve the use of a lottery scheme when the merchandise is sold to the consuming public.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaints grant the respondents 20 days for filing answers. (4462-4464)

Grand Rapids Furniture Company, Inc.—A complaint has been issued charging Grand Rapids Furniture Co., Inc., 300-302 Monroe St., Passaic, N. J., with misrepresenting, through use of the name "Grand Rapids" in its corporate name and through representations made in its advertising and otherwise, that it deals exclusively in furniture manufactured and originating in Grand Rapids, Mich. Pointing out that furniture made in Grand Rapids has widespread good will and popularity, the complaint alleges that only a small portion of the respondent's furniture is made there. The complaint grants the respondent corporation 20 days for answering the charges. (4463)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Eaula Candy Company—Paul Botwin and Eaula Louise Botwin, trading as Eaula Candy Co., Columbia, S. C., have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme.

According to Commission findings, the respondents distribute candy and other merchandise to operators of, and concessionaires with, motion picture and burlesque theaters and tent shows.

The respondents are further ordered to cease selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery, and to discontinue supplying others with assortments of individual packages or boxes of candy, together with other articles of merchandise of varying values, or separately, which other articles may be distributed by means of a game of chance to purchasers of the individual packages or boxes of candy. (3249)

Empire State Candy Company—B. M. Bennett, trading as Empire State Candy Co., Athens, Ga., and York Cone Co., York, Pa., have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme.

Empire State Candy Co. is further ordered to cease selling or distributing candy or any merchandise so packed and assembled that its sale to the public may be made by means of a lottery, and to discontinue supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or merchandise to the public. (4400-3891)

STIPULATIONS

E. B. Hall, trading as E. W. Hall, 3679 Olive St., St. Louis, has been ordered to cease and desist from disseminating advertisements representing that "Texas Wonder", a medicinal preparation, is a cure or remedy for inflammation of the bladder or kidneys, stones in the kidneys, tuberculosis of the kidneys, or any other bladder or kidney disorders, or for diabetes, rheumatism, swollen joints, weak or lame back, pains in the back, or lumbago.

The order also directs the respondent to discontinue advertising that the preparation possesses any therapeutic value in the treatment of any of the ailments mentioned, in excess of such slight symptomatic relief as it may afford in cases of swollen joints and pains in the back, because of its mild diuretic properties. (4330)

Jacobs Candy Co., Inc., New Orleans, and H. & D. Sales Co., and Nathan J. Hubbard and Arthur Easton Davis, its officers, Knoxville, Tenn., have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme.

Jacobs Candy Co., Inc., manufacturer of candy and nut confections, is ordered to cease selling and distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery, and to discontinue supplying others with assortments of merchandise, together with push or pull cards, punch boards or other devices, or separately, which devices may be used in selling merchandise to the public by means of a lottery scheme. (3586)

H. & D. Sales Co., and the respondents Hubbard and Davis, distributors of knives, fountain pens, flashlights and other merchandise, are directed to cease supplying to others any merchandise, together with punch boards, push or pull cards, or other lottery devices, or such devices either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public. (3956)

Simmon's Cut Rate Drug Store—Carl D. Bates, trading as Simmon's Cut Rate Drug Store, Canandaigua, N. Y., has been ordered to cease advertising that "Mrs. Bee Femo Caps," a medicinal preparation also known as "Femo Caps" and "Bee Caps," is competent for treating delayed menstruation, and is safe and harmless. The order also prohibits dissemination of advertising which fails to reveal that use of the preparation may cause gastro-intestinal disturbances and other serious ailments or conditions. (4366)

Allen B. Wrisley Company—An order of April 6, 1939, which had directed Allen B. Wrisley Co., and others, Chicago, to cease and desist from misrepresentation of the olive oil content of certain soaps, has been modified.

Respondents in the case are Allen B. Wrisley Co. and Allen B. Wrisley Distributing Co., also trading as Regal Soap Co., and Karl Mayer, George A. Wrisley and Wrisley B. Oleson, trading as Karl Mayer & Co., all of Chicago.

Upon petition of the respondents, the United States Circuit Court of Appeals, Chicago, had reviewed the Commission's order, and directed that it be modified in some particulars.

Under the Commission's order as modified, the respondents are directed to cease representing that a soap which does not contain olive oil to the exclusion of all other oils is an olive oil soap.

The respondent further is ordered to cease using the brand names or labels "Olivilo", "Royal Olive Oil Pure", "Purito Olive Oil Castile", "Olive-Skin Pure Toilet Soap", or "Del Gloria Castile Made With Pure Olive Oil" or other similar brand names or labels containing the word "Olive" or the letters "Oliv" or any equivalent term, to refer to soap the oil content of which is not wholly olive oil.

The order further provides that nothing contained therein shall prevent the respondents from using brand names containing the word "olive", or any derivative thereof or other similar words, to describe a soap containing olive oil combined with other oils if the respondent shall clearly and truthfully designate that such soap is not made wholly of olive oil, and if olive oil is present in an amount sufficient substantially to effect its detergent or other qualities.

The prohibitions of the Commission's modified order are not to apply to the trade names or labels "Palm and Olive Oil Soap", "Palm and Olive Soap", and "Oliv-Palm Complexion Soap." (3021)

During the past week the Commission has entered into the following stipulations:

Arthrene Company—F. B. Allderdice, trading as Arthrene Co., Jacksonville, Fla., agrees to cease advertising that the product "Arthrene" produces circulation, reduces swelling, dissolves crystals or cleanses the blood of uric acid, and that it is an effective remedy or cure for arthritis, neuritis, sciatica, rheumatism or gout, or has any therapeutic value in the treatment of these ailments in excess of affording temporary symptomatic relief. (02729)

Lillian M. Camp, 246 Fifth Ave., New York, a dealer in products designed to improve personal appearance has entered into a stipulation to cease advertising that her product "Superior Hair Pencils" will have any effect on the roots of the hair; that her product "Leg Pads" are approved by the American Medical Association, and that she owns or controls a shop wherein she employs the makers of wigs and hair goods. The respondent further stipulates that she will desist from representing, by use of the brand name "Face Lifters" or otherwise, that she possesses a commodity that will alter the shape or structure of the face. (02731)

Cooter Brokerage Company—Paul M. Cooter, trading as Cooter Brokerage Co., Merchandise Mart, Chicago, has stipulated to cease advertising that "Moon Rose Complexion Soap" reconditions or fortifies the skin, replaces the oils of the skin, stimulates the oil glands of the skin, and causes the skin to breathe. The respondent further agrees to discontinue representing that Moon Rose Complexion Soap penetrates the pores or has any effect on the skin other than to cleanse the surface, and that use of the product prevents blemishes, enhances beauty, or causes one to look young. (02733)

General Laboratories, Inc., Des Moines, Iowa, stipulates that it will discontinue using the word "Laboratories" in its trade name until such time as it shall own or control an adequately equipped and supervised laboratory. The respondent further agrees to cease representing that "Blue Cross Rat Killer" will prevent rats from destroying baby chicks; that the product is recommended by the United States Government; that it will kill rats instantly, rid rat-infested areas of rats, is the most effective or economical poison on the market, and that rats which consume a killing potion will not die on the premises. (02732)

Mrs. W. W. Hadley—Trading as Mrs. W. W. Hadley, Kate J. Hadley, 175 Tremont St., Boston, entered into a stipulation to cease advertising that "Indian Preparation", a depilatory, is an effective cure for superfluous hair; that it is not a depilatory or that no similar products are used by dermatologists or sold in the proprietary trade, and that the preparation will open the pores, loosen the hair follicles, gradually destroying the roots of the hair, or remove superfluous hair without injury to the skin. The respondent further agrees to cease representing, through use of the word "Indian" in the trade name or by pictorial representations, that the formula of her preparation was obtained from the Indian race. (02735)

Link Chemical Co., 520½ Commercial St., Emporia, Kans., agrees to discontinue advertising that "G-I-M-P First Aid" is a competent treatment for strains, sprains, muscular aches and soreness and has any therapeutic value in treating these conditions in excess of affording a temporary relief from superficial pains. The respondent also agrees to discontinue representing that the preparation is effective for treating colds; that it is effective for treating athlete's foot in excess of affording temporary relief from itching; that the preparation penetrates into the tissues and kills infection and that there is no other germicide possessing equal germicidal properties which is equally safe. (02730)

Login Corporation, San Francisco, originally organized as L. P. Ginsburg & Co., Inc., and Louis P. Gainsborough, president

and principal owner, have entered into a stipulation to cease certain representations in the sale of peat moss.

The stipulation relates that in advertisements the respondents employed the name "Viking Swedish Peat Moss" and the trade name "Svenska Peat Aktiebolaget", accompanied by the words "Stockholm, Rotterdam, London", and "San Francisco Office, 149 California St." According to the stipulation, the respondent also advertised that "Arrangements have been perfected for exporting the finest of our Swedish Peat Moss to America for distribution direct-to-users at considerable savings."

However, according to the stipulation, Login Corporation with its principal place of business in San Francisco, is not a Swedish corporation with a San Francisco branch office and does not sell peat moss direct from Sweden to American consumers.

Under their stipulation, the respondents agree to cease making representations of this character.

The stipulation points out that Login Corporation, at its San Francisco headquarters, packs fruit and exports it to Europe where, in London and Rotterdam, respectively, it controls two subsidiary companies operating under the name L. P. Ginsburg & Co. (3036)

John A. Martin, 93 Atlantic St., Jersey City, N. J., a manufacturer of preparations for treating the hair or scalp, entered into a stipulation in which he agrees to discontinue the use in advertisements of the words "Nu Gro" or "Nu Hair" or any other words consisting of a combination of letters the resultant normal pronunciation of which simulates the words "New Grow" or "New Hair," as a trade designation for such products. The stipulation points out that the respondent's products so advertised will not cause hair to grow or promote its growth. (3035)

N. J. Newman Advertising Agency—N. J. Newman, trading as N. J. Newman Advertising Agency, 810 South Spring St., Los Angeles, in disseminating advertisements of "Entromul" on behalf of Thomas J. McBride, trading as The Entromul Co., Los Angeles, agrees to cease representing that the preparation will have a beneficial influence on an excess acid condition of the bowels or colon and that it has any significant value in the treatment of simple mucous colitis. (02734)

Oneida Chemical Company, Utica, N. Y., agrees to cease advertising that "Rat-Bombs" or "Oneida Ratsirup" are effective in destroying mice other than common house mice; that the products are endorsed by the United States Department of Agriculture, and that use of the products will make rats and mice go outside or underground to die, except in cases where their burrows or habitats are underground or outside of the homes or other buildings. (02727)

Pompeian Company, Inc., 4201 Philadelphia Ave., Baltimore, has stipulated to cease advertising that "Pompeian Milk Massage Cream" works differently from regular or ordinary cosmetic cleansing creams; that its use will remove dirt to a greater extent than ordinary cleansing methods, including soap and water, and that use of the preparation will leave the face "looking years younger". (02736)

Roy Tailors—Roy D. Pastor and Abraham Nathan, trading as The Roy Tailors, 21 West Third St., Cincinnati, have entered into a stipulation in which they agree to cease using certain representations in the sale of men's clothing.

The respondents stipulate that they will discontinue employing the word "Virgin" to designate the wool fiber in any fabric used in manufacturing their garments, when such fiber is not new wool (wool which has never been reclaimed from any spun, woven, knitted, felted or otherwise manufactured product).

Under their stipulation, the respondents further agree to cease employing the words "wool", "woolen", "all wool", "worsted", "tropical worsted", "Cheviot" or any other term descriptive of wool to refer to any fabric or product not consisting wholly of wool. The stipulation provides that in the case of fabrics or products composed partly of wool and partly of other fibers, such terms may be used as descriptive of the wool content if there are also employed in immediate connection therewith and in conspicuous type other words truthfully designating each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent. If any particular fiber

is not present in substantial amount by weight then the percentage in which it is actually present is to be disclosed.

The respondents further stipulate that they will cease using the word "silk" to refer to any fiber not obtained from the cocoon of the silkworm.

The respondents further agree that no provision of their stipulation shall be construed as permitting the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (02737)

Frank R. Waxman, Raymond-Commerce Building, Newark, N. J., in disseminating advertisements of "Bilaphen Tablets" on behalf of Victoria Chemical Company, Newark, stipulates that he will cease representing that the product will aid in relieving an upset stomach, unless limited to relief of the condition when due to constipation. The respondent also agrees to desist from advertising that Bilaphen Tablets will cause the liver to return to normal functioning and will cause normal or natural movements. (02728)

Zehr & Company—James A. Zehr and Jacob H. Zehr, trading as Zehr & Co., Pettisville, Ohio, have entered into a stipulation in which they agree to cease representing that "Zerco Dri-Cod", a poultry and livestock feed, when admixed to other feeds, assures a balanced ration at all times, when in fact such is not the case.

The respondents further agree to cease employing the word "balanced", alone or in connection with the word "completely", as descriptive of their product, and to desist from use of the statement "The completely balanced cod liver oil powder" or other similar representation implying that their feed is lacking in no essential nutritional factor. (3034)

FTC CLOSES SEVERAL CASES

The Federal Trade Commission closed its proceeding against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane Lease Company, both of 4300 Euclid Ave., Cleveland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondents had been charged with violation of the brokerage provision of the Robinson-Patman Act.

According to information received by the Commission, The Lane Lease Company has been dissolved; its brokerage business has been terminated and the Clover Farm Stores Corporation does not intend to assume the dissolved corporation's business or engage in the business of a food broker.

The Commission has also dismissed its complaint issued in April, 1938, charging the Gulf Refining Company, Pittsburgh, with violation of the Federal Trade Commission Act in the sale of lubricating oil.

Also the Commission closed its proceeding against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane Lease Company, both of 4300 Euclid Ave., Cleveland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondents had been charged with violation of the brokerage provision of the Robinson-Patman Act.

According to information received by the Commission, The Lane Lease Company has been dissolved; its brokerage business has been terminated and the Clover Farm Stores Corporation does not intend to assume the dissolved corporation's business or engage in the business of a food broker.

The Commission closed its proceeding against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane Lease Company, both of 4300 Euclid Ave., Cleveland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondents had been charged with violation of the brokerage provision of the Robinson-Patman Act.

According to information received by the Commission, The Lane Lease Company has been dissolved; its brokerage business has been terminated and the Clover Farm Stores Corporation does not intend to assume the dissolved corporation's business or engage in the business of food broker. (4334)

The Commission has closed its case against Merchant Calculating Machine Company, Oakland and Emeryville, Calif., and Dwight R. Cooke, its district manager for Washington, D. C. and certain areas of Virginia and Maryland, without prejudice to the Commission's right to resume proceedings, should the facts so warrant. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of calculating machines. (3970)

November 1941 Broadcast Advertising Unit Report

The volume of broadcast advertising in the month of November, in terms of time units, is presented on the following pages as reported by 203 broadcasting stations and the national networks. The report of national network business presented herein is complete since it includes the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the National Broadcasting Company. Non-national network business presented herein (regional network, national spot and local business), is not complete for the entire industry; the figures represent the total of such business placed on the 203 stations reporting.

On the last page of this analysis, there appears a complete roster for the 203 stations for November business. There is included also in the list seven additional stations reporting for the month, but from which reports were received too late for inclusion in this tabulation.

A majority of the stations reporting November business had also reported for the months of September and October. However, there is not a constant sample of stations for the three months and this fact is mentioned because it impairs comparison of unit volume presented for those months. An analysis of the reporting stations discloses that of the 216 stations reporting for September, 43 failed to report in October. There were 32 new stations reporting in the month of October, bringing the total of October reports to 205. Of the 205 October reports, 25 stations failed to report November business and 30 new stations reported, bringing the November total to 210. Further, 9 of the 30 stations reporting November business which had not reported in October had reported in September and were renewing their cooperation.

It is obvious from the above discussion of the sample represented here that it is not possible to compare reliably the November reports with those of October and September. Two developments are needed in this Broadcast Advertising Volume Analysis to establish statistical stability—consistent month-by-month reporting of cooperating stations—and more stations cooperating.

The Legend

A program unit equals one minute of program time. An announcement unit is equal to one announcement, unless the time consumed is one and one-half minutes or longer, in which case the units are calculated to the nearest number of minutes.

Advertising business placed in radio is classified under two major headings—"Retail" and "General." Retail Advertising is defined as the advertising placed by busi-

nesses which sell direct to consumers. General is that advertising placed by businesses which sell for resale and not direct to consumers.

In Retail Advertising the analysis presented here classifies retail businesses according to their principal retail line. No attempt is made to classify according to specific product advertised. This classification is most useful to the broadcasting industry since advertising is placed by the individual retail store and such buying units as have similar business are grouped together.

In General Advertising the classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale. The significance of this to the radio industry is that advertising campaigns are carried for individual products and in this analysis similar products are grouped together. Also included in the general classification are such service businesses as Financial, Insurance, Professional and Service, and Transportation which, because of their nature, could not properly be considered retail.

There appears on the following page Table I of the November 1940 Broadcast Advertising Unit Report. In this table, program and announcement units are presented for retail and general advertising with a total of the two showing the source of such business by national network, regional network, national non-network and local placement. The tables which follow present: Table II, program units by type of sponsoring business and source of business, first for retail and then for general advertising. Table III presents program and announcement units by type of sponsoring business and class of station, first for retail advertising and then for general advertising. Table IV presents program and announcement units by type of sponsoring business and by station metropolitan district or city population, first for retail, then for general advertising.

What Does It Show?

In November, the 203 stations reporting and all national networks carried broadcast advertising amounting to 3,885,232 units, divided as follows: Program units, 3,591,708 and announcements units, 293,425.

Although direct comparison with October is not accurate, there is shown a decrease from October to November of about 15%. One factor seriously affecting November advertising volume is a thirty-day month against the thirty-one day October and the situation of October having five Tuesdays, Wednesdays and Thursdays for the month, as compared to November with five

Fridays and Saturdays. Also, the political advertising carried during October was more than two and one-half times as great as that placed in November. The third factor is that of the World Series baseball broadcasts sponsored by Gillette Safety Razor which, of course, did not repeat in November.

There are some significant gains in advertising by various retail classifications. Boots and Shoes increased in program units to offset a decrease in announcement units. There was a slight increase in program units of Department and Dry Goods Stores, although announcement units fell off. Drug Store experience was the same. Electric and Gas Appliances and Supplies rose in both program and announcement units. Furniture and Home Furnishings up in program units, off in announcement units. Grocers and Food Stores up sharply in program units, off in announcement units. Sporting Goods up in both program and announcement units. Stationers increased in both. Notable decreases are found in Amusements, Automotive, Bakers, Building Supplies, Heating and Plumbing, Hotels and Restaurants, Jewelers and Miscellaneous.

In General Advertising, gains are found in Agriculture, Automotive, Building Materials, Confections, Educational, Housing Equipment and Supplies, Jewelry and Silverware, Religion, Radio, Tobacco and Wearing Apparel. Notable decreases in General Advertising for November are found in Financial, Industrial, Insurance, Medical, Miscellaneous, Political, Professional, Public Utilities, Publications, Toilet Requisites (explained completely by Gillette World Series mentioned above), and Transportation.

These comparisons of November business with October must be made with realization of the difference of composition in days between the two months. Any increases shown are greater than the figures show and declines are actually less.

How to Use It

Last week, the owner and manager of an NAB member station visited the Research Department and asked, "What good is this

report of Broadcast Advertising Units?" This gave your Research Director a welcomed opportunity. Before the manager left, he had discarded his request to discontinue reporting and substituted in his thinking a plan of action secured by a memorandum on his "things-to-do-today" pad.

On his memorandum appeared first a list of missing business developed by comparing his station's October report against the consolidated industry report for that month. There was a second list of business classifications in which he had substantial announcement business, but the industry report showed potential program unit business. The third list was drawn up because of the advance warning found in the consolidated report that he might have difficulty in holding a certain class of accounts. These were indicated by those classes of business in the consolidated report which showed an industry decline or faltered in trend from the previous month's report.

Of course, the NAB member, in drawing up his lists, referred to the tabulation of stations in the same classification as his own and to the business placed in cities of the approximate size in which he operates. Further, he pinned down the local situation he faced in signing retail and general advertising accounts. Naturally, he considered carefully where he gets his business; whether it is local, national spot, regional network or national network.

But the net result—when he left your Research Director's office, he had made a decision—to hold a sales meeting as soon as he could get back to his station.

TABLE I

BROADCAST ADVERTISING—203 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail		General		Total	
	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units
National Network.....	.....	.....	2,452,390	.....	2,452,390	2,452,390
Regional Network.....	5,145	1,756	98,854	6,549	103,999	8,305
National Non-Network.....	57,316	5,596	416,281	87,855	473,597	93,451
Local.....	405,105	154,279	156,716	37,390	561,821	191,669
TOTAL other than National Network...	467,566	161,631	671,851	131,794	1,139,417	293,425
GRAND TOTAL.....	467,566	161,631	3,124,241	131,794	3,591,807	293,425

TABLE II

BROADCAST ADVERTISING—203 STATIONS AND ALL NATIONAL NETWORKS
BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

RETAIL ADVERTISING UNITS
November 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements
011 Theaters.....	99	111	60	111	14,739	7,938	14,799	8,148	14,799	8,148
019 Miscellaneous.....	99	72	60	72	6,056	5,251	6,056	5,422	6,056	5,422
Automotive
021 Aviation.....
022 Garages and Service Stations.....
024 Parts and Accessories.....
025 Passenger Cars.....
026 Tires and Tubes.....
027 Trucks.....
028 Tractors.....
029 Miscellaneous.....
Bakeries
039 Miscellaneous.....
Book Stores
049 Miscellaneous.....
Boots and Shoes
051 Men's.....
052 Men's and Women's.....
053 Women's.....
059 Miscellaneous.....
Building Supplies and Contractors
069 Miscellaneous.....
Clothing Stores
071 Men's.....
072 Men's and Women's.....
073 Women's.....
074 Credit Clothing.....
079 Miscellaneous.....
Dairies
099 Miscellaneous.....
Department and Dry Goods Stores
159 Miscellaneous.....
Drug Stores
169 Miscellaneous.....

Educational.....	60	52	3,060	56	2,575	1,057	5,695	1,165	5,695	1,165
179 Miscellaneous.....	60	52	3,060	56	2,575	1,057	5,695	1,165	5,695	1,165
Electric and Gas Appliances and Supply.....		160	20	82	10,915	3,481	10,935	3,723	10,935	3,723
189 Miscellaneous.....		160	20	82	10,915	3,481	10,935	3,723	10,935	3,723
Furniture and Home Furnishings.....	120	74	690	20	56,576	13,964	57,386	14,058	57,386	14,058
219 Miscellaneous.....	120	74	690	20	56,576	12,964	57,386	14,058	57,386	14,058
Grocers and Food Stores.....	1,575	85	10,515	629	22,589	4,289	31,679	5,003	31,679	5,003
221 Chain.....	585	64	10,110	527	22,575	13	10,970	604	10,970	604
222 Independent.....	990	21	405	102	22,314	4,276	23,709	4,399	23,709	4,399
239 Miscellaneous.....	60	28	355	103	7,470	4,343	7,885	4,474	7,885	4,474
Heating and Plumbing.....	60	28	355	103	7,470	4,343	7,885	4,474	7,885	4,474
249 Miscellaneous.....	60	28	355	103	7,470	4,343	7,885	4,474	7,885	4,474
Hotels and Restaurants.....		106	990	126	7,201	5,919	8,191	6,151	8,191	6,151
259 Miscellaneous.....		106	990	126	7,201	5,919	8,191	6,151	8,191	6,151
Jewelers.....			475	442	25,247	17,138	25,722	17,580	25,722	17,580
279 Miscellaneous.....			475	442	25,247	17,138	25,722	17,580	25,722	17,580
Merchandized Chains.....			1,549	498	30	97	1,570	595	1,570	595
299 Miscellaneous.....			1,549	498	30	97	1,570	595	1,570	595
Miscellaneous.....	205	94	2,575	289	54,956	15,175	57,736	15,558	57,736	15,558
301 Agriculture.....			210	86	3,363	832	3,573	918	3,573	918
302 Auctions.....					65	73	65	73	65	73
303 Beverages.....			160	24	15,648	5,945	15,808	5,969	15,808	5,969
304 Cleaners-Dyers-Laundries.....				33	1,620	433	1,620	466	1,620	466
305 Farms and Orchards (Produce).....	120		845		4,511	1,000	5,476	1,000	5,476	1,000
306 Florists-Nurseries.....					4,620	471	4,620	471	4,620	471
307 General Stores.....			45	74	1,912	667	1,957	741	1,957	741
308 Confectionery (Ice Cream, etc.).....			195		337	337	361	337	361	337
311 Shoe Repairing.....			81	17	2,911	4,138	3,826	4,236	3,826	4,236
312 Specialty Shops.....	35		880		3,175	376	3,225	378	3,225	378
315 Undertakers.....	50			2	16,465	903	16,705	969	16,705	969
349 Miscellaneous.....		13	240	53						
Musical Instruments.....		156	905	22	5,103	1,697	6,008	1,875	6,008	1,875
359 Miscellaneous.....		156	905	22	5,103	1,697	6,008	1,875	6,008	1,875
Office Equipment.....		26	80	25	250	659	330	710	330	710
369 Miscellaneous.....		26	80	25	250	659	330	710	330	710
Radio.....		30			2,218	1,674	2,218	1,704	2,218	1,704
409 Miscellaneous.....		30			2,218	1,674	2,218	1,704	2,218	1,704
Real Estate.....		15			1,765	444	1,765	459	1,765	459
419 Miscellaneous.....		15			1,765	444	1,765	459	1,765	459
Sporting Goods.....				13	1,537	388	1,537	401	1,537	401
439 Miscellaneous.....				13	1,537	388	1,537	401	1,537	401
Stationers.....				5	670	370	670	375	670	375
449 Miscellaneous.....				5	670	370	670	375	670	375
Toilet Goods and Beauty Shops.....			170	8	502	1,272	672	1,280	672	1,280
459 Miscellaneous.....			170	8	502	1,272	672	1,280	672	1,280
Totals.....	5,145	1,756	57,316	5,596	405,105	154,279	467,566	161,631	467,566	161,631

GENERAL ADVERTISING UNITS

November 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Agriculture												
501 Cattle Foods.....	1,625	330	12,150	1,054	4,776	869	18,551	2,253	18,551	2,253	18,551	2,253
502 Seeds.....	600	129	7,225	495	1,365	89	9,190	713	9,190	713	9,190	713
503 Farm Machinery.....	130	198	1,235	335	240	72	1,605	605	1,605	605	1,605	605
504 Nurseries.....	690	3	1,305	53	390	60	2,385	116	2,385	116	2,385	116
505 Live Stock.....	195		2,055		2,573	330	2,708	417	2,708	417	2,708	417
509 Miscellaneous.....	10		330		208	298	548	402	548	402	548	402
Alcoholic Beverages												
511 Beers.....	4,440	500	30,338	6,208	3,439	1,092	38,208	7,800	38,208	7,800	38,208	7,800
512 Wines.....	3,880	500	28,103	5,277	2,740	832	34,723	6,609	34,723	6,609	34,723	6,609
513 Liquors.....	560		2,235	931	300	240	3,095	1,191	3,095	1,191	3,095	1,191
519 Miscellaneous.....					390		390		390		390	
Amusements												
529 Miscellaneous.....					225	55	225	330	225	330	225	330
Automotive												
531 Aviation.....	143,810		46,889	2,520	4,677	905	66,585	3,953	210,395	3,953	210,395	3,953
533 Gas and Oil.....	95,910		41,295	1,757	3,912	470	59,616	2,641	155,526	2,641	155,526	2,641
534 Parts and Accessories.....	41,510		65	162		53	280	280	46,304	376	46,304	376
535 Passenger Cars.....	6,390		49	258		69	4,794	376	6,085	333	6,085	333
536 Tires and Tubes.....			180	47	115	286		2				
537 Trucks.....			315	2	390	26	705	26	705	26	705	26
538 Tractors.....			120	294	260	1	380	295	380	295	380	295
539 Miscellaneous.....					280		280		280		280	
Building Materials												
549 Miscellaneous.....	17,730		1,595	161	781	357	2,676	556	20,406	556	20,406	556
Confections												
559 Miscellaneous.....	48,370		10,609	3,968	380	210	11,975	4,372	60,345	4,372	60,345	4,372
Educational												
569 Miscellaneous.....	9,720		330	63			330	63	10,059	63	10,059	63
Financial												
571 Banks and Trust Companies.....	4,540		3,525	1,102	16,514	5,541	20,469	6,684	25,099	6,684	25,099	6,684
572 Real Estate and Home Financing.....	315		780	173	8,504	2,687	9,634	2,875	9,949	2,875	9,949	2,875
573 Stock and Bond Houses.....			125	31	2,255	245	2,380	276	2,380	276	2,380	276
579 Miscellaneous.....	4,225		26	46	760	26	760	72	760	72	760	72
Groceries												
551 Baking Products.....	934,335		152,665	24,398	29,266	8,640	218,017	35,107	1,172,352	35,107	1,172,352	35,107
582 Beverages.....	7,050		11,730	3,550	11,440	3,822	26,320	7,800	33,370	7,800	33,370	7,800
583 Coffee and Tea.....	59,970		12,710	1,696	3,335	591	18,640	2,448	78,610	2,448	78,610	2,448
584 Soft Drinks.....	15,510		21,376	4,425	1,645	318	23,361	4,906	38,871	4,906	38,871	4,906
589 Miscellaneous.....	32,325		3,589	462	632	251	3,167	713	37,492	713	37,492	713
585 Shortening.....	64,980		6,695	736	315	14	9,315	788	74,495	788	74,495	788
586 Cereals and Breakfast Foods.....	135,322		15,425	1,356			16,940	1,498	152,262	1,498	152,262	1,498
587 Condiments.....	2,640		129	543			1,365	727	4,005	727	4,005	727
588 Dairy Products.....	56,775		4,790	1,627	4,230	41	11,561	3,025	68,336	3,025	68,336	3,025
591 Meats-Fish-Poultry.....	7,290		8,980	634	1,880	1,055	11,735	1,715	19,025	1,715	19,025	1,715
592 Laundry Soaps and Cleansers.....	315,675		37,330	2,642	294	166	48,844	2,960	364,519	2,960	364,519	2,960
593 Flour.....	68,956		13,724	1,093	975	174	19,684	1,343	83,640	1,343	83,640	1,343
594 Sugar.....			10	207			615	327	615	327	615	327
595 Disinfectants and Exterminators.....			730	64	390	30	1,120	94	1,120	94	1,120	94
599 Miscellaneous.....	187,842		14,450	5,363	4,130	900	23,150	6,763	210,992	6,763	210,992	6,763
Hotels and Resorts												
609 Miscellaneous.....												
Housing Equipment and Supplies												
611 Air Conditioning.....	21,540		11,597	1,251	4,420	362	17,757	1,694	39,297	1,694	39,297	1,694
612 Automatic Heating.....			730		730		730		730		730	
613 Automatic Refrigeration.....			3,130	4		60	3,130	64	3,130	64	3,130	64
614 Fixtures.....	18,900		720		390		390		19,620		19,620	
615 Fuel.....	2,640		480	222	1,495	174	3,340	451	5,980	451	5,980	451
616 Furniture and Furnishings.....			1,050	288	1,050	46	5,932	360	3,600	360	3,600	360
617 Heaters and Stoves.....			380	637	1,485	57	3,405	694	3,405	694	3,405	694
629 Miscellaneous.....			90	100		25	90	125	90	125	90	125
Industrial												
639 Miscellaneous.....	12,480		330	18	135	82	705	100	13,185	100	13,185	100
	12,480		330	18	135	82	705	100	13,185	100	13,185	100

Insurance.....	16,635	54	4,485	309	1,320	758	6,660	1,121	22,695	1,121
649 Miscellaneous.....	16,635	54	4,485	309	1,320	758	6,660	1,121	22,695	1,121
Jewelry and Silverware.....	6,720		120				120		6,840	
659 Miscellaneous.....	6,720		120				120		6,840	
Medical.....	269,090	1,394	54,383	21,764	888	160	67,596	23,318	336,686	23,318
669 Miscellaneous.....	269,090	1,394	54,383	21,764	888	160	67,596	23,318	336,686	23,318
Miscellaneous.....	15,615	87	10,953	1,547	7,420	1,919	21,993	3,553	37,605	3,553
671 Cards and Stationery.....	3,120								3,120	
672 Chamber of Commerce and Merchants Associations.....	5,055		525	21	4,060	1,823	5,335	1,544	5,335	1,544
673 Pet Foods.....			3,033	380	130		3,163	380	3,218	380
674 Phonograph Records.....			4,170	124	510		5,310	124	5,310	124
675 Veterinary and Animal Medicine.....	7,440	3	1,040	67	90	20	1,195	1,195	1,195	90
699 Miscellaneous.....		84	2,185	830	2,630	376	6,990	1,290	14,430	1,290
Political.....	178,239	194	7,636	1,433	11,003	2,381	22,518	4,008	200,748	4,008
701 Local.....		55	2,635	40	2,635	871	2,895	920	2,895	920
702 State.....		775	2,596	614	1,240	117	4,551	855	4,551	855
703 National.....	178,239	12	3,020	446	7,855	128	5,924	586	184,154	586
709 Miscellaneous.....		58	1,875	324	6,343	1,265	9,148	1,647	9,148	1,647
Professional and Service.....		4	550	1	9,122	6,981	9,672	6,989	9,672	6,989
711 Opticians-Optometrists.....			115	1	4,682	4,752	4,797	4,753	4,797	4,753
712 Chiropractors.....					810	228	810	228	810	228
713 Dentists.....			240		2,940	1,737	3,180	1,737	3,180	1,737
714 Physicians (Medical).....					120	56	120	56	120	56
715 Hospitals.....			195		60	45	255	45	255	45
719 Miscellaneous.....		4			510	166	510	170	510	170
Public Utilities.....	10,740		15,085	2,520	3,245	1,261	18,600	3,781	29,310	3,781
721 Electric Companies.....			6,405	1,628	2,720	769	9,675	2,397	9,675	2,397
722 Gas Companies.....			2,925	255	405	385	3,450	500	3,450	500
723 Electric and Gas Companies.....			4,815	196		99	4,815	295	4,815	295
724 Telegraph Companies.....				242		53		295		295
725 Telephone Companies.....	10,740		480	199			480	199	11,220	199
729 Miscellaneous.....			60		120	5	180	5	180	5
Publications.....	6,765	500	5,818	612	10,059	2,023	16,107	2,687	23,172	2,687
731 Books.....	5,010	5	895	88			900	88	5,910	88
732 Magazines.....	1,755	480	2,803	133		26	3,283	185	5,038	185
733 Newspapers.....		15	2,150	355	10,059	1,235	12,224	1,590	12,224	1,590
739 Miscellaneous.....		26		36		762		824		824
Religion.....	52,230	8,472	7,815		41,555	221	57,842	221	110,072	221
749 Miscellaneous.....	52,230	8,472	7,815		41,555	221	57,842	221	110,072	221
Radio.....		60	2,050	169	2,715	341	4,825	511	4,825	511
751 Sets.....		60	1,615	126	2,655	330	4,330	460	4,330	460
752 Stations.....			45				45		45	
753 Tubes.....			390	43	60	11	450	54	450	54
759 Miscellaneous.....			120	12			180	12	180	12
Sporting Goods.....		60		12						
769 Miscellaneous.....		60		12						
Tobacco.....	274,950	4,515	11,585	1,542	1,010	323	17,110	2,066	292,090	2,066
771 Cigars.....	21,765	78	2,085	384	60	34	3,495	496	25,260	496
772 Cigarettes.....	192,055	110	5,410	926	240	4	7,885	1,040	199,940	1,040
773 Tobacco.....	61,130	13	3,095	161			1,225	200	62,355	200
774 Miscellaneous Tobacco.....		630	3,165	46	120	116	3,915	162	3,915	162
779 Miscellaneous.....				25	620	143	620	168	620	168
Toilet Requisites.....	371,915	2,100	18,655	5,104	265	127	21,020	5,309	392,935	5,309
781 Antiseptics.....			345	99	30		375	99	375	99
782 Dentifrices.....	83,250	315	1,958	577			2,273	577	85,523	577
783 Perfumes-Cosmetics-Lotions.....	61,005	120	2,470	1,701		15	2,500	1,721	63,595	1,721
784 Toilet Soaps.....	150,795	26	8,595	785			8,395	811	159,390	811
789 Miscellaneous.....	76,865	1,665	5,287	1,942	235	112	7,187	2,092	84,052	2,092
Transportation.....	2,550	270	2,000	919	2,565	2,470	4,835	3,511	7,385	3,511
791 Airways.....	1,950		350	3		3	965	3	1,950	3
792 Bus Lines.....	600	195	1,650	134	420	444	2,025	675	2,625	675
793 Railroads.....		75		278	300	133		424		424
794 Steamships.....				30				38		38
795 Tolls.....				26	180	4	180	30	180	30
799 Miscellaneous.....				16	1,665	1,881	1,665	2,371	1,665	2,371
Wearing Apparel.....	11,580	1,083	4,785	903	885	123	6,753	1,223	18,333	1,223
801 Men's Wear.....	10,980		810	81	60	7	870	88	11,850	88
802 Women's Wear.....			60	32			60	32	60	32
809 Miscellaneous.....	600	1,083	3,915	790	825	116	5,823	1,103	6,423	1,103
Watches.....		360	192	10,002		186	192	10,548	192	10,548
819 Miscellaneous.....		360	192	10,002		186	192	10,548	192	10,548
MBS Locally Sponsored.....	23,445								23,445	
Totals.....	3,452,390	98,854	416,281	87,855	156,716	37,390	671,851	131,794	3,124,241	131,794

TABLE III

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)
BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION

RETAIL ADVERTISING UNITS

November 1940

Type of Sporing Business	Clear Channel Stations				Regional Stations				Local Stations				Totals				
	Unlimited		Part-Time		Unlimited		Limited & Day		Unlimited		Day		Part-Time		Pgm.	Ann.	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.			
Total Commercial Operating Stations.....	45	240	68	31	360	10	26	788									
Total Stations Reporting.....	29	87	15	2	64	0	1	203									
Type of Sporing Business																	
Amusements.....	270	5,953	792	66	7,669			14,799									
011 Theaters.....	60	1,689	552	30	2,984			6,056									
019 Miscellaneous.....	210	3,131	240	40	5,077			8,743									
Automotive.....	1,395	25,206	2,362	30	19,547			48,555									
021 Aviation.....																	
022 Garages and Service Stations.....	660	3,128	327	26	5,190			9,320									
024 Parts and Accessories.....	43	11,377	240	103	6,688			12,975									
025 Passenger Cars.....	565	9,345	1,733	30	12,161			23,836									
026 Tires and Tubes.....	150	915	60	32	1,028			2,153									
027 Trucks.....																	
028 Tractors.....	15	65			75			75									
029 Miscellaneous.....	20	441		44	360			821									
Batteries.....	450	3,945	438	595	3,793			8,971									
039 Miscellaneous.....	450	3,945	438	595	3,793			8,971									
Book Stores.....																	
049 Miscellaneous.....		135	111	225	420			789									
Boots and Shoes.....	810	3,805	216	335	3,687			8,711									
051 Men's.....		45	80		73			130									
052 Men's and Women's.....		255	106		78			255									
053 Women's.....	4																
059 Miscellaneous.....	810	3,505	216	335	3,482			8,236									
Building Supplies and Contractors.....	510	5,358	2,108	628	8,207			14,477									
069 Miscellaneous.....	510	5,358	2,108	628	8,207			14,477									
Clothing Stores.....	5,216	37,118	2,851	3,046	18,056			64,551									
071 Men's.....	2,646	18,110	4,082	458	7,345			28,749									
072 Men's and Women's.....		480	740	41	345			825									
073 Women's.....	1,095	6,360	3,515	1,953	3,956			13,469									
074 Credit Clothing.....		520	1,194	167	735			1,315									
079 Miscellaneous.....	1,475	11,648	2,790	440	5,830			19,993									
Dairies.....	195	2,958	882	15	3,130			6,298									
099 Miscellaneous.....	195	2,958	882	15	3,130			6,298									
Department and Dry Goods Stores.....	4,645	28,107	6,765	8,078	19,675			60,800									
159 Miscellaneous.....	4,645	28,107	6,765	8,078	19,675			60,800									
Drug Stores.....	375	9,449	1,322	588	4,203			16,795									
169 Miscellaneous.....	375	9,449	1,322	588	4,203			16,795									
Educational.....	205	2,430	530	57	1,085			5,695									
179 Miscellaneous.....	205	2,430	530	57	1,085			5,695									
Electric and Gas Appliances and Supply.....	123	6,185	456	552	4,291			10,935									
189 Miscellaneous.....	123	6,185	456	552	4,291			10,935									
Furniture and Home Furnishings.....	1,563	27,615	5,514	6,072	21,816			57,386									
219 Miscellaneous.....	1,563	27,615	5,514	6,072	21,816			57,386									
Grocers and Food Stores.....	4,695	18,167	2,493	205	7,925			34,679									
221 Chain.....	3,720	5,640	370	60	1,550			10,970									
222 Independent.....																	
239 Miscellaneous.....	975	12,527	2,123	205	6,375			23,709									
Heating and Plumbing.....	340	4,000	2,110	525	3,020			7,885									
249 Miscellaneous.....	340	4,000	2,110	525	3,020			7,885									
Hotels and Restaurants.....	1,215	1,966	1,845	637	4,368			8,191									
259 Miscellaneous.....	1,215	1,966	1,845	637	4,368			8,191									
Jewelers.....	760	9,220	6,630	1,590	13,922			25,722									
279 Miscellaneous.....	760	9,220	6,630	1,590	13,922			25,722									
Merchandized Chains.....	630	445	161	67	495			1,570									
299 Miscellaneous.....	630	445	161	67	495			1,570									

Miscellaneous																
301	Agriculture	1,390	701	900	42	23,990	6,623	4,220	1,855	960	191	26,276	6,100	46	57,738	15,558
302	Auctions		42		26	1,368	336	855	168		15	1,350	341		3,573	918
303	Beverages		18			60	10					5	45		65	73
304	Cleaners-Dyers-Laundries					7,399	2,748	205	737	90	97	8,034	2,273		15,808	5,969
305	Farm and Orchards (Produce)	60	114			195	200	120	34	120		935	219		1,620	466
306	Florists-Nurseries	110	13	150		4,005	375	640	35		10	831	522		5,476	1,000
307	General Stores	1,075	13	60	16	770	113	2,085				630	345		4,620	471
308	Confectionery (Ice Cream, etc.)		104	315		555	199		107		30	1,087	271	30	1,937	741
311	Shoe Repairing		8			666	162		25		12	1,195	122		1,851	337
312	Specialty Shops		215	375		1,527	1,890	225	729		18	1,614	1,376	8	3,823	4,236
315	Undertakers	85	32			2,090	107	30	11			1,105	228		3,225	378
349	Miscellaneous	60	100			5,355	483	60	19	750	9	10,480	338		16,705	969
Musical Instruments																
359	Miscellaneous	345	100			2,468	504	2,010	357	20	66	1,165	848		6,008	1,875
		345	100			2,468	504	2,010	357	20	66	1,165	848		6,008	1,875
Office Equipment																
369	Miscellaneous	40	1			100	190		26			190	493		330	710
		40	1			100	190		26			190	493		330	710
Radio																
409	Miscellaneous		21		29	1,440	704	168	423		11	610	516		2,218	1,701
			21		29	1,440	704	168	423		11	610	516		2,218	1,701
Real Estate																
419	Miscellaneous		4			645	334	430	81		15	690	25		1,765	459
			4			645	334	430	81		15	690	25		1,765	459
Sporting Goods																
439	Miscellaneous	135				407	171	145				850	230		1,537	401
		135				407	171	145				850	230		1,537	401
Stationers																
449	Miscellaneous		9		12	360	177		26		1	310	150		670	375
			9		12	360	177		26		1	310	150		670	375
Toilet Goods and Beauty Shops																
459	Miscellaneous	30	2			230	398	12	84		4	400	792		672	1,280
		30	2			230	398	12	84		4	400	792		672	1,280
Totals																
		25,214	6,340	4,265	1,210	221,693	66,414	38,230	16,490	2,146	2,276	175,803	68,560	215	467,566	161,631

GENERAL ADVERTISING UNITS

November 1940

	Clear Channel Stations				Regional Stations & Day				Local Stations				Totals		
	Unlimited		Part-Time		Unlimited		Limited & Day		Unlimited		Day			Pgm.	Ann.
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.			
Total Commercial Operating Stations.....	45	29	8	5	240	87	68	15	31	2	360	10	26	788	
Total Stations Reporting.....	29	18	5	5	87	57	15	15	31	2	64	0	1	203	
Type of Sponsoring Business															
Agriculture.....	4,760	332	1,115	137	9,036	942	1,590	405	195	195	1,855	417	---	18,551	2,253
501 Cattle Foods.....	2,480	95	725	70	3,680	391	720	58	195	195	1,890	99	---	9,190	713
502 Seeds.....	780	211	390	53	615	114	260	139	---	---	---	88	---	1,605	605
503 Farm Machinery.....	390	21	390	9	1,395	56	210	30	---	---	---	---	---	2,385	116
504 Nurseries.....	460	---	---	---	1,605	---	---	---	---	---	---	---	---	2,055	---
505 Live Stock.....	440	---	---	5	1,603	207	400	27	---	---	325	178	---	2,768	417
509 Miscellaneous.....	270	25	---	---	138	174	---	151	---	---	140	52	---	548	402
Alcoholic Beverages.....	3,845	121	825	126	16,238	3,602	3,610	579	160	151	13,530	3,221	---	38,208	7,800
511 Beers.....	3,525	121	825	126	13,843	3,175	3,610	295	30	151	12,890	2,741	---	34,723	6,600
512 Wines.....	320	---	---	---	2,395	427	---	284	130	---	640	480	---	3,095	1,191
513 Liquors.....	---	---	---	---	---	---	---	---	---	---	---	---	---	390	---
519 Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Amusements.....	100	---	---	---	225	188	---	---	---	---	---	42	---	225	330
529 Miscellaneous.....	100	---	---	---	225	188	---	---	---	---	---	42	---	225	330
Automotive.....	13,097	440	1,122	45	33,502	2,263	3,794	242	855	---	11,215	963	---	66,585	3,953
531 Aviation.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
533 Gas and Oil.....	11,080	290	1,122	21	30,080	1,685	3,734	62	855	---	12,745	583	---	59,616	2,641
534 Parts and Accessories.....	---	20	---	14	195	94	---	50	---	---	600	102	---	795	280
535 Passenger Cars.....	1,897	39	---	10	2,147	184	---	---	---	---	750	143	---	4,794	376
536 Tires and Tubes.....	---	---	---	---	115	138	60	130	---	---	120	65	---	295	333
537 Trucks.....	---	---	---	---	---	2	---	---	---	---	---	---	---	---	---
538 Tractors.....	---	---	---	---	705	---	---	---	---	---	---	---	---	705	26
539 Miscellaneous.....	120	91	---	---	260	160	---	---	---	---	---	44	---	380	295
Building Materials.....	1,070	88	260	23	1,046	215	---	36	---	4	300	190	---	2,676	556
549 Miscellaneous.....	1,070	88	260	23	1,046	215	---	36	---	4	300	190	---	2,676	556
Confections.....	5,540	1,531	120	246	5,040	1,919	195	155	---	131	1,080	390	---	11,975	4,372
559 Miscellaneous.....	5,540	1,531	120	246	5,040	1,919	195	155	---	131	1,080	390	---	11,975	4,372
Educational.....	35	2	60	---	165	61	10	---	---	---	60	---	---	330	63
569 Miscellaneous.....	35	2	60	---	165	61	10	---	---	---	60	---	---	330	63
Financial.....	2,415	380	---	90	10,739	3,624	895	347	120	96	6,300	2,142	---	20,469	6,684
571 Banks and Trust Companies.....	710	240	---	10	4,354	1,690	220	72	---	11	4,350	852	---	9,634	2,875
572 Real Estate and Home Financing.....	520	18	---	38	1,170	62	235	---	---	5	455	148	---	2,380	276
573 Stock and Bond Houses.....	---	23	---	---	700	49	---	---	---	---	---	---	---	760	72
579 Miscellaneous.....	1,185	99	---	42	4,455	1,823	440	275	120	80	1,495	1,142	---	7,695	3,461
Groceries.....	46,950	5,768	9,320	646	110,595	17,705	9,945	1,569	2,190	257	38,657	9,162	---	218,017	53,107
581 Baking Products.....	3,510	565	390	45	14,147	4,092	1,130	602	---	4	7,143	2,492	---	26,320	7,800
582 Beverages.....	3,470	434	935	115	9,755	1,640	1,890	26	---	5	2,590	228	---	18,640	2,448
583 Coffee and Tea.....	585	188	465	60	9,872	1,739	1,110	600	---	13	11,029	2,366	---	23,361	4,906
584 Soft Drinks.....	190	32	60	---	3,027	188	375	76	---	11	1,885	406	---	5,167	713
589 Miscellaneous.....	2,585	339	810	16	2,760	401	---	---	315	---	3,095	32	---	9,515	788
385 Shortening.....	6,445	432	1,005	147	7,240	741	990	26	630	52	630	132	---	16,940	1,498
586 Cereals and Breakfast Foods.....	710	154	40	24	390	414	---	16	105	---	120	83	---	1,365	727
587 Condiments.....	1,260	578	195	126	7,461	1,422	440	16	---	75	2,400	808	---	11,561	3,025
588 Dairy Products.....	2,340	261	195	---	7,550	928	330	70	---	---	4,270	397	---	11,735	1,715
591 Meats-Fish-Poultry.....	13,985	797	2,740	38	26,209	1,628	2,220	34	615	72	4,270	391	---	48,844	2,960
592 Laundry Soaps and Cleansers.....	3,900	245	---	---	10,414	602	900	41	525	---	1,145	455	---	19,684	1,343
593 Flour.....	215	67	195	---	805	260	---	---	---	---	---	---	---	615	327
594 Sugar.....	315	68	---	---	805	20	---	---	---	---	---	---	---	1,120	94
595 Disinfectants and Exterminators.....	7,530	1,608	940	135	10,760	3,571	560	78	---	25	3,360	1,346	---	23,150	6,763
599 Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Hotels and Resorts.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
609 Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Housing Equipment and Supplies.....	5,400	274	315	33	8,412	1,148	630	99	---	---	3,000	140	---	17,757	1,691
611 Air Conditioning.....	---	---	---	---	750	4	---	60	---	---	---	---	---	8,750	64
612 Automatic Heating.....	---	---	---	---	3,130	---	---	---	---	---	---	---	---	3,130	---
613 Automatic Refrigeration.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
614 Fixtures.....	330	---	---	---	390	---	---	---	---	---	---	---	---	720	---
615 Fuel.....	1,035	85	---	---	1,705	331	---	---	---	---	600	35	---	3,340	451
616 Furniture and Furnishings.....	2,370	4	315	---	1,897	297	240	7	---	---	1,110	52	---	5,932	360
617 Heaters and Stoves.....	1,575	165	---	33	540	435	390	---	---	---	900	53	---	3,405	694
629 Miscellaneous.....	90	20	---	---	---	81	---	24	---	---	---	---	---	90	125

Industrial.....	5	39	120	240	12	13	340	36	705	100						
639 Miscellaneous.....	5	39	120	240	12	13	340	36	705	100						
Insurance.....	1,770	57	630	2,955	502	980	260	348	6,660	1,121						
649 Miscellaneous.....	1,770	57	630	2,955	502	980	260	348	6,660	1,121						
Jewelry and Silverware.....	120	---	---	---	---	---	---	---	120	---						
659 Miscellaneous.....	120	---	---	---	---	---	---	---	120	---						
Medical.....	25,420	5,795	3,935	28,865	12,376	2,365	238	2,776	67,506	23,318						
669 Miscellaneous.....	23,420	5,795	3,935	28,865	12,376	2,365	238	2,776	67,506	23,318						
Miscellaneous.....	6,170	509	65	10,870	1,356	720	---	1,307	21,993	3,553						
671 Cards and Stationery.....	---	17	---	108	---	---	---	---	---	125						
672 Chamber of Commerce and Merchants Associations.....	285	36	---	2,600	532	360	---	858	5,335	1,544						
673 Pet Foods.....	1,775	84	---	860	179	---	528	117	3,163	380						
674 Photograph Records.....	2,685	76	---	2,625	48	---	---	---	5,310	124						
675 Veterinary and Animal Medicine.....	455	---	65	450	83	225	---	3	1,195	90						
699 Miscellaneous.....	970	296	100	4,335	406	135	---	329	6,990	1,290						
Political.....	3,146	313	537	11,568	1,824	937	13	1,404	22,518	4,608						
701 Local.....	325	67	---	1,475	382	95	1	325	2,895	920						
702 State.....	980	75	60	2,806	490	75	---	202	4,551	855						
703 National.....	501	63	387	2,626	219	150	---	257	5,924	866						
709 Miscellaneous.....	1,340	108	90	4,661	733	617	12	610	9,148	1,647						
Professional and Service.....	270	267	60	6,907	3,460	460	104	2,716	36	9,989						
711 Opticians-Optometrists.....	270	267	9	3,297	2,743	120	83	1,459	36	4,753						
712 Chiropractors.....	---	---	60	2,945	85	85	---	122	---	228						
713 Dentists.....	---	---	---	2,985	56	---	21	999	---	1,737						
714 Physicians (Medical).....	---	---	---	60	195	---	---	---	---	56						
715 Hospitals.....	---	---	---	270	10	60	---	45	255	45						
719 Miscellaneous.....	---	---	---	---	---	---	180	91	510	170						
Public Utilities.....	1,165	286	60	10,050	1,658	390	---	1,108	160	16,407						
721 Electric Companies.....	795	43	---	2,925	1,024	52	---	---	---	2,687						
722 Gas Companies.....	---	142	60	2,865	299	390	---	---	---	88						
723 Electric and Gas Companies.....	250	25	---	3,720	128	---	135	125	3,283	185						
724 Telegraph Companies.....	---	16	---	---	---	---	845	142	4,815	295						
725 Telephone Companies.....	---	60	---	480	74	---	---	99	---	295						
729 Miscellaneous.....	120	---	---	60	5	---	---	65	480	199						
Publications.....	2,130	176	945	5,961	936	1,243	---	1,108	160	16,407						
731 Books.....	60	---	---	390	65	450	---	---	---	2,687						
732 Magazines.....	585	---	55	1,920	70	273	---	---	---	88						
733 Newspapers.....	1,485	174	890	3,651	773	520	---	28	3,283	185						
739 Miscellaneous.....	---	2	---	---	28	---	5,678	318	12,224	1,590						
Religion.....	4,740	8	90	23,587	73	5,250	---	762	---	824						
749 Miscellaneous.....	4,740	8	90	23,587	73	5,250	---	---	---	---						
Radio.....	1,855	108	---	2,355	207	300	---	---	---	---						
751 Sets.....	1,420	75	---	2,475	180	300	---	---	---	---						
752 Stations.....	---	---	---	---	---	---	---	---	---	---						
753 Tubes.....	45	---	---	---	---	---	---	---	---	---						
759 Miscellaneous.....	390	---	---	60	21	---	---	---	45	---						
Sporting Goods.....	180	11	---	---	---	---	---	---	450	54						
769 Miscellaneous.....	180	11	---	---	---	---	---	---	180	12						
Tobacco.....	7,055	197	300	6,563	1,290	---	---	---	180	12						
771 Cigars.....	1,185	38	---	1,830	296	---	17	484	17,140	2,066						
772 Cigarettes.....	3,450	16	---	2,695	782	---	---	---	3,495	496						
773 Tobacco.....	415	51	---	510	125	---	17	199	7,885	1,040						
774 Miscellaneous Tobacco.....	1,905	4	300	1,380	42	---	300	26	1,225	200						
779 Miscellaneous.....	40	88	---	---	---	---	120	110	3,915	162						
Toilet Requisites.....	6,187	1,470	850	11,308	2,564	345	---	33	620	168						
781 Antiseptics.....	30	---	---	348	78	---	13	973	21,020	3,300						
782 Dentifrices.....	605	91	---	1,353	139	---	---	---	375	99						
783 Perfumes-Cosmetics-Lotions.....	1,330	904	70	835	750	45	---	---	2,273	577						
784 Toilet Soaps.....	3,200	171	615	4,275	512	---	310	347	2,590	1,721						
789 Miscellaneous.....	1,022	304	165	4,500	1,085	300	---	24	8,595	811						
Transportation.....	1,710	454	---	61	2,175	1,656	13	1,143	7,187	2,092						
791 Airways.....	---	---	---	---	3	---	8	950	4,835	3,541						
792 Bus Lines.....	1,635	67	---	705	209	---	---	---	965	675						
793 Railroads.....	---	---	---	390	326	---	---	---	2,025	424						
794 Steamships.....	---	---	---	---	14	---	---	---	---	38						
795 Tours.....	---	---	---	180	---	---	---	---	---	---						
799 Miscellaneous.....	75	350	---	900	1,104	---	8	690	1,665	2,371						
Wearing Apparel.....	2,220	322	510	149	3,775	610	---	88	60	7						
801 Men's Wear.....	195	20	---	9	615	26	---	---	---	---						
802 Women's Wear.....	---	---	---	60	26	---	---	---	---	---						
809 Miscellaneous.....	2,025	302	510	140	3,100	588	---	88	5,823	1,103						
Watches.....	---	3,300	---	612	192	---	---	---	---	---						
819 Miscellaneous.....	---	3,300	---	612	192	---	---	---	---	---						
Totals.....	147,285	22,368	24,239	3,759	322,551	65,505	33,659	6,671	6,375	1,078	139,692	32,460	1,050	253	671,831	131,794

Miscellaneous.....	920	73	3,447	391	9,840	1,453	13,730	3,467	8,151	1,902	2,060	1,551	8,343	2,618	6,113	2,439	4,832	1,664	37,736	15,558
301 Agriculture.....		4	60	20		11	495	73	918	58	40	114	1,030	75	340	312	690	251	3,573	918
302 Auctions.....										2		4		62		5			65	73
303 Beverages.....			1,442	167	1,425	809	3,858	1,553	2,107	550	1,635	483	1,615	1,142	2,990	741	736	524	15,808	5,969
304 Cleaners-Dyers-Laundries.....	110		120	40	120	9	345	77		87	60	3	100	56	705	46		148	1,620	466
305 Farm and Orchards (Produce).....		5	160	43	60	71	3,960	82	385	141	85	97	755	138	313	265	158	158	5,476	1,900
306 Florists-Nurseries.....					60	27	295	27	240	100			415	159	335	80	2,495	78	4,620	1,400
307 General Stores.....	780				480	183		82	555	34			337	58	585	211		71	1,957	741
308 Confectionery (Ice Cream, etc.).....		30			390	45	195	45	685	33		53	337	60		82		11	861	337
311 Shoe Repairing.....		8	195		60	172	707	1,330	605	642	85	657	1,641	567	415	385	163	386	3,826	4,236
312 Specialty Shops.....		26	60	32	60		480		1,235	69	75	08	480	179	485	85	350	13	3,225	378
315 Undertakers.....			1,260	18	7,245	126	3,795	198	1,905	186	80		1,905	122	245	227	240	24	16,705	969
349 Miscellaneous.....	30																			
Musical Instruments.....	780	4	1,920	66	200	113	680	370	775	135	128	94	1,105	184	405	584	15	325	6,008	1,875
359 Miscellaneous.....	780	4	1,920	66	200	113	680	370	775	135	128	94	1,105	184	405	584	15	325	6,008	1,875
Office Equipment.....			40	1		17	70	16		96		21	120	84	60	411	40	64	330	710
369 Miscellaneous.....			40	1		17	70	16		96		21	120	84	60	411	40	64	330	710
Radio.....			150	23	360	29	855	355	390	379	120	120	30	368	65	269	248	150	2,218	1,704
409 Miscellaneous.....		11	150	23	360	29	855	355	390	379	120	120	30	368	65	269	248	150	2,218	1,704
Real Estate.....			690	53	180	26	120	247		70		2	245	2		3	530	37	1,765	459
419 Miscellaneous.....		19	690	53	180	26	120	247		70		2	245	2		3	530	37	1,765	459
Sporting Goods.....						22	495	36	175	158		31	610	86		49	237	19	1,537	401
439 Miscellaneous.....		19	690	53	180	22	495	36	175	158		31	610	86		49	237	19	1,537	401
Stationers.....					60	42	180	107	300	77		5		107		25	130	12	670	375
449 Miscellaneous.....					60	42	180	107	300	77		5		107		25	130	12	670	375
Toilet Goods and Beauty Shops.....		4	30	58	380	88	40	97	50	141	55	81	30	108	75	181	12	522	672	1,280
459 Miscellaneous.....		4	30	58	380	88	40	97	50	141	55	81	30	108	75	181	12	522	672	1,280
Totals.....	12,298	2,636	57,124	8,690	55,392	13,260	107,999	29,729	65,692	23,610	21,646	14,507	75,358	28,335	41,974	24,058	30,083	16,806	467,566	161,621

TABLE IV—Continued

GENERAL ADVERTISING UNITS

November 1940

Type of Sponsoring Business	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	
Total Commercial Operating Stations.....	52	60	44	106	58	104	160	111	788										
Total Stations Reporting.....	12	20	20	28	16	27	23	18	203										
Type of Sponsoring Business																			
Agriculture.....	1,115	137	1,155	36	1,155	186	3,848	399	1,870	290	1,733	305	4,490	603	18,551	2,253			
501 Cattle Foods.....	725	70	915	24	1,065	45	1,835	122	1,215	139	500	59	1,640	176	9,190	713			
502 Seeds.....	53	34	240	1	310	56	310	146	300	99	26	26	260	136	1,605	605			
503 Farm Machinery.....	390	9	390		390	21	300	3	390	4	855	6	450	43	2,385	116			
504 Nurseries.....																			
505 Live Stock.....																			
509 Miscellaneous.....																			
Alcoholic Beverages.....	1,295	364	5,515	718	6,403	1,675	5,330	836	1,500	646	6,150	2,327	5,400	401	38,208	7,800			
511 Beers.....	195	104	5,190	500	6,153	1,402	4,445	644	1,500	646	5,595	2,150	5,400	401	34,723	6,609			
512 Wines.....	1,100	260	370	96	250	223	885	192			165	177		25	3,095	1,191			
513 Liquors.....											390								
519 Miscellaneous.....																			
Amusements.....	36	42																	
529 Miscellaneous.....	36	42																	
Automotive.....	1,930	17	5,225	419	13,134	682	9,660	885	5,237	364	12,110	310	4,775	493	66,585	3,953			
531 Aviation.....																			
533 Gas and Oil.....	1,780	7	8,895	252	12,102	379	8,775	713	4,595	257	11,890	229	3,165	384	4,439	188			
534 Parts and Accessories.....	30	10	1,169	95	912	3	570	89	92	82	160	620	61	19	4,794	376			
535 Passenger Cars.....																			
536 Tires and Tubes.....																			
537 Trucks.....																			
538 Tractors.....																			
539 Miscellaneous.....	120																		
Building Materials.....	225	6	415	40	150	72	305	130	225	40	75	69	180	109	330	57			
549 Miscellaneous.....	225	6	415	40	150	72	305	130	225	40	75	69	180	109	330	57			
Confections.....	1,630	414	2,120	558	2,395	1,094	955	589	1,665	503	480	329	90	40	120	213			
559 Miscellaneous.....	1,630	414	2,120	558	2,395	1,094	955	589	1,665	503	480	329	90	40	120	213			
Educational.....	2	15																	
569 Miscellaneous.....	2	15																	
Financial.....	955	165	1,945	322	5,377	995	2,383	1,098	2,039	759	3,885	1,261	1,310	670	481	20,469	6,684		
571 Banks and Trust Companies.....	455	29	1,075	163	1,957	544	813	525	444	478	2,205	498	480	255	112	9,634	2,875		
572 Real Estate and Home Financing.....	10	65	810	72	190	28	300	28	300	28	200	38		4	86	2,380	276		
573 Stock and Bond Houses.....																			
579 Miscellaneous.....	500	126	805	23	2,610	356	1,300	26	26	26	240	728	390	60	283	7,695	3,461		
Groceries.....	9,290	1,980	28,155	3,534	44,754	6,197	38,654	4,600	17,859	3,389	26,058	3,856	15,274	2,572	15,988	4,085	218,017	35,107	
581 Baking Products.....	740	298	2,180	72	4,550	1,369	5,457	1,737	2,510	420	4,768	449	1,080	587	2,265	1,301	26,320	7,800	
582 Beverages.....																			
583 Coffee and Tea.....	1,105	219	2,235	142	3,890	506	3,140	273	2,125	435	640	263	2,145	132	2,040	150	18,640	2,448	
584 Soft Drinks.....	300	444	1,320	358	6,055	979	2,460	1,900	1,993	511	3,550	1,018	4,125	408	1,578	832	23,361	4,906	
589 Miscellaneous.....	11	11	540	107	180	96	1,697	149	295		1,495	205	315	2	195	5,167	713		
585 Shortening.....	32	680	630	87	2,625	378	3,680	65	750	136	750	48	56	56	315	38	9,515	788	
586 Cereals and Breakfast Foods.....	26	4,370	134	1,845	371	1,845	191	315	215	141	1,800	115	705	141	1,010	181	16,940	1,498	
587 Condiments.....	570	112	80	275	158	156	130	37	30	37	5	5	65	15	145	1,365	727		
588 Dairy Products.....	240	410	1,475	247	2,055	989	1,305	134	1,356	216	1,440	214	1,250	303	1,525	86	11,561	3,025	
591 Meats-Fish-Poultry.....	840	91	2,320	202	3,600	281	1,515	123	1,255	125	750	438	350	210	525	15	11,735	1,715	
592 Laundry Soaps and Cleansers.....	580	135	6,660	577	11,094	461	8,845	426	3,650	298	6,430	345	2,655	90	3,955	351	48,844	2,960	
593 Flour.....	510	1,170	1,110	56	6,020	179	3,690	83	2,160	309	2,460	131	474	138	2,090	383	19,841	1,343	
594 Sugar.....																			
595 Disinfectants and Exterminators.....																			
599 Miscellaneous.....	2,440	207	4,520	1,312	2,910	875	4,435	1,044	1,410	628	1,970	625	2,065	549	45	4	1,120	615	
Hotels and Resorts.....																			
609 Miscellaneous.....																			
Housing Equipment and Supplies.....	870	69	3,060	83	4,747	607	1,695	208	855	101	2,340	50	1,510	126	610	342	17,757	1,694	
611 Air Conditioning.....																			
612 Automatic Heating.....																			
613 Automatic Refrigeration.....																			
614 Fixtures.....	330																		
615 Fuel.....	39	705	525	48	430	73	675	116	195		180	5	510	114	120	8	3,340	451	
616 Furniture and Furnishings.....	450	10	1,410	5	1,437	92	585	33	330	4	435	50	100	208	300	208	3,932	360	
617 Heaters and Stoves.....																			
629 Miscellaneous.....	90	20																	

Industrial	120	13	120	12	120	5	5	39	420	18	60	430	13	705	100
639 Miscellaneous	120	13	120	12	120	5	5	39	120	18	60	130	13	705	100
Insurance	245	78	1,175	30	380	82	1,385	179	75	177	1,285	855	309	6,660	1,121
649 Miscellaneous	245	78	1,175	30	380	82	1,385	179	75	177	1,285	855	309	6,660	1,121
Jewelry and Silverware	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120
659 Miscellaneous	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120
Medical	7,480	1,365	8,245	3,250	7,045	5,437	6,933	2,400	6,291	1,881	5,975	5,075	4,621	67,596	23,318
669 Miscellaneous	7,480	1,365	8,245	3,250	7,045	5,437	6,933	2,400	6,291	1,881	5,975	5,075	4,621	67,596	23,318
Miscellaneous	1,415	437	5,050	296	4,285	531	3,045	1,150	4,708	987	4,030	228	395	21,993	3,533
671 Cards and Stationery	1,415	437	5,050	296	4,285	531	3,045	1,150	4,708	987	4,030	228	395	21,993	3,533
672 Chain of Com. & Merch. Asso.	365	28	1,105	46	1,470	81	1,225	69	140	695	670	315	156	5,335	1,544
673 Pet Foods	600	17	2,385	80	650	62	265	4	168	72	60	60	22	5,310	124
674 Phonograph Records	150	76	2,385	33	760	15	510	19	360	3	360	585	22	1,195	90
675 Veterinary and Animal Medicine	65	44	1,130	94	260	13	125	33	400	217	360	76	205	1,290	1,290
699 Miscellaneous	600	44	1,130	94	260	13	125	33	400	217	360	76	205	1,290	1,290
Political	1,362	195	3,092	468	1,445	672	3,224	1,585	4,098	4,108	4,415	358	234	22,518	4,008
701 Local	110	23	270	32	845	189	210	25	340	379	220	48	4	2,895	820
702 State	371	62	285	119	390	243	780	44	270	107	510	36	60	4,551	855
703 National	656	61	666	64	280	89	384	16	1,583	153	135	145	28	5,924	586
709 Miscellaneous	225	49	1,701	241	505	151	1,850	125	1,905	469	580	200	142	9,148	1,647
Professional and Service	405	67	360	85	625	1,924	2,555	1,023	1,140	1,775	325	86	379	9,672	6,989
711 Opticians-Optometrists	105	67	360	59	135	1,390	990	792	900	788	25	65	208	4,797	4,797
712 Chiropractors	105	67	360	59	135	1,390	990	792	900	788	25	65	208	4,797	4,797
713 Dentists	105	67	360	59	135	1,390	990	792	900	788	25	65	208	4,797	4,797
714 Physicians (Medical)	105	67	360	59	135	1,390	990	792	900	788	25	65	208	4,797	4,797
715 Hospitals	105	67	360	59	135	1,390	990	792	900	788	25	65	208	4,797	4,797
719 Miscellaneous	105	67	360	59	135	1,390	990	792	900	788	25	65	208	4,797	4,797
Public Utilities	450	33	3,855	160	1,095	723	1,270	1,114	1,500	388	2,570	194	239	18,609	3,781
721 Electric Companies	450	9	255	51	1,095	464	775	732	405	202	2,870	172	193	9,675	2,807
722 Gas Companies	33	69	3,600	21	240	65	15	236	255	115	6	6	66	3,450	380
723 Electric and Gas Companies	33	69	3,600	21	240	65	15	236	255	115	6	6	66	3,450	380
724 Telegraph Companies	24	24	360	3	10	118	480	71	840	48	11	5	5	4,815	295
725 Telephone Companies	24	24	360	3	10	118	480	71	840	48	11	5	5	4,815	295
729 Miscellaneous	24	24	360	3	10	118	480	71	840	48	11	5	5	4,815	295
Publications	1,275	474	725	164	2,355	800	2,910	161	610	448	1,811	452	793	16,407	2,637
731 Books	20	3	20	2	970	2	820	17	30	85	60	60	84	510	170
732 Magazines	60	21	465	21	970	2	380	17	30	85	60	60	84	510	170
733 Newspapers	1,215	450	240	143	1,365	67	1,710	145	580	141	1,301	152	240	12,224	1,590
739 Miscellaneous	1,215	450	240	143	1,365	67	1,710	145	580	141	1,301	152	240	12,224	1,590
Religion	2,700	1	6,355	21	4,275	40	5,187	44	10,920	65	8,020	28	4,800	57,812	221
749 Miscellaneous	2,700	1	6,355	21	4,275	40	5,187	44	10,920	65	8,020	28	4,800	57,812	221
Radio	990	83	645	46	300	80	2,085	133	420	127	420	5	6	4,825	514
751 Sets	600	600	645	46	255	80	2,085	133	365	32	120	5	6	4,830	460
752 Stations	390	23	0	0	45	0	0	0	0	0	0	0	0	45	45
753 Tubes	390	23	0	0	45	0	0	0	0	0	0	0	0	45	45
759 Miscellaneous	390	23	0	0	45	0	0	0	0	0	0	0	0	45	45
Sporting Goods	3	3	60	60	120	120	120	9	9	9	9	9	9	180	12
769 Miscellaneous	3	3	60	60	120	120	120	9	9	9	9	9	9	180	12
Tobacco	105	347	4,190	663	2,025	143	2,095	130	2,305	190	570	219	77	17,110	2,066
771 Cigars	195	52	930	165	945	72	945	68	1,200	43	60	152	26	3,495	496
772 Cigarettes	210	244	2,915	472	930	39	705	52	1,500	23	152	152	26	7,885	1,040
773 Tobacco	51	615	645	26	150	32	315	10	300	13	375	61	51	1,225	200
774 Miscellaneous Tobacco	1,095	147	892	347	910	383	1,260	369	465	77	75	405	169	3,915	162
779 Miscellaneous	1,095	147	892	347	910	383	1,260	369	465	77	75	405	169	3,915	162
Toilet Requisites	2,025	425	5,307	979	2,525	1,111	3,365	749	4,103	508	240	84	195	21,020	5,300
781 Antiseptics	605	73	605	10	870	355	120	139	483	78	315	315	3	2,273	99
782 Dentifrices	149	149	1,050	508	45	315	870	123	25	169	165	183	13	2,773	577
783 Perfumes-Cosmetics-Lotions	280	56	2,760	104	1,570	38	955	118	130	64	165	65	26	8,590	1,721
784 Toilet Soaps	1,095	147	892	347	910	383	1,260	369	465	77	75	405	169	2,092	2,092
789 Miscellaneous	1,095	147	892	347	910	383	1,260	369	465	77	75	405	169	2,092	2,092
Transportation	1,635	39	585	360	310	466	785	381	450	322	210	633	20	4,835	3,541
791 Airways	792	792	792	792	792	792	792	792	792	792	792	792	792	792	792
792 Bus Lines	792	792	792	792	792	792	792	792	792	792	792	792	792	792	792
793 Railroads	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560	1,560
794 Steamships	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75
795 Tolls	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75
799 Miscellaneous	75	75	75	75	75	75	75	75	75	75	75	75	75	75	75
Wearing Apparel	1,170	103	2,130	196	865	74	370	149	1,235	264	203	120	26	6,753	1,233
801 Men's Wear	300	15	300	15	300	15	300	9	370	26	203	120	26	6,753	1,233
802 Women's Wear	60	32	32	32	32	32	32	140	665	238	203	120	26	6,753	1,233
809 Miscellaneous	810	56	2,130	184	865	74	370	149	1,235	264	203	120	26	6,753	1,233
Watches	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229
819 Miscellaneous	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229	1,229
Totals	38,567	7,719	89,566	43,748	73,350	17,469	98,074	19,111	53,495	47,007	54,356	8,107	46,587	671,851	431,731

STATIONS COOPERATING

in the

BROADCAST ADVERTISING UNIT VOLUME REPORT—NOVEMBER 1940

DISTRICT 1

CONNECTICUT
WICC—Bridgeport
WDRG—Hartford
WTHT— "

MAINE
WCOU—Lewiston

MASSACHUSETTS
WAAB—Boston
WBZ— "
WEEL— "
WNAC— "
WOCB—near Hyannis
WLAW—Lawrence
WLLH—Lowell
WBZA—Springfield
WORC—Worcester

NEW HAMPSHIRE

RHODE ISLAND
WEAN—Providence

VERMONT
WCAX—Burlington

DISTRICT 2

NEW YORK
WABY—Albany
WOKO— "
WENY—Elmira
WHCU—Ithaca
WJTN—Jamestown
WABC—New York City
WEAF— "
WINS— "
WJZ— "
WQXR— "
WHDL—Olean
WHAM—Rochester
WHEC— "
WTRY—Troy
WIBX—Utica
WFAS—White Plains

DISTRICT 3

DELAWARE

NEW JERSEY
WSNJ—Bridgeton
WCAM—Camden

PENNSYLVANIA
WHJB—Greensburg
WHP—Harrisburg
KYW—Philadelphia
WCAU— "
KDKA—Pittsburgh
KQV— "
WCAE— "
WARM—Scranton
WGBI— "
WBAX—Wilkes-Barre
WRAK—Williamsport

DISTRICT 4

DISTRICT OF COLUMBIA
WJSV—Washington
WMAL— "
WOL— "
WRC— "

MARYLAND
WBAL—Baltimore
WCBM— "
WFBR— "
WTBO—Cumberland
WBOC—Salisbury

NORTH CAROLINA
WWNC—Asheville
WBT—Charlotte
WBIG—Greensboro
WGTC—Greenville
WPTF—Raleigh
WSTP—Salisbury
WSJS—Winston-Salem

SOUTH CAROLINA
WIS—Columbia

VIRGINIA
WCHV—Charlottesville
WSVA—Harrisonburg
WLVA—Lynchburg
WGH—Newport News
WTAR—Norfolk
WPID—Petersburg
WRNL—Richmond

WEST VIRGINIA
WJLS—Beckley
WMMN—Fairmont
WSAZ—Huntington
WPAR—Parkersburg
WWVA—Wheeling

DISTRICT 5

ALABAMA

FLORIDA
WDBO—Orlando

GEORGIA
WGPC—Albany
WAGA—Atlanta
WSB— "
WMGA—Moultrie
WSAV—Savannah
WTOC— "

PUERTO RICO

DISTRICT 6

ARKANSAS
KFPW—Fort Smith
KARK—Little Rock
KUAO—Siloam Springs

LOUISIANA
KTBS—Shreveport
KWKH— "

MISSISSIPPI
WJPR—Greenville

TENNESSEE
WOPI—Bristol

DISTRICT 7

KENTUCKY
WLBK—Bowling Green
WAVE—Louisville
WHAS— "

OHIO
WJW—Akron
WCKY—Cincinnati
WLW— "
WSAI— "
WCLE—Cleveland
WGAR— "
WTAM— "
WBNS—Columbus
WCOL— "
WHIO—Dayton
WLOK—Lima
WPAY—Portsmouth
WSPD—Toledo
WFMJ—Youngstown
WHIZ—Zanesville

DISTRICT 8

INDIANA
WFBM—Indianapolis
WIRE— "

MICHIGAN
WELL—Battle Creek
WJR—Detroit
WWJ— "
WJMS—Ironwood
WKZO—Kalamazoo
WKBZ—Muskegon

DISTRICT 9

ILLINOIS
WENR—Chicago
WLS— "
WMAQ— "
WCLS—Joliet
WMBD—Peoria
WTAD—Quincy
WROK—Rockford
WHBF—Rock Island
WDZ—Tuscola

WISCONSIN
WCLO—Janesville
WIBA—Madison
WEMP—Milwaukee
WTMJ— "
WRJN—Racine
WHBL—Sheboygan

DISTRICT 10

IOWA
WKBB—Dubuque
WMT—Cedar Rapids
KRNT—Des Moines
KSO— "
WHO— "
KMA—Shenandoah

MISSOURI
KFRU—Columbia
KMBC—Kansas City
WIL—St. Louis

NEBRASKA
KMMJ—Grand Island
KGFV—Kearney
KFAB—Lincoln
KFOR— "
KOIL—Omaha
WOW— "

DISTRICT 11

MINNESOTA
KATE—Albert Lea
WCCO—Minneapolis
WTCN— "
KFAM—St. Cloud
KSTP—St. Paul

NORTH DAKOTA

SOUTH DAKOTA
KABR—Aberdeen
WNAX—Yankton

DISTRICT 12

KANSAS
KGNO—Dodge City
KCKN—Kansas City

OKLAHOMA
KOCY—Oklahoma City
KTOK— "

DISTRICT 13

TEXAS
KGNC—Amarillo
KRIC—Beaumont
KRIS—Corpus Christi
KAND—Corsicana
WFAA—Dallas
KGKO—Fort Worth
WBAP—"
KPRC—Houston
KTRH—"
KPDN—Pampa
KPAC—Port Arthur
WOAI—San Antonio
KRGV—Weslaco

DISTRICT 14

COLORADO
KFEL—Denver
KOA—"
KIUP—Durango
IDAHO
KIDO—Boise
MONTANA
KFBB—Great Falls
KGVO—Missoula

UTAH
KVNU—Logan
KDYL—Salt Lake City
KSL—"
WYOMING
KWYO—Sheridan

DISTRICT 15

CALIFORNIA
KHSL—Chico
KMJ—Fresno
KYOS—Merced
KROW—Oakland
KFBK—Sacramento
KROY—"
KGO—San Francisco
KJBS—"
KPO—"
KYA—"
KQW—San Jose
KWG—Stockton
KHUB—near Watsonville
HAWAII
KGMB—Honolulu
NEVADA
KOH—Reno

DISTRICT 16

ARIZONA
KOY—Phoenix
KYUM—Yuma
NEW MEXICO
KICA—Clovis
CALIFORNIA
KFOX—Long Beach
KECA—Los Angeles
KFI—"

DISTRICT 17

ALASKA
OREGON
KALE—Portland
KOIN—"
KWJJ—"
WASHINGTON
KVOS—Bellingham
KWLK—Long View
KIRO—Seattle
KJR—"
KOMO—"
KFPY—Spokane
KGA—"
KHQ—"
KVI—Tacoma

ASCAP SIGNS CONSENT DECREE

Neville Miller, President of the National Association of Broadcasters, made the following statement Wednesday on hearing that ASCAP had signed a consent decree:

"We hope that the Department of Justice is right in saying that the signing of ASCAP's consent decree is an important step toward arriving at an equitable arrangement for radio's use of ASCAP music. The consent decree requires ASCAP to offer its music to broadcasters on a per-program basis. This is the formula on which we have always wanted to buy the right to use ASCAP music on the air, and months ago we made it quite clear to ASCAP's management that our board of directors would be called together promptly to consider any proposal which ASCAP cared to make based on this formula.

"How imminent a settlement between broadcasting and ASCAP may be depends on how soon ASCAP can readjust its whole set-up to conform with the terms of the decree and how soon thereafter it will be in a position to work out a proposal for our consideration."

The Department of Justice announced Wednesday that the American Society of Composers, Authors and Publishers had signed a Civil Decree in the U. S. District Court of the Southern District of New York in which it agreed to cease engaging in activities which the Department alleges constitute violations of the Sherman Act. This decree brings to an end litigation started by the Government against ASCAP in 1935.

In the opinion of the Department the decree paves the way for an immediate settlement of the difficulties between ASCAP and the broadcasters which have resulted in the banning of ASCAP music from the air since January 1, 1941. All objectionable practices have been resolved by the decree. The only matter remaining for adjustment is one of price between ASCAP and the broadcasters.

The decree, which becomes effective 90 days after entry, provides:

1. That ASCAP members will not license the public performance rights of copyrighted musical compositions exclusively to ASCAP but are free to license to anyone except Broadcast Music, Inc.

2. ASCAP agrees not to discriminate either in price or terms among the users of copyrighted music. All ASCAP compositions will be offered for performance to all users of the same class on equal terms and conditions.

3. ASCAP agrees to license on a pay-when-you-play basis—that is, broadcasters will be able to buy ASCAP music on a per-program basis if they desire. Users other than broadcasters will be able to buy music on a per-piece basis if desired.

4. ASCAP agrees not to require a license for more than one

station in connection with any network broadcasts. Licenses will be issued to networks' originating stations.

5. Manufacturers of electrical transcriptions or sponsors or advertisers on whose behalf such transcriptions are made will, if they so desire, be able to obtain licenses for the use of such transcriptions for broadcast purposes.

6. ASCAP agrees not to engage in a all-or-none policy for licensing its music—that is, motion picture exhibitors, restaurants, hotels, radio stations and all commercial users of ASCAP music will be able to obtain the right to perform any ASCAP compositions desired without being compelled to take the entire ASCAP catalogue.

7. ASCAP agrees that it will not attempt to restrict performance rights of its music for the purpose of regulating the price of recording its music on electrical transcriptions made for use in broadcasting.

8. ASCAP agrees to abolish its self-perpetuating Board of Directors and to permit election of directors by the membership.

9. ASCAP agrees to modify its membership requirements so as to make eligible any composer who has copyrighted one tune. Under the existing arrangement publication of five songs is required for eligibility.

10. ASCAP agrees to modify the practice of compensating its members so as to make such compensation on the basis of the popularity of its tunes in any given period. Under the present method of distribution, compensation is determined by an elaborate set of rules, including seniority, type of composition, etc.

Disposition of the civil suit by entry of this decree will not dispose of the criminal suit filed against ASCAP in the Eastern District of Wisconsin on February 5, 1941. That case will be disposed of by separate proceedings.

The case was in charge of Victor O. Waters, Special Assistant to the Attorney General, assisted by Warren P. Cunningham, special attorney.

ASCAP's consent decree:

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK
TERM, 1941

UNITED STATES OF AMERICA, *Plaintiff*,

vs.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS:
Gene Buck, President; George W. Meyer, Secretary; and Gustave Schirmer, Treasurer, *Defendants*.

CIVIL ACTION—File No. 1395

CIVIL DECREE

This cause came on to be heard on this _____ day of _____ 1941, the plaintiff being represented by Thurman Arnold, Assistant Attorney General, Victor O. Waters, Special Assistant to the Attorney General, and Warren Cunningham, Jr., Special Attorney, and the defendants being represented by

(Continued on page 196)



1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

ASCAP SIGNS CONSENT DECREE

(Continued from page 195)

their counsel, and having appeared and filed their answer to the complaint herein.

It appears to the Court that defendants herein have consented in writing to the making and entering of this decree, without any findings of fact, upon condition that neither such consent nor this decree shall be construed as an admission or adjudication that said defendants have violated any law.

It further appears to the Court that this decree will provide suitable relief concerning the matters alleged in the complaint filed herein and that by reason of the aforesaid consent of defendants and its acceptance by plaintiff it is unnecessary to proceed with the trial of the action, or to take testimony therein, or that any adjudication be made of the facts.

Now, THEREFORE, Upon motion of plaintiff, and in accordance with said consent, it is hereby

ORDERED, ADJUDGED AND DECREED

1. The Court has jurisdiction of the subject-matter set forth in the complaint and of the parties hereto with full power and authority to enter this decree and the complaint states a cause of action against the defendants under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and the Acts amendatory thereof and supplemental thereto.

2. Defendants, Gene Buck, as President of the American Society of Composers, Authors and Publishers; George W. Meyer, Secretary; Gustave Schirmer, Treasurer; and American Society of Composers, Authors, and Publishers, its officers, directors, agents, servants, employees, members, and all persons acting or claiming to act on its behalf are hereby perpetually enjoined and restrained from entering into or carrying out, directly or indirectly, any combination or conspiracy to restrain interstate trade and commerce, as alleged in the complaint, by doing, performing, agreeing upon, entering upon or carrying out any of the acts or things hereinafter in this paragraph II prohibited.

(1) Defendant, American Society of Composers, Authors and Publishers, shall not, with respect to any musical composition, acquire or assert any exclusive performing right as agent, trustee or otherwise on behalf of any copyright owner, its members, or other owner of the performing right, or pursuant to any understanding or agreement with such owner, or its members, to pay for such right a share of, or an amount measured by, the receipts or revenues of said defendants. Nothing herein contained shall be construed as preventing defendant, American Society of Composers, Authors and Publishers, from regulating the activities of its members in the following respects: (a) By requiring all moneys derived from the issuance of licenses by the respective members of defendant to be paid by the licensee to defendant and distributed in the same manner as other revenues; (b) by requiring of its members that notice be given the defendant of their intent to

issue licenses before the issuance of same; (c) by prohibiting the members from issuing exclusive licenses to commercial users of music; (d) by requiring, as a condition precedent to the issuance of a license by an individual member of the Society, the approval and consent, to be obtained by the licensor, of the composer (s), author (s) and publisher subject to such reasonable regulations as may be adopted by the composer (s), author (s), and publisher for that purpose; (e) by prohibiting the members from granting or assigning to persons, firms, corporations or enterprises, including Broadcast Music, Inc., the right to license or assign to others the right to perform publicly for profit the respective copyrighted musical compositions of which performance rights are owned or controlled by the respective members of the defendant Society.

(2) Defendant, American Society of Composers, Authors and Publishers, shall not enter into, recognize as valid or perform any performing license agreement which shall result in discriminating in price or terms between licensees similarly situated; provided, however, that differentials based upon applicable business factors which justify different prices or terms shall not be considered discriminations within the meaning of this sub-paragraph; and provided further that nothing contained in this sub-paragraph shall prevent price changes from time to time by reason of changing conditions affecting the market for or marketability of performing rights.

(3) Defendant, American Society of Composers, Authors and Publishers, shall not require, as a condition to any offer to license the public performance for profit of a musical composition or compositions for radio broadcasting, a license fee of which any part shall be (a) in respect of commercial programs, based upon a percentage of the income received by the broadcaster from programs in which no musical composition or compositions licensed by said defendant for performance shall be performed, or (b) in respect of sustaining programs, an amount which does not vary in proportion either to actual performance, during the term of the license, of the musical compositions licensed by said defendant for performance, or to the number of programs on which such compositions or any of them shall be performed; provided, however, that nothing herein contained shall prevent said defendant from licensing a radio broadcaster, on either or both of the foregoing basis, if desired by such broadcaster, or upon any other basis desired by such broadcaster.

With respect to any existing or future performing license agreement with a radio broadcaster, defendant, American Society of Composers, Authors and Publishers, shall not, if required by such broadcaster, refuse to offer a per program basis of compensation on either or both of the following basis which may be specified by the broadcaster:

- (i) in respect of sustaining programs a per program license fee, expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant shall be performed;
- (ii) in respect of commercial programs, a per program license fee, either expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which the musical compositions licensed by said defendant for performance shall be performed, or, at the option of defendant, the payment of a percentage of the revenue derived by the licensee for the use of its broadcasting facilities in connection with such program.

In the event that defendant shall offer to license the public performance for profit of a musical composition or compositions for radio broadcasting upon either or both of the foregoing per program basis, and shall also offer to license such performance on a basis of compensation which shall not vary in direct proportion

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FOUR WEEKS TO MOVIN' DAY

Barring strikes, floods, fires and other acts over which we have no control, a large envelope containing at least the following will be mailed Saturday:

- 1—Special Movin' Day theme song written by BMI staff.
- 2, 3 & 4—Three Movin' Day scripts.
- 5—Release by Commissioner T. A. M. Craven.
- 6—"Engineering Aspects of the North American Regional Broadcasting Agreement," by E. K. Jett, chief engineer, Federal Communications Commission.
- 7—Announcements, and
- 8—Perhaps other items.

WRITE ART STRINGER

Stations are now well under way with their promotional plans for Radio Movin' Day. Will you tell us what they are? This kind of cooperation helps everybody.

RADIO GUIDE HELPS

Curtis Mitchell, retiring editor of *Movie-Radio Guide*, announces extensive cooperation with the broadcasting industry to publicize Movin' Day and the new frequency locations.

"In our issue coming to the newsstand the week before the big station Movin' Day we tell readers what it is all about and what they may do by way of alleviating any inconvenience," he wrote.

"The following week we recapitulate the first article and present a station log showing all the stations with their new frequencies, listed alphabetically.

"The following week we will publish another station log giving the frequency of every American station listed according to kilocycles. We believe these special features, which will be played up big on our covers, will do a very satisfactory job."

KEN-RAD TUBE & LAMP CORP. OVER WLW

R. W. Metzner, sales manager of Ken-Rad, will include at least a 150-word Movin' Day editorial plug in his company's 11:15 p. m. program over WLW on Mondays. This schedule started February 24 and will continue through April 14.

ORDER MOVIN' DAY LEAFLETS

Three thousand (3,000) or a million are prepared to get the 2-color leaflets to you in time for effective distribution. Over 400,000 imprinted leaflets will be turned over to parcel post or express company for stations on Saturday.

We will appreciate receiving orders at your early convenience. These leaflets are inexpensive and effective.

FIRST MAYORALTY PROCLAMATION

The chief executive of Hattiesburg, Miss., is the first Mayor to issue a Movin' Day proclamation. News was reported by C. J. Wright, manager, WFOR, who made the contract. He said:

"We are transcribing the Mayor's voice and will present it at opportune times between March 10-29. In addition we have also prepared and transcribed some promotional announcements that we will use in this campaign."

MINNESOTA AND THE NORTHWEST

Writes E. H. Gammons, general manager, WCCO:

"Twin City stations are already at work with the various groups of servicemen . . . the Northern States Power Company in Minnesota and other states in which it operates in the Northwest is distributing the change in frequencies in next month's billings."

Minneapolis and St. Paul stations plan to begin their air campaign around the middle of March.

TOLEDO

J. H. Ryan, vice president, The Fort Industry Company, and head of WSPD, says: "We have received good cooperation from the local gas and electric companies."

ROCHESTER

William Fay, general manager, WHAM, says that Rochester stations have already had a meeting with the Electric League of Rochester, local manufacturers, radio dealers and servicemen, station representatives and advertising agencies. About the middle of the month the stations intend to begin a teaser campaign which will continue for approximately one week. Then stations will devote the remainder of the time to definite announcements regarding the change over of frequencies.

DENVER

Several of the Denver stations have had preliminary conversations as to suitable Movin' Day promotion, according to word from Gene O'Fallon, president, KFEL.

ITHACA

Cornell University's station WHCU, Ithaca, N. Y., has arranged with the local power company for 30,000 of the 2-color leaflets on reallocation to be enclosed with next month's statements. Deal was set by Michael R. Hanna, general manager, WHCU.

CHATTANOOGA

The power company which serves Chattanooga will distribute 42,000 2-color Movin' Day leaflets in March bills on behalf of the city's three stations WAPO, WDEF and WDOD. R. G. Patterson, WAPO, was contact.

THE STATE OF GEORGIA

Joe W. Kling, of the Georgia Power Company, which serves 75% of the entire state, is putting 225,000 logs of Georgia broadcast stations in next months' bills, according to a note from Howard Donahoe, program director, WAGA, Atlanta.

The stuffer is printed on red-orange cover stock. On the reverse side of the enclosure appears the following:

"March 29 Is Moving Day for U. S. Radio Stations

"Beginning March 29, your favorite radio station will have a new 'address' on the dial. On the other side of this card is published a list of all Georgia stations with their old and new frequencies in kilocycles. Use this table to locate your station. Or simply set the dial at the old location number and then vary it slightly up or back. You should be able to pick up your station in that way without difficulty.

"If you have a receiving set with push button tuning, a radio service man should make the proper adjustments for changed frequencies.

"The Georgia Power Company does not sell, install or repair radio sets. This card is sent to you only as a matter of information.

"Georgia Power Company"

The enclosures will go into homes and commercial establishments in the 450,000 square miles of territory served.

AMARILLO

Amarillo, Texas' two stations, KFDA and KGNC, will receive Movin' Day assistance from the Southwestern Public Service Company. Five thousand 2-color leaflets will be inserted in the March bills, according to John Ballard, general manager, KGNC.

ENCLOSED WITH THIS ISSUE

Enclosed with this issue of NAB REPORTS is a planographed copy of the official Movin' Day proclamation issued by the Governor of South Carolina. Like the other governors who have so far proclaimed, this chief executive has gone all the way to cooperate.

SAN DIEGO

J. Clark Chamberlain, secretary-manager, Bureau of Radio and Electrical Appliances, San Diego, Cal., is doing a fine job of promoting Movin' Day. On February 24 he wrote:

"We are working up and now have under production a special log for this territory of which we will print at least 50,000 copies for free distribution. Considerable newspaper advertising will be run by the Bureau. Every possible advantage to be gained from this change will be stressed in this copy. Users will be assured that the entire move is solely in the interest of the better reception.

"In addition to meetings of our Board we have had group discussions of service dealers to make sure that they all understand the magnitude of the change over problem."

COLUMBUS, MISS.

The Columbus City Power and Light Department March bills will contain stuffers "telling of the change-over of WCBI," according to Bob McRaney, general manager of the station.

TWELVE PROCLAMATIONS

Up to Thursday noon, February 27, twelve governors had either issued Radio Movin' Day proclamations or had agreed to do so. The nine unreported cooperating governors are:

Culbert L. Olson—California
 Ralph L. Carr—Colorado
 *Robert A. Hurley—Connecticut
 Henry F. Schricker—Indiana
 Keen Johnson—Kentucky
 Leverett Saltonstall—Massachusetts
 Paul B. Johnson—Mississippi
 John W. Bricker—Ohio
 Burnet R. Maybank—South Carolina

* Connecticut's governor is prohibited by law from making desired proclamation, but he will issue a statement instead.

Governors reported in NAB REPORTS of February 21 were:

Matthew M. Neely—West Virginia
 Homer M. Adkins—Arkansas
 Payne Ratner—Kansas

Members of the Governors' Movin' Day Proclamation Committee are:

<i>Name</i>	<i>Station</i>	<i>City and State</i>
*Thomas C. McCray	WTIC	Hartford, Conn.
George Kelley	WCSH	Portland, Maine
*John Shepard III	Yankee Network	Boston, Mass.
Earle Clement	WLNH	Laconia, N. H.
John J. Boyle	WJAR	Providence, R. I.
Charles P. Hasbrook	WCAX	Burlington, Vt.
Harold Smith	WOKO	Albany, N. Y.
J. Gorman Walsh	WDEL	Wilmington, Del.
Alfred J. McCosker	WOR	Newark, N. J.
A. D. Willard, Jr.	WJSV	District of Columbia
John Elmer	WCBM	Baltimore, Md.
Edney Ridge	WBIG	Greensboro, N. C.
*G. Richard Shafto	WIS	Columbia, S. C.
C. T. Lucy	WRVA	Richmond, Va.
*Howard L. Chernoff	WCHS	Charleston, W. Va.
Howard E. Pill	WSFA	Montgomery, Ala.
W. Walter Tison	WFLA	Tampa, Fla.
J. Leonard Reinsch	WSB	Atlanta, Ga.
H. H. Buttner	WKAQ	San Juan, Puerto Rico
Juan Piza	WNEL	San Juan, Puerto Rico
*Ed Zimmerman	KARK	Little Rock, Ark.
James A. Noe	WNOE	New Orleans, La.
*Wiley P. Harris	WJDX	Jackson, Miss.
Harry Stone	WSM	Nashville, Tenn.
*W. L. Coulson	WHAS	Louisville, Ky.
*Richard A. Borel	WBNS	Columbus, Ohio
*Eugene C. Pulliam	WIRE	Indianapolis, Ind.
John E. Fetzer	WKZO	Kalamazoo, Mich.
Leslie C. Johnson	WHBF	Rock Island, Ill.
H. H. Born	WHBL	Sheboygan, Wis.
J. O. Maland	WHO	Des Moines, Iowa
George M. Burbach	KSD	St. Louis, Mo.
John J. Gillin, Jr.	WOW	Omaha, Neb.
Earl H. Gammons	WCCO	Minneapolis, Minn.
F. E. Fitzsimonds	KFYR	Bismarck, N. Dak.
A. A. Fay	KABR	Aberdeen, S. Dak.
*Ben Ludy	WIBW	Topeka, Kans.
Neal Barrett	KOMA	Oklahoma City, Okla.

<i>Name</i>	<i>Station</i>	<i>City and State</i>
d Hough	WBAP	Fort Worth, Tex.
*Gene O'Fallon	KFEL	Denver, Colo.
C. G. Phillips	KIDO	Boise, Idaho
Ed Craney	KGIR	Butte, Mont.
S. S. Fox	KDYL	Salt Lake City, Utah
H. L. McCracken	KYAN	Cheyenne, Wyo.
*Howard Lane	KFBK	Sacramento, Calif.
J. Howard Worrall	KGMB	Honolulu, Hawaii
W. D. Warren	KOH	Reno, Nev.
Dick Lewis	KTAR	Phoenix, Ariz.
Ivan R. Head	KVSF	Sante Fe, N. Mex.
A. S. Lathrop	KFAR	Fairbanks, Alaska
C. Roy Hunt	KOIN	Portland, Ore.
H. J. Quilliam	KIRO	Seattle, Wash.

* Proclamation received or agreed.

In many states the Governor's office will release a copy of the proclamation to all state papers, to press associations, radio stations and other interested parties. To make sure, however, that all stations receive news of the proclamation, without fail, it is suggested that members of the Governors' Movin' Day Proclamation Committee also notify stations by mail when, as and if the proclamation is issued.

It might be helpful also to carry a line in the letter stating the exact time after which the proclamation may be released. This is because the date of issuance of a proclamation may be later than the date stamped thereon.

LINE UP MAYORS

While the Governors' Committee is arranging matters don't forget to see the Mayors of cities in your service area about similar proclamations or resolutions.

ASCAP SIGNS CONSENT DECREE

(Continued from page 196)

either to actual performances during the term of the licenses of the musical compositions licensed by said defendant for performance or to the number of programs on which musical compositions licensed by defendant shall be performed, defendant shall act in good faith so that there shall be a relationship between such per program basis and such other basis, justifiable by applicable business factors, including availability, so that there will be no frustration of the purpose of this sub-paragraph to afford radio broadcasters alternative basis of license compensation.

(4) Defendant, American Society of Composers, Authors and Publishers, shall not license the public performance for profit of any musical composition or compositions except on a basis whereby, in so far as network radio broadcasting is concerned, the issuance of a single license, authorizing and fixing a single license fee for such performance by network radio broadcasting, shall permit the simultaneous broadcasting of such performance by all stations on the network which shall broadcast such performance, without requiring separate licenses for such several stations for such performance.

(5) With respect to any musical composition in defendant's catalogue of musical compositions licensed for radio broadcasting and which is or shall be lawfully recorded for performance on specified commercially sponsored programs on an electrical transcription or on other specially prepared recordation intended for broadcasting purposes, said defendant shall not refuse to offer to license the public performance for profit by designated radio broadcasting stations of such compositions by a single license to any manufacturer, producer or distributor of such transcription or

recordation or to any advertiser or advertising agency on whose behalf such transcription or recordation shall have been made who may request such license, which single license shall authorize the broadcasting of the recorded composition by means of such transcription or recordation by all radio stations enumerated by the licensee, on terms and conditions fixed by said defendant, without requiring separate licenses for such enumerated stations.

(6) Defendant, American Society of Composers, Authors and Publishers, shall not, in connection with any offer to license by it the public performance for profit of musical compositions by users other than broadcasters, refuse to offer a license at a price or prices to be fixed by said defendant for the performance of such specific (i.e., per piece) musical compositions, the use of which shall be requested by the prospective licensee.

(7) Defendant, American Society of Composers, Authors and Publishers, shall not, in connection with any offer to license by it the public performance for profit of musical compositions by radio broadcasters, refuse to offer a license on a per performance on per program basis as provided for in paragraph II (3) hereof at a price or prices to be fixed by said defendant for the performance of such programs, the use of which shall be requested by the prospective licensee.

(8) Defendant, American Society of Composers, Authors and Publishers, shall not assert or exercise any right or power nor shall any of its members exercise any right or power to restrict from public performance for profit by any licensee of said defendant any copyrighted musical composition in order to exact additional consideration for the performance thereof, or for the purpose of permitting the fixing or regulating of fees for the recording or transcribing of such composition; provided, however, that nothing in this sub-paragraph shall prevent said defendant or its members from restricting performances of a musical composition in order reasonably to protect the work against indiscriminate performances or the value of the public performance for profit rights therein or to protect the dramatic performing rights therein, or, as may be reasonably necessary in connection with any claim or litigation involving the performing rights in any such composition.

(9) The Society shall not elect the members of the Board of Directors in any manner other than by a membership vote in which all author, composer and publisher members shall have the right to vote for their respective representatives to serve on the Board of Directors. Due weight may be given to the classification of the member within the Society in determining the number of votes each member may cast for the election of directors. Upon the expiration of the terms of office of the present directors, the provisions of this section shall apply to the election of their successors. Thereafter, not less than one-twelfth of the total membership of the Board of Directors shall be elected annually.

(10) Defendant, American Society of Composers, Authors and Publishers, shall provide in its by-laws that the Society shall not distribute to its members the moneys received by granting the right to perform copyrighted musical compositions publicly for profit on any basis other than the number, nature, character and prestige of the copyrighted musical compositions composed, written or published by each member, the length of time in which the works of the member have been a part of the catalog of the Society, and popularity and vogue of such works, all to be determined in a fair and non-discriminatory manner.

(11) Defendant, American Society of Composers, Authors and Publishers, shall not require as a condition precedent to eligibility for author or composer membership in the Society the regular publication of more than one musical composition or writing by any person who regularly practices the profession of writing music and the text or lyrics of musical works.

THE NEW MUSIC CONQUERS CANADA

III. The terms of this decree shall be binding upon, and shall extend to each and every one of the successors in interest of defendant, American Society of Composers, Authors and Publishers, and to any and all corporations, partnerships, associations and individuals who or which may acquire the ownership or control, directly or indirectly, of all or substantially all of the property, business and assets of defendant, American Society of Composers, Authors and Publishers, whether by purchase, merger, consolidation, reorganization or otherwise. None of the restraints or requirements herein imposed upon the defendant shall apply to the acquisition of or licensing of the right to perform musical compositions publicly for profit outside the United States of America, its territories and possessions.

IV. For the purpose of securing compliance with this decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on the written request of the Attorney General or an Assistant Attorney General and on reasonable notice to defendant, American Society of Composers, Authors and Publishers, made to the principal office of said defendant, be permitted (a) reasonable access, during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant, relating to any of the matters contained in this decree; (b) subject to the reasonable convenience of said defendant and without restraint of interference from it, and subject to any legally recognized privilege, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters; and said defendant, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this decree; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice, except in the course of legal proceedings in which the United States is a party or as otherwise required by law.

V. This decree shall become effective ninety (90) days after the entry hereof, except that the provisions of subparagraph (6) of paragraph II shall become effective nine (9) months after the effective date of the other provisions of this decree.

VI. Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this decree to make application to the Court any time after the effective date hereof for such further orders and directions as may be necessary or appropriate in relation to the construction of or carrying out of this decree, for the modification hereof upon any ground for the enforcement of such compliance herewith and the punishment of violations hereof. Jurisdiction of this cause is retained for the purpose of granting or denying such applications so made as justice may require and the right of the defendant to make such application and to obtain such relief is expressly granted.

United States District Judge.

We hereby consent to the entry of the foregoing decree.

For the complainant:

THURMAN ARNOLD

VICTOR O. WATERS

Special Assistant to the Attorney General

WARREN CUNNINGHAM, JR.

Special Attorney

For the Defendants:

Broadcasts Music, Inc., announces that it has concluded arrangements for the printing of all of its leading popular tunes in Canada. A recent Canadian edition of 5,000 copies of *I Hear A Rhapsody* was sold within a week and was followed by the second 5,000 which was likewise exhausted within a week. Canada's three best-selling records at the present are *I Hear A Rhapsody*, *Frenesi*, and *You Walk By*, in the order named. Aside from war songs more than 90% of the songs ordered in the Dominion are BMI publications or licensed through BMI.

Copyright counsel for BMI recently appeared before the Copyright Appeal Board of Canada to request four cents out of the eight cents on each licensed receiving set in Canada for performing rights. This is the first time that the Copyright Appeal Board has received claims of two competitive agencies, the entire field having been covered heretofore by the Canadian Performing Rights Society, a subsidiary of ASCAP. The Canadian Association of Broadcasters stated at the hearing that they welcomed BMI to the field as a competitive source of music.

Analysis based on the performance of representative Canadian stations presented at the hearing indicated that total performances in Canada are now in the ratio of three BMI tunes to five ASCAP tunes. Each performing rights agency is required to file its catalogues and its tariff of expected charges with the Canadian Copyright Board for decision. An announcement of the proportion of the eight cents which will be allotted to BMI and to ASCAP is expected soon.

BMI GIVES A SONG TO BRITAIN

Peter Colefax, member of the Administrative Committee of the British War Relief Society, has acknowledged receipt of a letter from M. E. Tompkins, General Manager of Broadcast Music, Inc., which sets forth the desire of the composers of a new song, *The Vesper Bells of Dover*, to contribute their entire royalties from the sale and performance of the song to the Society. At the suggestion of the composers, Mr. Tompkins points out that BMI is also contributing its full share of any profits accruing from the sale and performance of the composition.

The song, written by Don McCray, Robert Sour, and Ernest Gold, appeals to the nostalgia in the heart of every Englishman for a return of "the days we knew

before" and "of the days that once again must be." The chorus follows:

"The quiet hush of evening was falling once again
And the VESPER BELLS WERE RINGING IN DOVER.
Here friends could talk together and wander down the lane
While the VESPER BELLS WERE RINGING IN DOVER.
Now the old cathedral is facing troubled times
But still it welcomes nightfall with the same familiar chimes.
The great white cliffs are watching while waves come rolling in
And the VESPER BELLS KEEP RINGING CLEAR IN DOVER."

BMI FEATURE TUNES

March 3-10

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. WHERE'S THE CAPTAIN'S HAT
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENTLY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. TALKING TO THE WIND
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. STONE'S THROW FROM HEAVEN

The appeal of BMI tunes to the public is clearly established by their position in the coin machines, in phonograph record sales, and sheet music sales. In this week's issue of *Billboard* 3 of the 6 top numbers in the coin machines and 5 of the 8 in the "coming up" group are numbers published or licensed by BMI. In *Variety*, 6 of the top 10 and 4 of the next 8 are from the BMI list. Phonograph record sales show that the 9 best selling records are all covered by the BMI license, while in sheet music sales the first 13 (according to *Variety*), 10 of the first 15 (according to *Billboard*) are covered by the BMI license.

Twenty-five new publishers have sprung up during the "battle of music," 15 of them licensing their music through BMI. Among those who have recently entered the publishing business are a number of band leaders, singers, and composers. Claude Lapham, well-known composer and teacher, recently resigned from ASCAP and opened his own publishing house which will feature his music. Included in the firms whose performing rights

are controlled by BMI are Regent Music Corp., publishing originals by Benny Goodman; Mutual Music, outlet for the music of the Glenn Miller band; Republic Music, owned by Sammy Kaye; London Music, issuing originals by the Guy Lombardo band; and Nationwide Music, specializing in songs written by its owner, Lanny Ross.

At the present time *The Moon Won't Talk*, published by Regent Music, *Number 10 Lullaby Lane* from Warren Music, and *I Do, Do You?* published by Stevens Music, all licensed through BMI, are coming up rapidly among the most popular tunes of the country.

HIT MADE HIT-MAKER

A hefty swing to the jaw of Alberto Dominguez determined the future career of Latin America's composer of the currently popular BMI hit tunes *Frenesi* and *Perfidia*.

Nine years ago, Dominguez, one of eighteen children, aspired to pugilistic fame. He had already made good as musician and composer at the age of nineteen with two musical hits to his credit. However, a deep-rooted hankering to become the bantam-weight champion of all Mexico obsessed him. He had up to that time slugged his way up to the top of the amateur class in his native Chiapas and the surrounding land. To test his boxing skill he entered the professional ranks in Mexico City and signed up for his premiere bout—a six-rounder. In the second round his opponent swung a haymaker that completed its arc of motion on Alberto's chin. Alberto heard music, slumped to the ring floor, and later in his dressing room decided his future was in music. Today Dominguez contends that in the few seconds of semi-consciousness when he lay on the rosin-strewn ring mat he heard the most beautiful music. He's been trying to interpret the charm of that elusive tune ever since.

Substituting the baton for the boxing gloves, Dominguez organized five of his eleven music-playing brothers into the "Dominguez Marimba Band." Within four years his aggregation of tunemakers became the rage of music-made Mexico City. Radio Station XEW, most powerful south of the Rio Grande, signed Dominguez and his brothers for long-term service.

Dominguez relaxes by writing music. He is master of piano, trumpet, saxophone, violin, xylophone, and clarinet.

He hails from a family with wide musical background. His parents, in moderate circumstances, taught school with special emphasis on music. At the age of nine Dominguez played piano, xylophone, and trumpet sufficiently well to participate in the family circle orchestra. At ten he wrote *Viva La Feria*. It is still being played at festivals and county fairs in Mexico.

Frenesi and *Perfidia* have been pleasing Mexican ears for several years. Artie Shaw, vacationing in Mexico City last year, heard Dominguez play and got permission to feature *Frenesi* on his American radio program several months later. Shaw, it can be said, by featuring the tune really discovered the merits of Dominguez' work. *Perfidia* followed *Frenesi* and when BMI pushed the songs they became hits.

Dominguez composes his music when inspired by mood or stress of emotion. When in the "moody groove," he says, he can finger out on the piano a likeable tune in fifteen or twenty minutes. *Frenesi* was written after a hard day's work and excitement. Dominguez couldn't sleep and in his restlessness the melody came to him. He climbed out of bed, rushed to the piano with manuscript paper and pencil and poured out his feelings onto paper, via music. When dawn broke *Frenesi* was born. Not a note from the original manuscript has been changed, Dominguez says.

The unassuming 28-year-old composer recently slipped unheralded into New York, bringing a bagful of tunes which he believes will strike American public fancy. One of the numbers, *Un Momento* (One Moment) he regards as his best selection. Another recent composition, *Mala Noche* (Insomnia), which he knocked off after a mild nightmare, will be played with *Un Momento* for the first time over an NBC network.

Apparently unaware of the tremendous popularity of his music in New York, Dominguez was startled when the bellboy in the Hotel Edison, where he is staying, pushed the button which set the room radio in tone and *Frenesi* filled the room.

"That's a lovely song," commented the bellhop, not knowing the guest's identity. "I hear some ambitious Mexican music student wrote it. I bet he's going places someday."

Dominguez smiled and said simply, "It would be nice for that to happen."

FRENESI GOES OVER THE TOP

The sales of phonograph records of *Frenesi* are giving a demonstration of the popularizing power of radio. Artie Shaw's record has already become one of the half-dozen best-sellers published by the RCA Victor Company in recent years. It was placed on sale about nine months ago. Its sales were good but not phenomenal until it began to be featured by BMI stations. During the past four months the sales of the record have mounted steadily and at the present time there are about ten other records of *Frenesi* selling under various labels. It is reliably stated that a record of *Frenesi* is to be found in nearly all of the country's 500,000 coin phonographs, with the Shaw recording featured in about half of them. According to present indications the total sale of *Frenesi*

records by various orchestras will hit well over the million mark.

For the past ten weeks *Frenesi* has been among the leading sheet music sales with about 175,000 piano copies sold to date.

FIRST 100 PER CENT BMI PICTURE

The first 100% BMI picture will be *Puddin' Head*, starring Judy Canova and produced by Republic Pictures. Jack Owens will do the complete score. BMI will promote the top songs of the film on all of its member stations.

DUKE ELLINGTON RECORDS BMI HITS

Duke Ellington and his orchestra have recorded seven Broadcast Music, Inc. hit songs on electrical transcriptions for the Standard Radio, Inc., of Hollywood. The discs have been released to radio stations throughout the country and mark the first radio appearance of the Ellington group since last December when the band went on a tour of the west coast.

Numbers recorded by Ellington were: *Bounce from Hellzapoppin'*, *Frenesi*, *I hear A Rhapsody*, *It's Sad But True*, *Love and I*, *Madame Will Drop Her Shawl*, and *Until Tonight*.

90 PER CENT BMI

Leon Mojica has written the BMI office in Hollywood as follows:

"Just a reminder to let you know that your tunes are very popular here in San Francisco.

"To be truthful I get requests every night for about 90 per cent BMI songs. Your *Macumba*, *I'm At a Loss For Words* and *Walkin' By The River* are very outstanding. In fact, they are tops."

MARKS FEATURES NEW CUBAN FOX TROTS

The Edward B. Marks Music Corporation is featuring two new fox trots by Ernesto Lecuona, well-known Cuban composer whose most recent hit was *The Breeze and I*. The two new numbers are *For Want Of A Star* and *Two Hearts That Pass In The Night*. Both of these numbers are already being featured by leading orchestras including Jimmy Dorsey, Orrin Tucker, Tony Pastor, Guy Lombardo, and others and record companies have already scheduled them for waxing.

Engineering

ENGINEERING CONFERENCE

The last two days of the Ohio State Broadcast Engineering Conference were devoted to frequency modulation

and UHF tubes. The banquet at the Fort Hayes Hotel on Thursday night, February 20, served to bring the Conference to a successful climax.

John F. Morrison, of the Bell Laboratories, discussed the various FM circuit designs, pointing out the good features and the limitations of each system. Major Armstrong, in commenting on Mr. Morrison's presentation, said that we were fortunate to have a number of ways to produce frequency modulation, and that the competition between the various laboratories undoubtedly brings about a better and more rapid development of circuit design.

I. R. Weir, of the General Electric Company, discussed practical operating problems in FM transmitters.

E. D. McArthur, of the General Electric Company, during his discourse on UHF tubes, pointed out that the size of elements and the relation to other elements in the tube was of much more importance than at lower frequencies. He showed how leads of a few inches length could have many ohms reactance, and that therefore it was necessary to build UHF tubes as small and compact as possible.

The sessions on FM were fittingly summed up during the "round table on FM problems" conducted by Mr. Paul DeMars, Yankee Network, E. J. Content, WOR, and Dan Gellerup, WTMJ. Many questions on various FM problems had been submitted in advance and these were discussed. Mr. DeMars, chairman of the round table, showed slides of the new turnstile antenna installation at Paxton. The slides showed how a separate transmission line had been run from each element to a termination house at the base of the tower, and the various elements were then properly phased at that point. In showing slides of the Mount Washington FM installation, DeMars pointed out that in order to obtain the proper strength the turnstile elements were made from automobile springs, because the biggest hazard from ice was large chunks of it falling on the elements and breaking them off.

Present at the banquet Thursday night at the Fort Hayes Hotel were 19 engineers who had attended all four of the Annual Broadcast Engineering Conferences. Professor Everitt, Director of the Conference, presented each of these engineers with a diploma, attesting to their four-year attendance. In token of appreciation for the Conferences, the members presented to Professor Everitt a chronometer wrist watch, and a cigarette case and lighter were presented to his secretary, Miss Dorothea Fisser.

The registration of 287, a gain of 39 over last year, attested to the steady growth and popularity of the Conferences. The list of those present shows that the members of the Conference assembled from Coast to Coast. Several of those in attendance came all the way from the West Coast and Western Canada.

The Conference has come to be looked upon as the

main meeting each year for Broadcast Engineers. NAB officially cooperated in the Fourth Broadcast Engineering Conference, and Professor Everitt has indicated his desire that this cooperation be extended to future conferences.

TELEVISION HEARING

The FCC on February 27 issued its release No. 47872 entitled "Procedure For Television Hearing Scheduled For March 20, 1941."

The following is quoted from this release:

The Commission on January 27, 1941, directed that a hearing be held at its offices, Washington, D. C., beginning Thursday, March 20, 1941, for the purpose of considering the various engineering standards that have been suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all the pertinent problems related to the standardization and commercialization of television broadcasting. This action of the Commission was set forth in a press release dated January 28, 1941. The press release included the statement: "The Commission will issue a more specific notice as to suggested rules for consideration, and the procedure for the scheduled hearing."

Pursuant to the above, interested parties are requested to consider the advisability and effect of the promulgation by the Commission of the attached drafts: (1) rules and regulations for commercial television broadcast stations; (2) rules and regulations for experimental television broadcast stations, and (3) standards of good engineering practice for television broadcast stations. In several instances the suggested standards are in the alternative, and the Commission desires to hear interested parties on the advisability and effect of alternative suggestions, as well as on the question when the rules and regulations permitting commercialization shall be placed in effect, and the question whether standardization and commercialization shall apply to any of the higher television channels Nos. 8 to 18, both inclusive. It is to be understood that neither the regulations nor the standards have received the approval of the Commission and are to be taken solely as a basis for directing the attention of the parties to the issues in this proceeding.

All interested parties will be afforded full opportunity to propose standards, to comment upon standards which have been proposed by others, to cross-examine various witnesses and, generally, to be heard upon all the pertinent problems in connection with the standardization and commercialization of television.

The attention of persons interested in frequency modulation for the sound channel is invited to the alternative transmission standards Nos. 13 and 22.

All parties desiring to appear are requested to file with the Commission in this proceeding (Docket No. 5806), on or before March 15, 1941, a notice of desire to be heard setting forth the subjects to which their testimony will be directed, the number of witnesses desired to be heard, and the estimated time for presenting testimony. In the event any party desires to make proposals for regulations or standards not set forth in the attachments the notice should specifically set forth such proposals. Eighteen copies of the notice of desire to be heard should be submitted, and, in addition, at least 18 copies of any printed or typewritten material desired to be offered in connection with the testimony should be made available at the hearing.

The hearing will begin at 10 a. m., and will be held in Hearing Room "A", Interstate Commerce Commission Building.

The public notice contained attached drafts of rules and regulations for commercial and experimental television broadcast stations and standards of good engineering practice for television stations.

The proposed rules, regulations and standards were outlined in complete detail and in the cases where there may be a controversy, the alternatives were listed.

While being guided by the final finding of the National Television Systems Committee, it is apparent that the

rules and regulations outlined for discussion by the FCC contain the alternatives wherever there may be a minority opinion opposed to the general opinion of the NTSC.

Legislation

FEDERAL HOUSE

H. R. 3464 (WALTER, D-Penna.)—To provide for the more economical, expeditious, and just settlement of disputes with the United States, and for other purposes. Referred to Committee on Judiciary.

HOUSE JOINT RESOLUTION

H. J. Res. 123 (SHERIDAN, D-Penna.)—To define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories. Referred to Committee on Patents.

STATE

GEORGIA:

S. 133 (EDENFIELD ET AL.) SMALL LOANS—To define and regulate the business of making loans in the amount of \$300 or less. Referred to Committee on Special Judiciary.

MARYLAND:

H. 394 (BAYNES) FRAUDULENT ADVERTISING—AMUSEMENTS—To add a new section to Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", sub-title "Fraud-Advertisements", said new section to be known as Section 212A, relating to the use of the true names of performers in advertisements publicizing shows given for the amusement and entertainment of the public. Referred to Committee on Judiciary.

S. 303 (LINDSAY) MUSICAL COPYRIGHTS—To add Secs. 364-370 to Art. 56 of the Annotated Code (1939 Ed.), providing for the licensing and regulation of the business of collecting royalties from copyrighted musical compositions. Referred to Committee on Finance.

MASSACHUSETTS:

Public Document 12 (B & B 5) (Recommendation of Attorney General) SMALL LOANS—ADVERTISING—To provide that there shall be no advertising by small loan businesses unless such advertising has first received the approval of the commissioner of banks. Referred to Committee on Banks and Banking.

NEW MEXICO:

S. 149 (ARMIJO) FEEDING STUFFS—To amend school (sales) tax law to provide that feed stuffs sold in bulk shall take wholesale instead of retail rate and among other things imposes a 2% tax on gross receipts of broadcasting stations. Referred to Committee on Livestock.

PENNSYLVANIA:

S. 324 (DENT) MUSIC COPYRIGHTS—RADIO STATIONS—Regulating the copyrights and the performing rights of any composition of music, lyrics, verse or drama; providing for a filing fee of 5 cents for each number registered and an annual maintenance fee of 2 cents for each number; prohibiting a flat performing fee in contracts with radio stations and providing for a compensation on a program basis; prohibiting the use of material without permission. Referred to Committee on Judiciary Special.

PROPOSED REVISION OF EXCESS- PROFITS TAX

On Tuesday the House passed a series of amendments to the Excess-Profits Tax Section of the Second Revenue

Act of 1940. The Bill has now been placed on the Senate calendar and prompt passage is expected.

These amendments are the result of study by Treasury and Congressional tax experts since the Excess-Profits Tax Act was passed last October. They are designed to alleviate hardships inherent in the original tax measure. In general the amendments provide methods for eliminating hardships caused by abnormalities of income in the base period years, on which the excess-profits credit is based, and in the taxable year itself.

Of particular interest to many broadcasting corporations is the amendment providing for an alternative method for computing the excess-profits credit on the average earnings method. As pointed out in a previous article on the excess-profits tax, appearing in NAB REPORTS, of October 4, 1940, corporations subject to the tax which are just emerging from their development period with a record of meager earnings in the base period years (1936-39), would be penalized unduly by the existing law.

This amendment provides an alternative method; permitting the averaging of the first two and the second two years of the base period separately, taking the difference between the two averages and adding half of this difference to the average for the last 2-year period. However, it is provided that this credit shall not exceed the amount of the excess-profits tax net income of any one year of the base period.

This means, in effect, that a corporation with constantly increasing earnings during the 4-year base period can have a credit up to the amount of the highest excess-profits tax net income year of the four.

Other amendments relate to a 2-year carry-over of unused credit against income, subject to the excess-profits tax, as compared to a 1-year carry-over in the present bill; specific deductions for abnormal income in the 4-year base period; joint returns for insurance companies; the recapitalization of advertising and other goodwill expenses included in the base year period which are clearly of a nature of a capital investment; revision of income categories affecting the excess-profits tax base in years now subject to statute of limitations, and revision of the general relief section of the excess-profits law to permit upward revision of abnormally low incomes in base period years.

BILL TO ARBITRATE MUSIC FEES

A measure (H. R. 3456) has been introduced in Congress by Representative Martin J. Kennedy (D.-N. Y.) which seeks to protect the public in hearing and enjoying the playing of copyrighted music. The price for performing rights is declared affected with public interest, and whenever a copyright pool refuses to sell performing rights at a fair and reasonable compensation, the Federal

Trade Commission is empowered to arbitrate the price. If the pool fails to comply, it shall be guilty of an unfair method of competition, and its copyrights subject to condemnation proceedings. Any person wilfully refusing to license performing rights at a fair and reasonable price would be subject to \$5000 fine or one year's imprisonment or both.

We print the bill in full:

H. R. 3456
77TH CONGRESS—1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
FEBRUARY 18, 1941

Mr. MARTIN J. KENNEDY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To protect the public, sponsors of broadcasting programs, broadcasting stations, performers, and all persons interested in radio from being deprived of the enjoyment by means of radio broadcast of music.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection of the Public in Hearing and Enjoying the Playing of Copyrighted Music".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise, plural or singular, as the case may be.

(b) The term "music" means any musical composition, with or without lyrics, and for which a United States copyright has been issued.

(c) "The public" means all persons citizens of the United States.

(d) "Sponsors" means persons who for value engage time on broadcasting stations and pay for programs thereon.

(e) "Programs" means any time on broadcasting stations giving entertainment, musical or nonmusical.

(f) "Broadcasting stations" means any person engaged in broadcasting by radio.

(g) "Performers" means any persons engaged in presenting entertainment, either musical or nonmusical, on broadcasting programs.

(h) The term "Commission" means the Federal Trade Commission.

(i) The term "Territory" includes the insular possessions and any Territory of the United States.

SEC. 3. It is hereby determined and declared that the price or charge for a license or permission to perform copyright music in theaters, places of amusement or entertainment, or other places where public exhibitions, games, contests, or performances are held, or by means of radio or other electrical devices, is a matter affected with public interest and subject to regulation by the Government of the United States for the purpose of safeguarding the public against fraud, extortion, exorbitant rates, and similar abuses.

SEC. 4. Whenever two or more persons, owners, assignees, or possessors of a United States copyright on any musical production combine or join in an association to fix or limit the price charged for the public use or performance of said musical production shall refuse to enter into an agreement or contract with any other person permitting that person to publicly use said musical productions upon the payment of a fair and reasonable compensation, the Federal Trade Commission shall, upon the application of any interested party, summon before it the persons seeking the use of said copyright musical production and the owner, assignee, or possessor of such copyright musical and after hearing all parties fix a reasonable compensation for such use and shall make an order thereon permitting the use of said copyright music upon the payment of such fixed compensation. Any person refusing to comply with the terms of such order shall be guilty of an unfair method of competition within the meaning of the Federal Trade Commission Act.

SEC. 5. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules,

regulations, and procedure provided for in the Federal Trade Commission Act.

The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 6. Any copyright of any musical production shall be liable to be proceeded against in the district court of the United States for the district in which the owner, assignee, or possessor of such copyright shall reside or maintain a place of business and to be seized for confiscation by process of libel for condemnation if the Commission has reasonable cause to believe that the owner, licensee or possessor of such copyright has refused to comply with the order of the Commission as provided for by section 4 of this Act. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty and may be brought by the Commission.

If such copyrights are condemned by the court, they shall be disposed of in the discretion of the court by sale to the highest bidder on a public sale or by cancellation. If such copyrights are disposed of by sale, the proceeds less legal costs and charges shall be paid into the Treasury of the United States.

SEC. 7. Any person who willfully violates section 4 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year or both in the discretion of the court; provided that nothing herein shall limit other provisions of this Act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

SEC. 8. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 9. This Act shall take effect six months after the date of its passage.

SEPARABILITY CLAUSE

SEC. 10. If any provision of this Act, or the application thereof to any person, partnership, corporation, or circumstance is held invalid, the remainder of the Act and the application of such provisions to any other person, partnership, corporation, or circumstance shall not be affected thereby.

Sales

COST-PER-INQUIRY

On the cost-per-inquiry front, a number of concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

Mendenhall Manufacturing Company, Mendenhall, Miss. (hosiery).

Don Howard, Radio Advertising, Del Rio, Texas, on behalf of Bargain Book House ("The Home Book of Medicine").

Haldeman-Julius Publications, Girard, Kansas (Little Blue Books).

Walter E. Battenfield Company, Des Moines, Iowa, on behalf of Speed King Hot Water Heater Company, Kristee Company and Safety Signal Company.

The Bible Press, Richmond, Virginia (Bibles).

Precision Window Springs Company, Newark, N. J.

All six, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and

the eau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

Miscellaneous

DISTRICT 1 MEETING

A meeting of the NAB stations in the First District (New England) is scheduled for March 4, at the Hotel Bancroft in Worcester, Massachusetts, beginning at 10 a.m. A staff representative of NAB will attend to discuss industry problems and Association activities, and bring the New England broadcasters up to date on music developments. Election of a District Director for the ensuing two-year term will be an important item of business.

THAD BROWN DIES

Thad H. Brown, 54 years old, former member of the Federal Communications Commission, died Tuesday night at Cleveland, Ohio, according to word received in Washington, from an intestinal ailment.

He served on the Federal Communications Commission from its inception until last October. The former secretary of state of Ohio, unsuccessful candidate for governor in 1926, left the FCC to return to private law practice after the Senate Interstate Commerce Committee refused to confirm his reappointment to the Commission.

MONOPOLY REPORT A "CURRENT PROBLEM"

Asked about the FCC monopoly report at a press conference early this week, James Lawrence Fly, Chairman, said that the report from the Legal Division had been somewhat delayed because of the illness of Assistant General Counsel Rauh. He expressed the hope that the Legal Division's draft of the report would be made to the Commission itself sometime this week.

Chairman Fly said that the "report is a current problem and will receive current attention." He said how long it will take the Commission to iron out the report, he did not know.

Mr. Fly told the newspapermen that there is nothing particularly new insofar as the Defense Communications Board is concerned. Committees of the Board, he stated, are starting to function in turning out their reports. There are now three or four before the Board and the Coordinating Committee has received a considerable number. Such reports are preliminary and cover special phases.

Mr. Fly in answer to a question said that he did not believe that the reports themselves would be made public, but stated that he would try to devise some means to give out a general statement covering at least some of the reports.

FM EXPERIMENTALLY OPERATING

FCC has announced its policy concerning the existing high frequency broadcast stations operating experimentally by means of frequency modulation as follows:

I. A person having (1) an experimental FM station and (2) a commercial FM construction permit may be authorized, upon appropriate request, to operate his existing station commercially on the frequency designated in the commercial construction permit with commercial call letters, provided the applicant demonstrates that he has made a bona fide effort to comply with the construction permit. Such showing must include photostatic copy of acknowledgment of order for transmitter and promised delivery date.

II. A person having (1) an experimental FM station and (2) an application pending for a commercial FM construction permit may be granted one or more extensions of his present special temporary experimental authorization, on condition that operations thereunder shall be experimental only, on the experimental frequency, and with experimental call letters.

III. A person having an experimental FM station but no commercial construction permit or application pending therefor may be granted one or more extensions of his present special temporary experimental authorization, so long as no commercial FM broadcast service is actually rendered in the area served by such experimental station. When such commercial FM service is placed in operation the special temporary experimental authorization will be discontinued.*

CHANGE IN INTERNATIONAL BROADCAST RULE

The following paragraph has been added to FCC Rule 4.44(c):

"Any frequency assigned to an international broadcast station shall also be available, during hours when such frequency is not regularly used by such station or when no objectionable interference would be caused to the service rendered by any existing international broadcast station, for assignment to other international broadcast stations."

BROADCAST MEASUREMENTS

FCC experts during January measured 722 broadcast stations, leaving 153 stations not measured.

Of these stations 673 showed a maximum deviation within 0-10 cycles; 44 stations within 11-25 cycles; and 5 stations within 26-50 cycles. No stations showed a deviation over either 20 or 50 cycles.

FROM THE FCC MAIL BAG

The Federal Communications Commission has received the following resolution from the Greenwich (Conn.) Council of Women:

"Resolved, That the Greenwich Council of Women commend the increased policing of radio by the Federal Communications Commission, to guard against subversive activity, and the Council also notes with gratification the special appropriation of \$1,600,000

* No authorization for any class of high frequency broadcast station (whether AM or FM) which expired January 1, 1941, by Order No. 69, and which has not heretofore been extended, may be reinstated.

authorized for this purpose by the President, and \$175,000 from Congress with which to reallocate six of its seven main monitoring stations to detect unlicensed transmitters."

The Commission, which functions largely as a licensing authority, informs a Canadian professor that it is unable to confirm a radio announcement concerning the capture of a member of the British RAF as a prisoner of war, but suggests that the inquirer communicate direct with the management of the station over which the announcement was made.

A New Orleans man is advised that the Commission has issued no rules or regulations with reference to the transmission and delivery of interstate telegrams. It explains that ordinarily the telegraph companies in their tariff schedules establish the rules and regulations applicable to this subject. The companies are required by the Commission to maintain copies of such tariff schedules for public inspection. Accordingly, these schedules can be consulted at New Orleans.

Since it has no jurisdiction over oil pipe lines, the Commission has referred to an appropriate authority the request of a State commission for information as to the date certain pipe lines were laid in that State.

An advertising agency which wants the broadcast industry to observe standard time throughout the year as a solution to the time-change problem is informed that the matter is one for determination by the industry itself.

A Yonkers, N. Y., man would ban from the air continuities of finance companies on the ground that they have a tendency to undermine stability of those not in a position to borrow money. He is advised that complaints relative to misrepresentation and unfair methods of competition in interstate commerce should more properly be addressed to the Federal Trade Commission.

A Long Island man opines that certain news commentators "are alarmists and should be held in restraint." His attention is invited to that section of the Communications Act which prohibits censorship of radio programs.

A woman protests the cancellation of a certain radio contract and a manufacturer complains of the refusal of a station to broadcast an advertising announcement with respect to a patent medicine. The Commission is without authority to require that a station transmit a particular program against the will and judgment of the licensee. The Communications Act specifically states that a person engaged in radio broadcasting shall not be considered a common carrier. Any business contract between a station and a sponsor is private in nature.

Various persons who complain about advertising on the air are reminded that the Commission is limited by statute from exercising any power of censorship. Existing legislation places the responsibility for the selection of program material upon the station licensees, who are

charged with the duty of operating in the public interest. In connection with renewals of licenses the Commission reviews the conduct of stations during preceding license periods and considers complaints involving any action of the station claimed to have been against the public interest. In his application for a station construction permit, the applicant is required to furnish an analysis of the average number of hours devoted to the various types of commercial and sustaining programs, such as religious, educational, civic, agricultural, and fraternal, as well as those intended solely for entertainment. As previously pointed out, the Commission has no jurisdiction over private contracts for program service.

A New Yorker who applied for a license to do "radio servicing" is told that this is not a Commission function.

A Providence, R. I., inquirer is informed that as of February 1 of the current year there were 294 standard broadcast stations owned or controlled by newspapers or affiliated with newspapers.

To frequent requests for a copy of the International Morse Code, the Commission advises that the same appears in its printed booklet, "Study Guide and Reference Material for Commercial Radio Operator Examinations," which is sold by the Superintendent of Documents, Government Printing Office, Washington, at 15 cents a copy.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be heard in broadcast cases before the Commission during the week beginning Monday, March 3. They are subject to change.

Monday, March 3

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., 1370 kc., 250 watts, unlimited time.

Tuesday, March 4

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P., 680 kc., 5 KW, unlimited, DA day and night.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 630 kc., 50 KW, unlimited, DA day and night.

KMBC—Midland Broadcasting Co., Kansas City, Kans.—C. P., 690 kc., 50 KW, unlimited, DA night; requests facilities of KGGF, KFEQ and WNAD as proposed by N.A.R.A.

KOMA—KOMA, Inc., Oklahoma City, Okla.—C. P., 690 kc., 50 KW, unlimited, DA night.

KGGF—Hugh J. Powell, Coffeyville, Kans.—C. P., 690 kc., 5 KW, specified hours, DA night.

Thursday, March 6

Consolidated Hearing

WGNY—WGNY Broadcasting Company, Inc., Newburgh, N. Y.—C. P., 1370 kc., 250 watts, unlimited.

NEW—Stephen R. Rintoul, Stamford, Conn.—C. P., 1370 kc., 250 watts, unlimited.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings. They are subject to change.

March 28

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Modification of license, **1340 kc.**, 500 watts night, 1 KW day, unlimited. Present assignment: **1340 kc.**, 250 watts night, 1 KW day, unlimited.

NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., **1310 kc.**, 250 watts, unlimited.

April 3

To Be Heard Before Commissioner Paul A. Walker, Place of Hearing to Be Later Designated

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

WDLF—Panama City Broadcasting Company, Panama City, Fla.—In the Matter of Revocation of License of Station.

April 10

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., **1500 kc.** (**1490 kc.** when Havana treaty is effective), 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted construction permit to increase power from 1 KW night, 5 KW LS, to 5 KW day and night; install new radiators for nighttime directional array; directional antenna with different patterns day and night; **580 kc.** (B1-P-3019).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted renewal of license on a temporary basis to operate on **690 kc.**, with 1 KW day and 500 watts night, commencing March 29, 1941, pending Commission final action on amended application (B4-P-2883).

WNAD—University of Oklahoma, Norman, Okla.—Granted construction permit to move transmitter site from Engineering Bldg., University of Oklahoma, to approximately 1 mile south of the center of Norman, Okla., East Stadium. University of Okla.; change frequency from **1010 kc.** to **640 kc.**; install new antenna; and change hours of operation from specified to daytime only, subject to approval of antenna and antenna site (B3-P-3074).

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit to make changes in directional antenna for night use (B4-MP-1156).

WABI—Community Broadcast Service, Inc., Bangor, Maine.—Granted construction permit to install new transmitter; install directional antenna for use after sunset at Chicago; change frequency from **1200** to **910 kc.** (after March 29); and increase power from 250 watts to 5 KW (B1-P-2349).

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted construction permit to increase power from 5 to 10 KW, unlimited time, on **970 kc.**; install new transmitter and directional antenna for day and night use (B4-P-2961).

WINS—Hearst Radio, Inc., New York City.—Granted construction permit to install new transmitter, directional antenna for day and night use; increase power from 1 to 50 KW; change frequency from **1180** to **1000** (NARBA frequency) **kc.**, and increase hours of operation from limited to unlimited, subject to approval of antenna and antenna site (B1-P-3026).

Lewistown Broadcasting Co., Lewistown, Pa.—Granted construction permit for a new station to operate on **1500 kc.**, 250 watts, unlimited time (B2-P-2977).

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-PIB-26) for new international broadcast station, approving antenna and adding frequency **9650 kc.** in addition to present frequencies; time of operation: sharing with WCAB on **6060** and **21520 kc.**, with WCAB and WCBX on **9650**, **11830** and **15270 kc.** (B1-MPIB-17).

WCBX—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-PIB-27) for international broadcast station approving antenna system and change in type of operation: share **9650**, **11830** and **15270 kc.** with WCAB and WCRC (B1-MPIB-18).

WCSH—Congress Square Hotel Co., Portland, Me.—Granted modification of construction permit (B1-P-2535 which authorized installation of directional antenna for day and night use and increase in power to 5 KW on **940 kc.**), for extension of completion date to April 25, 1941 (B4-MP-1174).

DESIGNATED FOR HEARING

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—Construction permit to increase hours of operation from specified hours, 5 a. m. to local sunset, to unlimited time, and install directional antenna for night use; frequency **560 kc.**, 1 KW night, 5 KW day (B4-P-2827).

Western Gateway Broadcasting Corp., Schenectady, N. Y.—Application for construction permit amended so as to request new station in Schenectady to operate on **1210 kc.**, 250 watts, unlimited time, to be heard with application filed by Van Curler Broadcasting Corp. requesting same facilities (B1-P-2690).

Parkersburg Sentinel Co., Parkersburg, W. Va.—Application for construction permit to establish a new station to operate on **1310 kc.**, 250 watts, unlimited time, exact location of transmitter and studio sites to be determined with Commission's approval (B2-P-3010).

KOVO—Clifton A. Tolboe, tr/as Citizens Voice and Air Show (Assignor), KOVO Broadcasting Co., a corp. (Assignee), Provo, Utah.—Application for consent to voluntary assignment of license of station KOVO from an individual (Clifton A. Tolboe) to a corporation formed and controlled by that individual; **1210 kc.**, 250 watts; unlimited time (B5-AL-278).

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co. (Assignor), W. C. Ewing and T. K. Weyher, partners, tr/as Cumberland Broadcasting Co. (Assignee), Fayetteville, N. C.—Application for consent to voluntary assignment of license of WFNC from W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., to W. C. Ewing and T. K. Weyher, a partnership, doing business under same firm name; (B-3-AL-288) and application for renewal of license to operate on **1340 kc.**, 250 watts, daytime.

Federated Publications, Inc., Grand Rapids, Mich.—Application for construction permit for new high frequency (FM) station to operate on frequency **46100 kc.**, service area 5,300 square miles, hours of operation day 4 hours, night 4 hours (B2-PH-60).

Federated Publications, Inc., Battle Creek, Mich.—Application for construction permit for new high frequency (FM) station to operate on frequency **48100 kc.**, service area 4,100 square miles, hours of operation day 4 hours, night 4 hours (B2-PH-59).

Federated Publications, Inc., Lansing, Mich.—Application for construction permit for new high frequency (FM) station to operate on frequency **47100 kc.**, service area 3,820 square miles, hours of operation day 4 hours, night 4 hours (B2-PH-61).

(The above three applications to be heard in consolidated hearing.)

RENEWAL OF LICENSES

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Granted renewal of television broadcast station license for the period ending February 1, 1942.

W9XUI—State University of Iowa, Iowa City, Ia.—Granted renewal of television broadcast station license for the period ending February 1, 1942.

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Present television station license further extended upon a

temporary basis only, for the period ending April 1, 1941, pending determination upon application for renewal.

W3XP—Philco Radio and Television Corp., Portable area of Philadelphia, Pa.—Present television station license further extended upon a temporary basis only, for the period ending April 1, 1941, pending determination upon application for renewal.

W2XH—General Electric Co., Schenectady, N. Y.—Present television station license further extended upon a temporary basis only, for the period ending April 1, 1941, pending receipt of application for renewal.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1942.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1942.

W9XWT—Courier-Journal and Louisville Times Co., Eastwood, Ky.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1942.

W9XYZ—The Pulitzer Publishing Co., St. Louis, Mo.—Present facsimile broadcast station license extended to April 1, 1941, pending action on renewal application.

MISCELLANEOUS

WFLA—The Tribune Co., Tampa, Fla.—Adopted order authorizing The Tribune Co. to continue its program tests for a period not to exceed 30 days beyond February 22, 1941; denied petition in respect to issuance of a license (B3-P-2866).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to dismiss the petition for rehearing filed November 19, 1940, directed against Commission action of October 29, 1940, granting without hearing the application of Brown County Broadcasting Co., for a new station in Brownwood, Texas, to operate on frequency 1350 kc., 500 watts, unlimited time (B3-P-2672).

J. C. Kaynor, Ellensburg, Wash.—Granted petition to advance hearing date now scheduled for April 2 to March 28 on application for new station to operate on 1310 kc., 250 watts, unlimited time.

J. C. Kaynor, Ellensburg, Wash.—Granted petition for order to take depositions in rehearing on application listed above.

Community Broadcasting Corp., Middletown, N. Y.—Granted motion for order to take depositions in re application for construction permit to operate on 1310 kc., 250 watts, unlimited time.

WTMC—Ocala Broadcasting Co., Inc., Ocala, Fla.—Adopted order designating Commissioner Walker to preside at the hearing on the order revoking the license of Ocala Broadcasting Co., Inc., for the operation of station WTMC, said hearing to be held April 3, in a Florida city to be designated.

WDLF—Panama City Broadcasting Co., Panama City, Fla.—Adopted order designating Commissioner Walker to preside at the hearing on the order revoking the license of Panama City Broadcasting Co. for the operation of station WDLF, such hearing to be held April 3, in a Florida city to be designated.

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Ore.—Granted authority to install automatic frequency control apparatus (B5-F-172).

KWKH—International Broadcasting Corp., Shreveport, La.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-408).

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted authority to determine operating power by direct measurement of auxiliary transmitter (B3-Z-666).

W45V—Evansville on the Air, Inc., Evansville, Ind.—Granted modification of construction permit (B4-PH-11), which authorized a new FM station, for change in type of transmitter and change in location of transmitter from 519 Vine St. to 2nd Floor, 203 NW, 5th St., Evansville, Ind. (B4-MPH-10).

WEGQ—Broadcasting Service Organization, Inc., Mobile (area of Boston).—Granted construction permit for reinstatement of relay broadcast station WEGQ, make changes in equipment, and increase power from 5 to 15 watts; frequencies 30820, 33740, 35820, 37980 kc. (B1-PRE-382).

Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.).—Granted construction permit for new relay

broadcast station to be used in connection with applicant's standard broadcast station WSJS; frequencies 1622, 2058, 2150, 2790 kc., 100 watts (B3-PRY-233).

The Yankee Network, Inc., Portable-Mobile (area of Boston, Mass.).—Granted construction permit for new relay broadcast station; frequencies 156750, 158400, 159300, 161100 kc., 20 watts (B1-PRE-381).

WLOY—Loyola University, Portable-Mobile (area of New Orleans, La.).—Granted license to cover construction permit (B3-PRY-230), which authorized a new relay broadcast station to be used with applicant's standard broadcast station WWL; frequencies 1622, 2058, 2150, 2790 kc., 100 watts (B3-LRY-219).

WEND—WHP, Inc., Portable-Mobile (area of Harrisburg, Pa.).—Granted license to cover construction permit (B2-PRY-228), to make changes in equipment, increase power to 2 watts, and change frequencies to 1606, 2074*, 2102, 2758 kc., to be used with applicant's standard broadcast station WHP. (*Subject to condition no interference is caused to Government stations on adjacent frequencies.) (B2-LRY-220).

WDAC—State of Wisc., Univ. of Wisconsin, Portable-Mobile, area of Madison, Wis.—Granted license to cover construction permit (B4-PRY-227), for new relay station to be used with applicant's standard broadcast station WHA, Madison; frequencies 1622, 2058, 2150, 2790 kc., 30 watts (B4-LRY-215).

WOAI—Southland Industries, Inc., San Antonio, Tex.—To re-broadcast program consisting of conversations between Army planes and control tower flying in vicinity of Randolph Field, Texas, between 8 and 8:30 p. m., EST, February 21, to be carried over Blue network of affiliated NBC stations. (Action taken February 19.)

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of construction permit (B1-P-2704), for new transmitter, installation of directional antenna for night use, change in power and time from 500 watts daytime to 6 p. m., to unlimited, using 1 KW day and night, and move of transmitter, for extension of completion date to April 25, 1941 (B1-MP-1172).

WCBT—J. Winfield Grew, Jr., Roanoke Rapids, N. C.—Granted license to cover construction permit (B5-P-2647), which authorized a new station, 1200 kc., 250 watts, unlimited time). (B3-L-1313). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-634).

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted license to cover construction permit (B3-P-2734), which authorized increase in power, installation of directional antenna and changes in equipment; 680 kc., 5 KW, unlimited time, using DA night. (B3-L-1328). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-665).

KFXM—J. C. Lee & E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Cal.—Granted license to cover construction permit (B3-P-2017), which authorized installation of new transmitter). (B5-L-1322).

KROD—Dorrance D. Roderick, El Paso, Texas.—Granted license to cover construction permit (B3-P-2725), for new equipment, increase in power from 250 watts to 500 watts night, 1 KW day, and change frequency from 1500 to 600 kc. (B3-L-1325). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-661).

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted license to cover construction permit (B4-P-2510), which authorized installation of new transmitter, increase in power to 5 KW, and changes in directional antenna for night use. (B4-L-1331). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-672).

KYW—Westinghouse E & M Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2904), for increase in power from 10 to 50 KW, and changes in equipment (B2-L-1323). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-658).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted construction permit to move transmitter from 319 Vine St., to 2nd Floor YMCA Bldg., Evansville, Ind., 1370 kc., 250 watts, unlimited time (B4-P-3079).

WIBA—Badger Broadcasting Co., Madison, Wisc.—Granted modification of construction permit (B4-P-2689), which authorized changes in antenna system, increase in power from 1 KW night, 5 KW day, to 5 KW day and night), to install new transmitter, make changes in directional antenna system, approve transmitter site and studio site (B4-MP-1157).

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Granted modification of construction permit (B1-P-2909), which authorized a new station on **1500 kc.**, 250 watts, unlimited time, for authority to install new transmitter (B1-MP-1171).

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit (B3-P-2944), which authorized installation of directional antenna for night use, for extension of commencement and completion dates to 4-4-41 and 10-4-41 respectively.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 to 10 p. m., EST, on February 17, in order to broadcast talk by former Russian Premier Alexander Kerensky only (B1-S-216).

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 7 to 9 p. m., EST, February 27, 28, March 1, 1941, in order to broadcast basketball games only.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of basketball games described in letter dated February 13, 1941, on February 28, March 1 and 8, 1941, in order to broadcast said games and to broadcast events in connection with Annual Oakdale Almond Blossom Festival on March 1, only; to operate from 7:45 p. m., PST, to the conclusion of Modesto Community Forum, in order to broadcast said program on March 4, 1941, only.

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate with 1 KW, non-directional, from 7:30 p. m. to 8:30 p. m. on February 21, 1941, in order to broadcast interviews from Washington Day dinner to be held by the Democratic party in Topeka, only; to operate from 7:30 p. m. to 9 p. m., CST, February 22, 1941, in order to broadcast a speech by Senator Pepper of Florida, only.

WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate equipment licensed to the Charleston Broadcasting Co. as Relay Station WADA on **1622, 2058, 2150, 2790 kc.**, 40 watts power, in order to broadcast special event programs on February 21, 28, March 7, 14, 21, and 28, 1941, to Radio Station WSAZ.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of construction permit for changes in equipment, antenna, increase in power from 1 KW night, $2\frac{1}{2}$ KW day, to 5 KW day and night, and move of transmitter, for extension of completion date from February 25, 1941, to April 25, 1941 (B-MP-1170).

KEYS—Earl C. Dunn and Charles W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Granted modification of construction permit which authorized construction of new broadcast station, for approval of transmitter site at Shell Road, near Corpus Christi, Tex., approval of antenna; **1200 kc.**, 250 watts, unlimited time (B3-MP-1144).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Dismissed petition to intervene and for rehearing directed against the action of the Commission October 22, 1940, granting without hearing application of WTJS, Jackson, Tenn., for construction permit to change frequency, increase power, etc.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted petition for reconsideration and grant without hearing, setting aside action of the Commission November 13, 1940, designating for hearing the application of WMBG for modification of license to increase night power from 1 to 5 KW on frequency **1350 kc.**, unlimited time, using directional antenna at night. However, issuance of authorization will be withheld pending the filing by WMBG and approval by the Commission of an application for construction permit specifying a directional antenna such that the radiation in the direction of WTSP, St. Petersburg, Fla., shall be reduced so as not to exceed 405 millivolts per ground wave at one mile from a standard .31 wave length antenna or 398 millivolts, 8 degrees above the earth's surface using a bearing from Richmond to St. Petersburg of 206 degrees true and

that no authorization to operate on the new terms and conditions will be made effective prior to March 29, 1941.

Worcester Broadcasting, Inc., Worcester, Mass.—Adopted decision and order denying petition for rehearing directed against the action of the Commission, December 17, 1940, granting without hearing the application of C. T. Sherer Company, Inc., for a new station in Worcester to operate on **1200 kc.**, with power of 250 watts, unlimited time, with three 100-watt amplifier stations to be located near Auburn, Whitinsville, and Marlborough, Mass., and designated for hearing the application of Worcester Broadcasting, Inc., for same facilities, with two amplifier stations to be located near Whitinsville and Marlborough, Mass.

WREN—WREN Broadcasting Co., Inc., Lawrence, Kans.—Denied petition for action upon application and other relief directed against the action of the Commission of February 4 granting in part the application of WREN for construction permit authorizing increase in night power from 1 to 5 KW, subject to Commission approval of transmitter location and antenna system at Lawrence, Kans. The Commission amended its order of February 4 to specify "subject to Commission approval of transmitter location and antenna system at Lawrence or Tonganoxie, Kans."

WBAX—John H. Stenger, Wilkes-Barre, Pa.—Denied petition of WBAX to set aside ruling of Motions Docket Commissioner made on February 7, which extended the date of oral argument on application for renewal of license of WBAX from February 13 to March 13, 1941.

WRDO—WRDO, Inc., Augusta, Maine.—Designated for further hearing the application for renewal of license of WRDO, in order to obtain full information with respect to control of the station.

APPLICATIONS FILED AT FCC

560 Kilocycles

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit to change frequency from **560 kc.** to **740 kc.** under North American Regional Broadcasting Agreement; increase power from 1 KW night, 5 KW day, to 50 KW day and night; move transmitter from approximately southeast corner Seawall Lot No. 344, San Francisco, Calif., to $2\frac{1}{2}$ miles southwest of Alvarado, Calif.; install new equipment and directional antenna for day and night use; Class II station. Amended to change requested transmitter site from $2\frac{1}{2}$ miles southwest of Alvarado, Calif., to 2 miles northwest of Redwood City, Calif., and make changes in requested directional antenna for day and night use.

610 Kilocycles

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit (B3-P-2476) as modified for new transmitter, increase in power, installation of directional antenna for day and night use, and move of transmitter.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

620 Kilocycles

WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-1934) for a new station, requesting change in type of transmitter and extension of commencement date to 30 days after grant and completion date 90 days thereafter.

NEW—Frequency Broadcasting Corp., New York, N. Y.—Construction permit for a new station to be operated on **620 kc.**, 500 watts, daytime. Amended re antenna system.

740 Kilocycles

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Voluntary assignment of license from Granite State Broadcasting Corp. to WHEB, Inc.

990 Kilocycles

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—License to cover construction permit (B1-P-2998) which authorized

new transmitter and directional antenna for day and night use, and move of transmitter.

WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2886) for change in hours of operation; increase in power; installation of new transmitter; move of transmitter and installation of directional antenna for night use, requesting approval of directional antenna for night use; **1050 kc.**, **1070 kc.** when North American Regional Broadcasting Agreement becomes effective.

1070 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Authority to install automatic frequency control equipment on **1080 kc.** under North American Regional Broadcasting Agreement.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of construction permit (B3-MP-1006) as modified for new equipment and increase in power, requesting change in type of transmitter and **1150 kc.** under North American Regional Broadcasting Agreement.

1160 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Authority to install automatic frequency control equipment on **1190 kc.** under North American Regional Broadcasting Agreement.

1210 Kilocycles

WBIR—J. W. Birdwell, Knoxville, Tenn.—Modification of construction permit (B3-P-2840) as modified for a new station, requesting authority to change type of transmitter.

WBIR—J. W. Birdwell, Knoxville, Tenn.—License to cover construction permit (B3-P-2840) as modified for a new station.

WBIR—J. W. Birdwell, Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

1230 Kilocycles

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new station to be operated on **1210 kc.**, 250 watts, unlimited time, Class IV. Amended to request **1230 kc.** under North American Regional Broadcasting Agreement.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for day and night use, requesting **1260 kc.**, **1290 kc.** when North American Regional Broadcasting Agreement effective.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Authority to determine operating power by direct measurement of antenna power on **1330 kc.** under North American Regional Broadcasting Agreement.

1360 Kilocycles

KGCR—Consolidated Broadcasting Corp., Long Beach, Calif.—Construction permit to make changes in equipment, increase power from 1 KW to 5 KW, install directional antenna for night use, requesting **1360 kc.**, **1390 kc.** under North American Regional Broadcasting Agreement.

1370 Kilocycles

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Authority to install automatic frequency control equipment on **1450 kc.** under North American Regional Broadcasting Agreement.

1400 Kilocycles

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license from United States Broadcasting Corp. to Unified Broadcasting Corporation of Brooklyn. Contingent on B1-ML-1054.

WARD—Unified Broadcasting Corp. of Brooklyn, Brooklyn, N. Y.—Modification of license to change hours of operation from shares with WLTH, WVFW and WBBC to unlimited time, requesting facilities of WLTH, WVFW and WBBC, and move studio. Contingent on grant of WARD's application B1-AL-302.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Modification of construction permit (B-P-2377) which authorized new transmitter, move transmitter, increase power and hours of operation, requesting change in equipment and approval of transmitter site and antenna. Amended to specify **1520 kc.** under North American Regional Broadcasting Agreement.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Modification of construction permit (B2-P-2900) to move transmitter and install new antenna, requesting extension of completion date from 3-16-41 to 5-1-41.

1450 Kilocycles

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Authority to determine operating power by direct measurement of antenna power on **1450 kc.**, **1480 kc.** under North American Regional Broadcasting Agreement.

1500 Kilocycles

NEW—Barclay Craighead, Butte, Mont.—Construction permit for a new station to be operated on **1500 kc.**, 250 watts, unlimited time, Class IV.

FM APPLICATION

NEW—Gibraltar Service Corporation, Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **46100 kc.**, coverage 9,318 square miles. Amended re antenna changes.

TELEVISION APPLICATION

W2XD—General Electric Company, Schenectady, N. Y.—License to cover construction permit (B1-PVB-55) as modified for a new relay television station.

MISCELLANEOUS APPLICATIONS

NEW—WGN, Inc., Chicago, Ill.—Modification of construction permit (B4-PH-7) for a new high frequency broadcast station, requesting approval of transmitter and antenna, and request multiplex transmission of facsimile.

KAQX—Central States Broadcasting Co., Portable-Mobile (area of Omaha, Nebr.)—License to cover construction permit (B4-PRY-210) as modified, for a new relay broadcast station.

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Construction permit to change frequency from **41100 kc.** to **42100 kc.**, increase power from 500 watts to 1000 watts, and install new equipment. Amended: To change emission from A-3 to special for frequency modulation.

NEW—Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.)—Construction permit for a new relay broadcast station to be operated on **30820**, **33740**, **35820**, **37980 kc.**, 2 watts, A-3 emission.

NEW—Piedmont Publishing Co., Portable-Mobile (area of Winston-Salem, N. C.)—License to cover above construction permit.

KAQW—Central States Broadcasting Co., Portable-Mobile (area of Omaha, Nebr.)—License to cover construction permit (B4-PRY-209) as modified for a new relay broadcast station.

NEW—Muzak Corporation, New York, N.Y.—Construction permit for a new developmental broadcast station to be operated on **117000 kc.** or some channel not now allocated for some purpose, 1000 watts, special emission for frequency modulation.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Helen Harrison Candies, Inc.—Use of lottery methods in the sale of candy is alleged in a complaint issued against Helen Harrison Candies, Inc., 325 North Wells St., Chicago.

The respondent corporation, according to the complaint, sells to wholesalers, jobbers and retail dealers certain assortments of candy so packed or assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when sold to the consuming public. Punch board devices are used, the complaint alleges.

Charging that the respondent's practices have been of a sort which are contrary to Federal Government public policy and in violation of the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4467)

Arthur Jacobson—A complaint has been issued charging Arthur Jacobson, Upsala, Minn., with dissemination of advertisements containing false representations to induce purchase of products represented as comprising a treatment for defective eyesight without resort to glasses, drugs or surgery. According to the complaint, the respondent sells "Eye Tester" and "Eye Adjuster" devices with printed instructions, charts and other paraphernalia.

The respondent allegedly represents that his system is new and revolutionary; that 90 per cent of the defects of the eye can be remedied by its use; that it will improve eyesight and eliminate headaches and nervousness, and that it will correct nearsightedness, astigmatism and strabismus.

Alleging that the respondent's system is not new or revolutionary and that its use will not accomplish the results claimed, the complaint charges violation of the Federal Trade Commission Act and grants the respondent 20 days for answering the charges. (4466)

Parke, Austin & Lipscomb, Inc.—Misuse of the names of the Smithsonian Institution and the United States Flag Association, Washington, in connection with the sale of books of an encyclopedic nature, is alleged in a complaint issued against Parke, Austin & Lipscomb, Inc., and its subsidiary, Smithsonian Institution Series, Inc., both of 500 Fifth Ave., New York. Other respondents are Alfred Monett and Robert A. Hogan, Jr., officers of the two corporations, and Joseph M. McAndrews, an officer of the parent company.

The complaint alleges that use of the words "Smithsonian Institution" as a part of the corporate name of the respondent Smithsonian Institution Series, Inc., constitutes a misleading representation that the corporation is a part of, or connected with, the Smithsonian Institution, Washington, a non-profit organization devoted to scientific research and the promotion of learning.

According to the complaint, the respondents, through their salesmen and by other means, represent that such salesmen are employed by, or connected with, the Smithsonian Institution; that their publication "Smithsonian Scientific Series" is published and sold by that institution, and that it receives the entire profit from such sale, when such are not the facts. The complaint alleges that the books are sold by the respondents as an ordinary commercial enterprise, and that the Smithsonian Institution receives from the respondents only a royalty of 10 per cent on all gross sales of the books under a contract providing that the Smithsonian Institution furnish the Smithsonian Institution Series, Inc., manuscripts and illustrations for use in its books.

The complaint further alleges that Parke, Austin & Lipscomb, Inc., and the individual respondents represent that their salesmen

are representatives of the United States Flag Association, Washington, and that that organization receives the entire profit from the sale of the respondents' "World Epic" books, which profits are used to maintain a lobby in Washington for combating anti-American and subversive organizations and influences, when such are not the facts.

According to the complaint, the respondents sell their books as an ordinary commercial enterprise for profit, and the only benefit derived by the flag association from such sales is a small royalty for issuing bulletins and letters recommending the books. The United States Flag Association, according to the complaint, is a patriotic non-profit organization and has not engaged in lobbying.

The respondents are further charged with wrongful use of letters from United States Senators and other prominent persons endorsing the aims and purposes of the United States Flag Association. Such letters allegedly are represented by the respondents as endorsements of their books, when in fact they relate to the association and not to the respondents' books. (4465)

CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission last week.

STIPULATIONS

Following stipulations have been entered into during the past week:

American Concrete Receptacle Company, trading as American Vault Company, 579 Kenilworth Ave., Detroit, a dealer in equipment and materials for use in manufacturing burial vaults composed principally of asphalt and concrete, has entered into a stipulation. Under the stipulation the respondent agrees to cease employing statements implying that burial vaults made in molds or forms or containing materials sold by it will assure everlasting protection to the caskets or bodies encased therein, or that such vaults are permanently waterproof. The respondent further agrees to cease representing that such vaults are better than competitive products in preventing or retarding the formation of "sweat" or moisture on their inner surfaces. (3037)

Gamble-Skogmo, Inc., 700 Washington Ave., North, Minneapolis, entered into a stipulation to cease advertising that "Gamble's Electric Fence Controller" has been approved, tested or certified by the Underwriters' Laboratories, Inc., or by the National Bureau of Standards of the United States Department of Commerce. The stipulation recites that this product has not been so tested or approved. (02739)

Master Gas-Saver Company, 218 South Wabash Ave., Chicago, stipulated to cease advertising that any gain in power or miles per gallon will result from the use of its device "Master Gas-Saver," on an automobile equipped with a correctly adjusted carburetor of proper size. The respondent also agrees to cease representing that the device stops gasoline waste, reduces carbon, makes starting easy, increases riding efficiency, operates as a super-charger, or is new or different from other devices used for the same purpose. The respondent further agrees to discontinue use of the words "Gas-Saver" to describe its device or as part of its corporate or trade name. (02744)

Merz & Co., Chemical Works, Inc., East Orange, N. J., stipulated that it will cease advertising its medicinal preparation "Merz-Allium" as being bactericidal and as being effective in treating colitis, intestinal catarrh, diarrhea, coughs, bronchitis, arthritis, rheumatism, sciatica, colic, influenza, asthma or tuberculosis. The respondent corporation also agrees to desist from advertising that results obtained from the use of its preparation are unobtainable from any other, and that Merz-Allium is recommended by the "drugless profession." (02740)

E. W. Rahn, Harvard Ave., and East 42nd St., Cleveland, has entered into a stipulation to cease representing that "Rahnous Capsules," "Rahnous Nasal Drops No. 1" and "Rahnous Nasal Drops No. 2," alone or in combination, comprise a competent treatment for colds, hay fever, rose fever, asthma, or catarrh, in excess of affording temporary relief from symptoms and the discomforts associated with these conditions; that either of the products is a specific, and that the product Rahnous Capsules is of aid in building body resistance or that it regulates the body. (02738)

Sal-Fayne Corporation, Dayton, Ohio, entered into a stipulation to cease certain representations in the sale of "Sal-Fayne," a medicinal preparation.

Under its stipulation, the respondent corporation agrees to cease advertising that use of its product banishes headaches, distress after over-indulgence, periodic pains or muscular pains; that it is an effective remedy for post-operative pains, or has therapeutic value in treating such disorders and conditions in excess of a palliative affording temporary relief; and that it is capable of stopping or preventing colds, preventing the development of "flu", relieving mental or physical dullness, and effectively treating the nerves.

The respondent also agrees not to publish advertisements which fail to reveal that the frequent or continued use of its preparation may be dangerous, causing serious blood disturbances, and that no more than the dosage recommended should be taken. The stipulation provides that such advertisements need contain only a statement that the preparation should be used only as directed on the label, if and when the label either carries a warning to the same effect or specifically directs attention to a similar caution or warning statement in the accompanying labeling.

The Sal-Fayne Corporation further stipulates that it will desist from using the words "laboratory" or "laboratories" as part of any trade name, and from making any representations implying that it has a laboratory unless it owns and operates, or controls and operates, a laboratory properly equipped and supervised for scientific work. (02741)

Steel Storage File Company, 2216 West 63rd St., Cleveland, entered into a stipulation with the Federal Trade Commission to discontinue representing that the cost of its "Safe-T-Stack Steel Storage Files" is lower than that of cardboard file cases of comparable size together with shelving used therewith, and that use of its file cases instead of competitive products will result in records or files occupying one-fifth the space formerly used. (3038)

E. B. S. Manufacturing Company—Eva B. Smith, trading as E. B. S. Mfg. Co., and E. B. S. Co., 730 St. Nicholas Ave., New York, has entered into a stipulation in which she agrees to discontinue advertising that "Antiseptic Tar Hair Grower" will promote the growth of hair, possesses antiseptic properties, contains essential oils or vegetable oils, and will eliminate itching scalp or have any value in its treatment in excess of affording temporary relief. The respondent further stipulates to cease representing (1) by use of the word "eliminate" or similar words that the preparation is a remedy or cure for dandruff, and (2) by use of the words "antiseptic" or "grower" in the brand name, that it has antiseptic properties or will promote the growth of hair. (02743)

FTC CLOSES CASES

The Federal Trade Commission has closed its case against Louis Baskind & Co., Inc., 1220 Broadway, New York, without prejudice to its right to resume proceedings, should the facts so warrant. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of shirts. According to information received by the Commission, the respondent corporation is no longer engaged in manufacturing or selling activity and is in process of liquidation.

The Commission dismissed a complaint charging the Royal Metal Manufacturing Co., 175 North Michigan Ave., Chicago, with violation of the Federal Trade Commission Act in the sale of furniture.

THE WEEK IN WASHINGTON

President Roosevelt appointed Ray C. Wakefield, of Fresno, Calif., to the FCC to succeed the late Thad H. Brown. Mr. Wakefield has been a member of the California Railroad Commission. (p. 215)

Judge Henry Goddard on Tuesday approved the Consent Decree entered into by ASCAP and the Justice Department. (p. 215)

Radio Movin' Day draws near, and hundreds of stations participate in the NAB promotion program. (p. 217)

New England and Texas broadcasters unanimously endorsed BMI's work and pledged their support for its continuance. (p. 220)

Frank E. Pellegrin of Omaha was appointed to head the new NAB Department of Broadcast Advertising. (p. 222)

Paul W. Morency, WTIC, and O. L. "Ted" Taylor, KGNC, were re-elected to the NAB Board at district meetings. (p. 223)

Thurman Arnold says that he will continue to prosecute labor unions' "make work" systems. (p. 224)

Senator Danaher, Republican, Connecticut, on March 5 introduced a "no censorship" amendment to the Lend-Lease Bill. (p. 225)

Chairman James Lawrence Fly of the FCC told a press conference this week that the Commission was studying the legal division's draft of the proposed "Monopoly Report." (p. 226)

National Defense

The Civil Service people told us today that over 300,000 have been put to work in National Defense agencies since broadcasters put their shoulders to the wheel to locate man power—last July.

The situation remains critical in various categories. For example all kinds of inspectors, various kinds of engineers and skilled craftsmen are all wanted. Radio searches them out in the highways and the byways. More will be required as the program goes into full swing.

In the defense program, first things come first; and the

production of guns, ammunition, ships, tanks, airplanes and equipment are first things.

Your help is appreciated.

Wakefield New FCC Member

President Roosevelt sent to the Senate for confirmation this week the nomination of Ray C. Wakefield of Fresno, Calif., to succeed the late Thad H. Brown on the FCC.

A Republican, Mr. Wakefield is a member of the California Railroad Commission which regulates all public utilities in that state.

He was born in Fresno in 1895, practiced law there from 1918 to 1937, and was deputy district attorney from 1929 to 1932. He was appointed to the Railroad Commission in 1937, and was president from August, 1938, to December, 1940. While with the state commission he has had considerable contact with the FCC on telephone rate cases. He has a son, John, and a daughter, Doris.

At the NAB's request, Mr. Wakefield made the following statement for the NAB REPORTS:

"I appreciate the honor bestowed upon me by the President in nominating me to membership on the Federal Communications Commission, but I also appreciate the great responsibilities attached to the office.

"If my nomination is confirmed by the Senate, as yet must be done, I shall enter upon my new task with no preconceived notions regarding the radio industry. In other words, I have a completely open mind as to the industry's various problems and desire to approach them wholly in that spirit. An objective approach to these problems, it seems to me, can be of material assistance in preserving radio's present objective position in American life."

Court Approves ASCAP Decree

Judge Henry Goddard on Tuesday, March 5, approved the consent decree entered into by ASCAP and the Justice Department, in the U. S. District Court for the Southern District of New York.

The previous day, Neville Miller made a statement to
(Continued on page 216)



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

COURT APPROVES ASCAP DECREE

(Continued from page 215)

the court in behalf of the broadcasting industry and filed the memorandum printed below.

The ASCAP decree was printed in full in last week's NAB REPORTS (p. 195). The summary which preceded the text of the decree was prepared by the Justice Department, and not by NAB. The NAB's opinion of the decree was expressed in Mr. Miller's memorandum which follows:

"The National Association of Broadcasters is the trade organization of the broadcasting industry. It includes in its membership most of the broadcasting stations of the United States. The National Association of Broadcasters has for many years been one of the principal complainants against the illegal practices of the American Society of Composers, Authors and Publishers (hereinafter called ASCAP) and it has, over the course of these years, consistently appealed to the Government to bring an end to ASCAP's restraints of trade in connection with performing rights of popular music.

"ASCAP is a combination, operating in the form of a voluntary unincorporated society, consisting of over one hundred and forty publishing firms (with approximately three hundred and fifty subsidiaries), and of approximately twelve hundred composers and authors. All of its members, by contract, have assigned to ASCAP the entire exclusive performing rights in all of their works, both present and future, for successive terms of years, the most recent assignment expiring in 1950.

"Through the medium of ASCAP, therefore, the combination of publishers, composers and authors has been able to fix, and has consistently fixed, the price at which these performing rights have been and are licensed to users of music, as well as all other terms and conditions of license agreements.

"The Department of Justice, in both its civil complaint and its criminal information against ASCAP, has set forth, as its principal objectives (1) termination of ASCAP's *exclusive* rights in the works of its members, by virtue of which ASCAP has been able effectively to prevent competition among its members and thus to restrain trade by price fixing and otherwise, and (2) elimination of certain of the most objectionable practices of ASCAP including, principally, its requirement that users pay for the privilege of using ASCAP music without regard to the extent of use and its requirement that users pay for rights in works which they do not want as a condition of having access to the works which they do want, a practice commonly called 'block booking.'

"The proposed decree, in the opinion of the National Association of Broadcasters, fails to accomplish the Government's objectives both with respect to price fixing and block booking.

Point I

"The Proposed Decree, While Apparently Permitting Individual Dealing Between ASCAP Members and Music Users, Effectually Prevents Any Such Dealing.

"The proposed decree, in paragraph II (1), states that the defendant ASCAP is enjoined from asserting exclusive performing rights as agent, trustee or otherwise, on behalf of its members. The same paragraph, however, contains a number of permissive clauses, the most important of which, sub-paragraph (a), permits ASCAP to require that all moneys derived from the issuance of licenses by its members be paid to ASCAP for distribution in the same manner as the other revenues of ASCAP.

"The provisions with respect to the distribution of ASCAP's funds are contained in II (10). This provision, in effect, makes mandatory ASCAP's present practices by requiring that ASCAP shall provide in its By-Laws that ASCAP shall not distribute its moneys to its members on any basis other than the number, nature, character and prestige of the copyrighted musical compositions written or published by each member, the length of time in which the works of the member have been part of the catalog of the Society, and the popularity and vogue of such works. In other words, whether and to what extent any individual member of ASCAP will receive any share of ASCAP's revenue is to be determined by the ASCAP management.

"When this provision is read in the light of paragraph II (9), its full vice becomes apparent. Sub-paragraph (9) of II provides that the board of directors of ASCAP shall be elected by a membership vote, in which all members shall have the right to vote, but that the number of votes of each member shall be determined in accordance with the classification of the member within the Society. The board of directors of ASCAP may, therefore, determine the number of votes which each member may cast and it has, by this device, the power to insure the board's self-perpetuation. This same board of directors will determine what share of ASCAP's general funds each member will be permitted to receive. Since the member may not receive any of the money which is obtained by means of individual licensing, there is no economic incentive for individual licensing. Since the revenue of the member from the Society is dependent upon the member's classification by the ASCAP management, and since the management has the power to *decrease* the member's revenue but no power to take income from individual licensing into account in increasing the member's revenue, an effective economic deterrent to individual licensing has actually been set up under Governmental sanction.

"The proposed decree, therefore, while rendering lip service to non-exclusivity in the relationship between ASCAP and its members, and while technically permitting members to license non-exclusive performing rights to music users, sets up an insurmountable barrier against any such dealing. Sub-paragraph (1) of II of the proposed decree is, therefore, not only wholly ineffective in ending the practice of which the Government has complained, but it actually tends to perpetuate the very practice with respect to which complaint has been made.

"It may be useful to consider the proposed decree as being applicable to a patent pool rather than a copyright pool. So considered, the proposed decree expressly sanctions an arrangement by which hundreds of patent owners, prohibited by law from assigning their patents to a single patent exploitation society, could nevertheless assign the royalties from their patents to the patent exploitation society, such royalties to be distributed in accordance with the judgment of the patent exploitation society. Such an arrangement is obviously illegal. The analogy is, however,

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THREE WEEKS TO MOVIN' DAY

All trade magazines read by dealers, servicemen, set and parts jobbers are cooperating with the industry in devoting pages to reallocation. All of them are pointing out that the switch is a major advance in broadcasting and explaining why. This will help all broadcasters in their contacts with the trade. The February articles will be followed by others in March.

Our thanks to the editors and publishers of:

Radio Retailing
Radio Service Dealer
Radio Today
Radio Weekly
Service
Sylvania News

The trade has also been "educated" by several mailings by Farnsworth, Ken-Rad, Motorola, Philco, RCA, Sylvania, Tung-Sol, Wells-Gardner and others.

The broadcasting industry is also having the assistance of various utilities—electric, gas, water, telephone. They have used their facilities to tell customers about the advantages of reallocation as well as to point out new dial settings. This is the first time broadcasting has noted much assistance from the telephone companies. The Ohio Bell Telephone Company in both Cleveland and Toledo will distribute reallocation stuffers.

The movies are helping.

So are the newspapers.

So are clients of broadcasters in their newspaper copy. In fact, the industry is finding out how many friends it has.

PROMOTION TIME TABLE

1. Begin telling Reallocation story to listeners.
2. Urge listeners to get non-push button sets checked and put in A-1 shape right now. This gets part of this necessary work out of the way before March 29, and will give servicemen more time to devote solely to resetting buttons after that date. A-1 sets mean more and better summertime listening.
3. Consider movie promotion like Richmond, Va., stations. Everybody is helping in Richmond—including picture houses.
4. Complete contacts with servicemen and dealers. Hold meeting or Radio Rally this week or next. Urge radio trade to use promotion plans furnished by their manufacturers.

STILL TIME TO GET LEAFLETS

Last call to get the 2-color Movin' Day leaflets. They are being used to publicize dial locations in many, many cities and towns coast to coast. And we're all prepared for last minute orders; for reorders as well. Almost 750,000 shipped to date. Order today.

EYE-CATCHING DISPLAY

Producers of Tung-Sol tubes are making available to servicemen and dealers a large eye-catching window display telling the public to "Keep in Tune with Radio Wave Length Changes." A gummed window poster inviting the public to come in for a free radio log completes the window trim.

CLARKSBURG, W. VA.

G. C. Blackwell, manager, WBLK, Clarksburg, met with the radio servicemen of Harrison County, West Virginia, last Thursday evening. Plans were set in motion to change over all push button sets in record time and to put all sets in the territory in first class operating condition.

AMARILLO

KGNC, Amarillo, Texas, which increases power and changes dial location, simultaneously, has a powerful newspaper and radio campaign under full swing. Papers used are The Amarillo Daily News and The Amarillo Globe.

General Manager John Ballard also wrote that he would make good use of the 2-color leaflets, and the Mayor's Movin' Day Proclamation. He is completing arrangements with local servicemen for a vigorous radio repair and push button promotion.

MOVIES HELP RICHMOND, VA.

"Our three Richmond stations, WMBG, WRNL and WRVA, are proceeding with an extensive cooperative promotional campaign for Movin' Day," wrote C. T. Lucy, general manager, WRVA.

"Both the water and gas bills issued by the City of Richmond will carry Movin' Day stuffers, and even our theaters are cooperating."

OTHER PARTS OF VIRGINIA

Virginia Public Service Company, according to J. G. Bariesas, advertising manager, will distribute a total of 125,000 individual pieces headed: "RADIO MOVIN' DAY—MARCH 29—What It Means to You."

Then follows the story and two more lines of display: "Review Your Dial" and "Reset Your Buttons."

This message to the customers of this aggressive Virginia utility is printed in red on the back of monthly bills being distributed between March 1-31. Customers receiving this promotion occupy one third of the area of Virginia.

GREENFIELD, MASS.

As a preliminary to other promotional plans in Greenfield and Franklin County, Mass., James L. Spates, man-

ager, WHAI, has arranged for the distribution of Movin' Day stuffers. They are being enclosed with the bills sent by the Western Massachusetts Electric Company.

OHIO BELL TELEPHONE—TOLEDO

In Toledo the Ohio Bell Telephone Company will mail 50,000 stuffers to tell their customers of frequency changes, according to Gene Vaughn, WSPD.

Three thousand 2-color leaflets, recently shipped WSPD, have been included in statements sent out by: First Federal Savings & Loan, and The Financial Securities Corporation. WSPD was given a nice plug in the Kroger Grocery & Baking Company ad, in the *Toledo Blade*, February 28. "The Northwestern Ohio Natural Gas Company," wrote Mr. Vaughn, "has made a special cut to use on their 130,000 March bills. It shows a radio tower, tells the story of Movin' Day and mentions WSPD and our new frequency. The Toledo Edison Company has prepared a special rubber stamp with the same story for its 120,000 statements."

FORT WAYNE, IND.

Westinghouse stations, WOWO-WGL, Fort Wayne, held the first meeting for servicemen of the Fort Wayne area Monday night, March 3. H. J. Beck of the Service Department of Farnsworth Television & Radio Corporation, Marion plant, discussed service obstacles and how to overcome them. Additional meetings are to be held.

WOW—OMAHA

The ten thousand copies of WOW's *Radio News Tower*, March issue, contain in the center spread a complete list of old and new frequencies of every station in the United States. Column 1, page 1, is a story headed "Radio's Movin' Day Set for March 29."

Station WOW at 590 kc, of course, does not change.

Beginning late in February the station has carried two to four spot announcements per day calling attention to Radio's Movin' Day. As the Day approaches promotion will be stepped up and Movin' Day news included in news stories and on regular newscasts.

Four thousand copies of *Radio News Tower* were distributed to agencies, clients, etc.; six thousand to WOW listeners.

IN OKLAHOMA

Every radio station in Oklahoma has received a photostatic copy of the Movin' Day Proclamation issued by Governor Leon C. Phillips. They were mailed by Neal Barrett, manager, KOMA, Biltmore Hotel, Oklahoma City, who arranged with Gov. Phillips for its issuance.

IN OKLAHOMA CITY

KOCY, KOMA, KTOK and WKY, Oklahoma City's four stations, have just about finished with the details

of a cooperative campaign to handle frequency transitions. Toward the last of February, the four station executives met with the Servicemen's Association of Oklahoma City. "After the meeting," said Mr. Barrett, "we were in accord on what I believe is a most important point, and that is the similarity of the wording and phrasing of air plugs. That way, we do not confuse the listeners as to the purpose of the plugs and changeover; nor the job the servicemen can do in changing push buttons, etc."

CHAIRMAN FLY'S RELEASE

A mailing to all stations Thursday, March 6, contained a release by Chairman James Lawrence Fly, of the Federal Communications Commission. A second enclosure was a statement by Chief Engineer E. K. Jett. A statement by Neville Miller, NAB President, will be sent next week.

MASON CITY, IOWA

KGLO, Mason City, has a double-barreled promotion in full swing: (1) Movin' Day and (2) power increase to 1000 watts.

Ralph B. Campbell, Jr., wrote that the station has set up a campaign of station-break spots, local newspaper inserts, network tie-ins, etc. Fifteen thousand 2-color envelope stuffers will be included in the bills of our local utility company. Localized stickers are being placed on all display material. A poster advertising the change will also appear on the Mason City *Globe-Gazette* trucks. Mayor Marshall has signed the Movin' Day Proclamation.

"In twenty-seven north Iowa and southern Minnesota towns, boys will cover the downtown section on March 29 wearing signs saying, 'Who am I listening to.' They will carry a portable radio tuned to KGLO and will be supplied with pamphlets to hand out."

50,000 WINDOW POSTERS

Fifty thousand red and black window posters, 14" x 22", have been distributed by Sylvania Tubes to dealers and servicemen throughout the United States. The copy read:

"AFTER
"MARCH 29th

"MANY OF YOUR FAVORITE RADIO STATIONS
WILL CHANGE WAVE-LENGTHS. YOUR RADIO
DIAL SETTINGS MUST BE CHANGED TOO.

* * *

"COME IN AND GET YOUR RADIO STATION
FINDER FREE!

—————
"This Information Courtesy

"SYLVANIA SET-TESTED RADIO TUBES"

When posted in the window it is large enough to be seen by occupants of passing streetcars, busses and automobiles. In addition Sylvania is making available to its dealers a post-card campaign; a green and black

“Radio Station Finder” (log) of all stations and red and black door-knob hangers, 4" x 9".

KANSAS CITY, MISSOURI AND KANSAS, EXTRAVAGANZA

Greater Kansas City is carefully laying the groundwork for a successful Movin' Day promotion.

Broadcasters, radio jobbers, dealers, servicemen, manufacturers and the Electric Association of Kansas City have all joined hands in an all-out campaign.

The Kansas City *Star*, owner of station WDAF, on 610 kc., has also agreed to cooperate with the radio front though WDAF does not change. Prior to the beginning of the public campaign of education and promotion the entire radio industry of Kansas City will hold a Radio Rally and party for servicemen, in the evening, at the President Hotel.

In addition to presenting the outstanding acts from each station in the area in a stage show, broadcasters are working out the details of a “Kilocycles Ballet.” The entertainment will be produced by Don Davis, president, WHB, who will also act as Master of Ceremonies.

Karl Koerper, vice president, KMBC, will handle the inspirational part of the meeting, indicating how Movin' Day may be used to put all of the sets in the area in A-1 condition, as well as to change the push buttons.

There will also be a technical talk by an outstanding radio authority.

“Kilocycles Ballet”

The ballet will open the evening's entertainment. As the curtain rises a girl representing WDAF “will be sitting pretty” on a pedestal labeled 610 kc. WDAF is the red network station; so, a ballet dancer in red will then dance on the stage leading a group of other dancers wearing masks representing Jack Benny, Charlie McCarthy, Fred Waring, Bob Hope, Kay Kyser and Bing Crosby.

These dancers will do a “Red Network” ballet routine and exit—leaving WDAF still “sitting pretty” on 610 kilocycles. She remains there throughout the rest of the ballet.

The curtain then parts to reveal WHB—a girl seated on a pedestal labeled 860 kilocycles. A ballet dancer in black and gold, representing Mutual, will then dance on stage and move WHB from 860 to 880 kilocycles. At the same time, she will beckon to her companions who will dance on stage wearing masks representing various Mutual Network programs, or WHB programs, such as Raymond Gram Swing, The Lone Ranger, Captain Midnight, Orphan Annie, The WHB Musical Clock, and the station's “Kiddies' Revue” (this program line-up—represented by masks—is tentative, subject to final decision at another meeting of the committee).

The third movement of the ballet will begin as the curtains part to reveal KMBC seated on a pedestal labeled 950 kilocycles—while WHB remains on 880, and WDAF on 610. A dancer in red, white and blue, representing Columbia Network, will then dance on stage—and move KMBC from 950 kilocycles to 980 kilocycles. Then her companions will enter—dancers wearing masks to represent Major Bowes, Kate Smith and so on.

This formula will be repeated for each of the other stations in the area—WREN, of the Blue Network—KCKN, owned by the Kansas City *Kansan*—KCMO, owned by the owners of the Crown Drug Company—and KITE, owned by First National Television.

Each station will be a “movement” in the ballet—with different costumes and a change in the tempo of the music.

PENNSYLVANIA CHAIRMAN

Dr. Leon Levy, president, WCAU, Philadelphia, is the Pennsylvania member of the Governors' Movin' Day Proclamation Committee. A compositor dropped the line out of last week's listing of the entire committee in NAB REPORTS.

Eighteen (18) governors have now either issued Movin' Day Proclamations or have promised to do so. State committee men are taking up the matter in eight (8) other states. No report is as yet available from the other states.

Station managers residing in states in which the chief executives have issued their proclamations have expressed their appreciation for copies of the document sent them by their state member of the committee. This system insures the widest publicity.

These are the governors who have issued proclamations since last week:

IOWA—Gov. George A. Wilson
Arranged by J. O. Maland, WHO, Des Moines
MINNESOTA—Gov. Harold E. Stassen
Arranged by Earl Gammons, WCCO, Minneapolis
NEBRASKA—Gov. Dwight Griswold
Arranged by J. J. Gillin, Jr., WOW, Omaha
OKLAHOMA—Gov. Leon C. Phillips
Arranged by Neal Barrett, KOMA, Oklahoma City
OREGON—Gov. Charles A. Sprague
Arranged by C. Roy Hunt, KOIN, Portland
TENNESSEE—Gov. Prentice Cooper
Arranged by Harry Stone, WSM, Nashville

MAYORS PROCLAIM

Mayor R. E. Riley, Portland, Ore.; Mayor Ben Stapleton, Denver, Colo.; Mayor Marshall, Mason City, Iowa; Mayor Don C. McCombs, Kansas City, Kans., and the Mayors of Kansas City, Mo., and Amarillo, Texas, have issued proclamations. Each Mayoralty proclamation will list the call letters of all the stations within the city; the state proclamations will list all stations within a state. Tell us when your Mayor proclaims.

STATE EDUCATORS HELP

The heads of the Department of Education in many states are helping spread reallocation news throughout the entire school system. (The fact that letters were written to these men was reported in NAB REPORTS of February 21.)

Because this information is fanning out from the top, it would seem good tactics to put out information locally which would meet it on the way down.

Educators who have notified NAB that they are writing school executives under their jurisdiction are:

H. ARNOLD PERRY, Division of Instructional Service,
State of North Carolina Superintendent of Public Instruction,
Raleigh, North Carolina.

ELMER G. SULZER, Director, Radio Activities,
University of Kentucky,
Lexington, Ky.

W. W. TRENT, State Superintendent of Free Schools,
State of West Virginia Department of Education,
Charleston, W. Va.

MISS INEZ JOHNSON LEWIS, State Superintendent of Public
Instruction,
The State of Colorado Department of Education,
Denver, Colo.

V. D. BAIN, Director of Curriculum and Elementary Education,
State Department of Education,
Salem, Oregon.

WALTER F. DEXTER, Superintendent of Public Instruction and
Director of Education,
State of California Department of Education,
Sacramento, Calif.

R. R. EWERZ, Director of Instruction & Supervision,
Department of Education,
Baton Rouge, La.

The letter from Superintendent Ewerz, of Louisiana, is typical of those from the above mentioned educators:

"I note that on March 29 ninety per cent of all the United States broadcast stations will change frequencies, thereby involving radio reception in Louisiana. *We shall be glad to pass this information on to school principals who in turn can notify teachers and pupils with regard to changes indicated.*

"We appreciate very much your advice in this matter."

COURT APPROVES ASCAP DECREE

(Continued from page 216)

precise, and the illegality exists as clearly in the case of copyright owners as in the case of patentees.

Point II

"The Proposed Decree Fails to Prevent ASCAP from 'Block Booking' Performing Rights in the Works of Its Members to Broadcasters.

"Paragraph II (6) provides that ASCAP shall not refuse to license, on prices to be fixed by ASCAP, the public performance for profit of the musical compositions of its members 'by users other than broadcasters.' ASCAP, by its consistent refusal to permit broadcasters access to compositions which they want to use unless they will also pay for the right to perform compositions which they do not want to use, has compelled broadcasters to accept the block booking of all of the works of the Society, a matter which has expressly been held illegal in other fields.

"The proposed decree prevents block booking for hotels, restaurants, motion picture theaters, cafes and others. It expressly

excepts from the benefits of this provision the broadcasters. If block booking is an admitted vice with respect to all users other than broadcasters, it is difficult to see the basis for a distinction which expressly permits broadcasters to be made the victims of this illegal act.

"It is true that under the proposed decree broadcasters are assured of the benefits of the 'per program' basis of licensing which relieves them from the requirement that they pay a license fee in respect of programs which use no ASCAP music at all. Paragraph II (6) of the proposed decree, however, does not relieve broadcasters from the equally illegal requirement that they pay for musical programs on an 'all or none' basis, without the option of paying only for the use of the musical compositions which they desire to perform.

Conclusion

"It is respectfully submitted that the proposed decree does not cure the illegal practices of ASCAP as alleged in the Government's civil and criminal complaints, that the proposed decree sanctions illegal activity on the part of ASCAP in at least two vital respects, and that the proposed decree should not be approved or entered until these defects are cured."

BMI

TWO DISTRICTS PLEDGE UNANIMOUS SUPPORT

The meeting of the District 13 held on February 28 in San Antonio, Texas, and the meeting of the District 1 held March 4 in Worcester, Massachusetts, adopted resolutions complimenting BMI and also pledging those present to renewal of their BMI licenses. The BMI members present reported unanimously that their reliance on BMI music had been attended by an increase in their business. About sixty stations were represented in Texas and twenty-eight in Worcester.

BMI CONTINUITY'S HEAD DOES AIR SHOW

Alan Fishburn who heads BMI's Continuity Department was represented by a successful half-hour show on the Columbia Workshop program over the CBS network last Sunday evening, March 2nd. This work of the BMI script specialist was an adaptation of a play by Lynn Riggs called *Roadside* and dealt with a typical American comedy figure, a sort of Texas version of Paul Bunyan.

ALBUM FOR ORCHESTRAS

BMI is publishing in album form a collection of ten of the most popular BMI songs so arranged as to be used for solos, duets, trios, or any other combination of the various melody-carrying instruments of a dance band. The idea has met with a warm reception. The announcement brought in several thousand orders before publica-

BMI FEATURE TUNES

March 10-17

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. WHERE'S THE CAPTAIN'S HAT
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. ACCIDENT'LY ON PURPOSE
11. BECAUSE OF YOU
12. KEEP AN EYE ON YOUR HEART
13. ALL I DESIRE
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. TALKING TO THE WIND
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT
20. STONE'S THROW FROM HEAVEN

tion. The album contains the following songs: *Give Me Music, I Give You My Word, I Hear a Rhapsody, Montevideo, Practice Makes Perfect, So You're the One, The Same Old Story, There I Go, There's an Old Easy Chair by the Fireplace, and We Could Make Such Beautiful Music Together.*

BMI GETS SONGS FROM HARVARD SHOW

Broadcast Music, Inc., has signed a publication contract with the Hasty Pudding Club, Harvard University theatrical organization, for three songs in the club's 95th annual musical production titled *On the House* which opens in Cambridge, Mass., March 20th. Following its premiere the musical will be seen at the Civic Repertory Theater, Boston, after which it will go on its annual Easter vacation tour of larger cities. For the first time the route will include stop-overs at the Princeton University Theater, Princeton, and Vassar College, Poughkeepsie.

Music for the show was written by Robert H. Coleman, Phil Kadison, and Sherwood Rollins. Among the songs to be published by BMI are *Sweet Dreaming, I'm Not in the Mood*, and the title song, *One on the House*.

Sherwood (Pete) Rollins of Durham, N. H., who wrote the music for the three numbers, won his reputation by writing three-fourths of the score for *Assorted Nuts*, the 1940 Hasty Pudding production. In addition, he has turned out a rhythm piece, *Biminey Blues, Anything Can Happen In the Park*, and three other production numbers.

Like Pete Rollins, Phil Kadison of Larchmont, N. Y., has a solid background of musical education from his studies at college and he has been unable to express himself in a popular vein until this year. What he considers his outstanding tune, *Take It From a Woman Who Knows*, is now in the hands of BMI. His other songs in the show are *I Don't Know Where I Am, In Our New Hotel*, and a rumba as yet unnamed.

All the tunes for *One on the House* have been written by Rollins and Kadison with the exception of *It Isn't Done* by Robert Coleman, the leading lady in the show and Vice-President of the Hasty Pudding Theatricals. Bob's home is in Baltimore, Maryland.

Under the date of March 1 the following letter was addressed to BMI members:

"We are selecting two musical numbers from our repertory, one a lively, rhythmic tune called *Wise Old Owl*, and the other a ballad called *Walkin' By the River*, on which we are going to expend concentrated exploitation efforts. The cooperation of our subscribers in this campaign is necessary.

"The great diversity of material which BMI has recently put out has resulted in a shortage of new hits. We must meet this situation promptly.

"Both of the numbers we have selected have had substantial sales and have had a good reaction from band leaders, without exploitation. Recordings and transcriptions of both are available and a list of recordings and transcriptions is attached.

"We hope that you will be able (without adverse effect on such current hit numbers as *You Walk By, I Hear a Rhapsody, High on a Windy Hill*, and *It All Comes Back to Me Now*) to see that *Wise Old Owl* and *Walkin' by the River* receive the fullest exploitation on your station commencing immediately. Anything that you can do to increase performances of these numbers over your station is of genuine importance, and I hope that you will regard this as an urgent request."

The records and transcriptions of these two tunes are as follows:

THE WISE OLD OWL

Band		
Al Donahue	Okeh	#6037
(Benny Goodman recording will be available shortly)		

Transcriptions

Erskine Butterfield Orch.....	Associated	254
Shep Fields Orch.....	Lang-Worth	617
Marvin Dale Orch.....	Standard	P124
Irving Miller	Thesaurus	912
Landt Trio.....	Thesaurus	917

WALKIN' BY THE RIVER

Band		
Mitchell Ayres.....	Bluebird	#10960
Una May Carlisle.....	Bluebird	#B11033
Hal Kemp.....	Victor	#27222
Frankie Masters.....	Okeh	#5986
Ginny Simms.....	Okeh	#6025

(Eddie Duchin and Johnny Long records will be available shortly)

Transcriptions

Jerry Sears Orch., Una May Carlisle, vocal.....	Associated	227	Bonus
Merle Pitt Trio.....	Associated	247	
Will Hudson.....	Standard	P129	
Don Allen Orch., Martha Tilton, vocal.....	Standard	P130	Bonus

BMI increases its leadership in the coin operated phonographs noticeably this week. According to the *Variety*

list, five of the ten leaders on the machines are published or licensed by BMI and six out of the next nine are also in the BMI catalogue. According to *Billboard's* survey, three out of the top five and six out of the next seven are covered by the BMI license, a fact on which comment is made in *Billboard's* Record Buying Guide. Nine of the ten best-selling records and ten or eleven of the fifteen sheet music best sellers are BMI numbers. Of the twenty songs with most radio plugs during the week ending February 28 five are Marks, three are Southern, one is Stevens, and the rest are BMI.

BMI LEADS ON TWO-LICENSE STATIONS

KRBC of Abilene, Texas, licensed by both BMI and ASCAP, reports that a recent check-up showed that 90 per cent of the music played over the station is BMI and the remaining 10 per cent is ASCAP. The same study showed that 85 per cent of the requests from listeners are for BMI numbers. In January WDAS of Philadelphia, which also has both licenses, reported that 85 per cent of its music was BMI. It is also authoritatively reported from the Canadian Broadcasting Corporation that "although we can use ASCAP tunes, most of our popular shows use BMI tunes almost exclusively."

VOLUME 2 OF THE INDEX

The second volume of the general index of numbers covered by the BMI license was shipped out on Wednesday, March 6. It contains an additional 36,000 titles together with a revised and augmented list of the available publications in the catalogue of the Edward B. Marks Music Corporation.

Announcement of this volume has already been made in a notice sent out to member stations. These notices of additions of new titles and new publishing houses to the BMI catalogue are now being sent out weekly as a routine matter instead of being issued merely from time to time, whenever circumstances made it necessary, as they have been issued previously.

Sales

PELLEGRIN HEADS NEW NAB BROADCAST ADVERTISING DEPT.

Frank E. Pellegrin, for the past three years general sales and promotion manager of the Central States Broadcasting System, operators of stations KOIL and KFOR, Omaha, and KFAB, Lincoln, Nebraska, has been named Director of the newly created NAB Department of Broadcast Advertising.

Mr. Pellegrin comes to NAB with a splendid back-

ground of radio and organization experience. He is a graduate of Creighton University. Following his graduation he became publicity director and alumni secretary for the University and later a member of the journalism faculty and director of promotion and public relations. He was for many years a member of the American College Publicity Association and actively affiliated with the organization activities of that group.

Mr. Pellegrin has been closely associated with Junior Chamber of Commerce activity and is now National Director for Nebraska. He was recently chosen as Omaha's outstanding young business man of 1940.

The NAB Department of Broadcast Advertising replaces the Bureau of Radio Advertising which was a sub-department. The new department will function with the assistance of the Sales Managers Executive Committee of which E. Y. Flanigan, WSPD, is chairman. The other members of the Executive Committee are Ellis Atteberry, KCKN, Charles Caley, WMBD, Eugene Carr, WGAR, Willard Egolf, KVOO and Craig Lawrence, KRNT.

Mr. Pellegrin will assume his duties at NAB Headquarters on April 1. Announcement of the vastly expanded activities of this department will be made after Mr. Pellegrin assumes his duties as a member of the staff.

STANDARD CONTRACT

On Wednesday final questionnaires were mailed to members of the NAB committee which has been conferring with the 4 A's Time Buyers Committee in an effort to redraft certain provisions of the facilities contract to meet AAAA objections. The poll was undertaken after Russell Place, NAB counsel, met in New York Tuesday with F. R. Gamble, W. R. Fricke and George Link, Jr., representing the 4 A's.

Col. H. C. Wilder, WSYR, chairman of the NAB committee, reported that he expects to release the revised contract next Friday. The committee will recommend, he said, separate forms for agency and local advertiser business; the forms will be supplements to next week's issue of NAB REPORTS.

COST-PER-INQUIRY

On the cost-per-inquiry front, more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

- Book-of-the-Month Club
- Better Vision Institute
- God Bless America Key Tag Co.

All three, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio cam-

paign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

DISTRICT 4 SALES MANAGERS

Jack Field, WPTF, who was recently appointed chairman of the Fourth District Sales Managers Division of the NAB, announces that the fourth district group will hold its first meeting of the year in Raleigh on Friday, March 28.

District Meetings

DISTRICT 1

Paul W. Morency, WTIC, was unanimously reelected Director at a District 1 meeting March 4 in Worcester, Mass.

Music and labor problems were discussed at length at the all-day meeting. Neville Miller brought the broadcasters up to date on the legal aspects of the music problem, while Carl Haverlin told of BMI's plans for the future. Upon motion of Franklin M. Doolittle, WDRC, seconded by John J. Boyle, WJAR, the following resolution was unanimously adopted:

Resolved, that the broadcasters of the First NAB District go on record as unanimously approving the work to date of BMI; and be it further resolved, that the broadcasters of the district should manifest their continuing support by renewing their licenses to use BMI music.

At a sales managers meeting in the afternoon, unanimous approval of the proposed standard order form and contract was expressed. William F. Malo, WDRC, presided.

Those registered at the meeting:

A. N. Armstrong, Jr., WCOP; Robert F. Donahue, WLLH; Lawrence J. Miron, WORC; W. C. Swartley, WBZA; William T. Bush, WPRO; E. E. Hill, WTAG; Quincy A. Brackett, WSPR; Franklin M. Doolittle, WDRC; C. G. DeLaney, WTHT; H. E. Fellows, WEEI; Albert W. Marlin, WMAS; David M. Kimel, WLAW; Charles N. DeRose, WHYN; George H. Jaspers, WTAG; George Sutherland, WFCI; T. F. Allen, WFCI; H. C. Wilson, WHEB; Pasquale J. Mauretti, WSAR; William F. Malo, WDRC; Walter Haase, WDRC; H. W. Nichols, WHAI; Walcott A. Wyllie, WIIYN; K. F. Horton, WEEI; Frank R. Bowes, WBZ; H. William Koster, WPRO; Ashley L. Robison, WCOP-WORL; Jack Fits-Gibbons, WSAR; Frederick E. Bieber, WTHT; George F. Kelley, Jr., WCSH; John J. Boyle, WJAR; Paul W. Morency, WTIC; James L. Spates, WHAI; Herman Steinbruch, WKNE; Al Tyler, WLNH; Erle Clement, WLNH; John Shepard, 3rd, Yankee Network; Carl Haverlin, BMI; William W. Warner, Colonial Network; R. L. Harlow, Yankee Network; Leonard D. Callahan, SESAC; Gerald Harrison, Yankee Network; Neville Miller and Joseph L. Miller, NAB; Thomas C. McCray, WTIC; Dorothy B. Robinson, WTAG; Edwin J. Morey, WNLC; Ivon B. Newman, WNLC; Walter Johnson, WTIC.

DISTRICT 11

Earl Gammons, NAB Director of District 11, has called a meeting at the Radisson Hotel, Minneapolis, on Friday, March 14.

Barney Lavin, WDAY, chairman of the District 11 Sales Managers' Committee will preside over a sales managers session held in conjunction with the broadcasters session.

All broadcasters of Minnesota, North Dakota and South Dakota, are urged to attend. President Neville Miller will be present. The election of District Director for the ensuing two-year term will be among the important items of business to which attention will be given.

DISTRICT 13

A meeting of the broadcasters of the 13th District was held at San Antonio, Friday, February 28. District Director O. L. "Ted" Taylor presided and the following were present:

L. L. Hendrick, KRRV; Glen Hewitt, KPAC; Carl Vaughan, KPAC; Charles Nethery, KXYZ; Jack McGrew, KPRC; M. E. Danbom, KGKB; Karl O. Wyler, KTSM; B. F. Orr, KTRH; T. Frank Smith, KXYZ-KRIS; Harry Grier, KTRH; Jack Keasler, WOAI; A. M. Herman, WBAP; Clyde Rembert, KRLD; Eugene J. Roth, KONO; Ellis Chaney, WOAI; M. Tilford Jones, KXYZ-KRIS; James M. Moroney, WFAA-KGKO; Harold Hough, WBAP-KGKO; George Cranston, WBAP-KGKO; Merle H. Tucker, KROD; Joe B. Carrigan, KWFI; George W. Johnson, KTSA; C. B. Locke, KFDM; Charlie Bathrope, KTSA; Alex Keese, WFAA-KGKO; Ernest S. Lovan, KFDM; Martin Campbell, WFAA-WBAP-KGKO; Guy W. Bradford, KRGV; Wes Izzard, KGNC; DeWitt Landis, KFYO; R. B. McAlister, KFYO; M. D. Bourn, WOAI; Hugh A. L. Half, WOAI; Bill Laurie, KONO; Wendell Mayes, KBWD; James W. Pate, Lone Star Chain; Carl Haverlin, BMI; Ken L. Sibson, TAYLOR-HOWE-Snowden-Ganjo; Leonard David Callahan, SESAC; J. Chris Hetherington, John Blair & Co.; Clarke R. Brown, Lake-Spiro-Shurman.

Carl Haverlin, Stations Relations Director of BMI, reviewed the developments in the music situation and after considerable discussion, the following resolution with respect thereto was unanimously adopted:

BE IT UNANIMOUSLY RESOLVED by the members of the National Association of Broadcasters of the 13th District in meeting assembled at San Antonio, Texas, today, that we hereby pledge our positive allegiance to Broadcast Music, Inc.; that we congratulate it on making possible such a large catalogue of music which has been so universally accepted by the radio public as indicated in surveys. We reaffirm our contention that to maintain a high standard of program service, it is necessary that a free and competitive market in music always be available, and that the open door policy to opportunity for the creative talent of the men and women of America be continued as inaugurated by Broadcast Music, Inc. That we will never become a party to any arrangement which does not definitely assure the continued development and perpetuation of Broadcast Music, Inc.

A resume of the activities of NAB was given by C. E. Arney, Jr., Assistant to President Neville Miller, after which the following resolutions were passed:

BE IT RESOLVED by the 13th District of National Association of Broadcasters in meeting assembled at San Antonio, Texas, on this the 28th day of February, 1941; that such District through its membership, express its sincere thanks and appreciation to Mr. Ted Taylor, the Director of the 13th District, and Mr. Harold Hough, Director at Large, of the National Association of Broadcasters for their conscientious and untiring efforts in behalf of National Association of Broadcasters and the excellent work that they have performed.

BE IT RESOLVED, by the members of the 13th District of the National Association of Broadcasters in meeting assembled in San Antonio, Texas, that they pledge their utmost efforts in

the seeking of additional memberships among Texas broadcasters in the National Association of Broadcasters.

BE IT FURTHER RESOLVED by the members of the 13th District of the National Association of Broadcasters in meeting assembled at San Antonio, Texas, on the 28th day of February, 1941, that we do hereby express our sincere thanks and appreciation to the officers and executive committee of Broadcast Music, Inc., and the National Association of Broadcasters for their excellent work they have performed, and for the crowning success the industry has enjoyed in connection with the year's work.

Those in attendance were the guests of the Texas Broadcasters' Association at a luncheon, following which election of District Director was held. This resulted in the re-election of O. L. "Ted" Taylor.

Following the adjournment of the business session, the Sales Managers convened for a discussion of problems peculiar to their phase of the operation. The meeting was presided over by Jack Keasler, Chairman of the Sales Managers Division for the 13th District, and the following participated:

Karl O. Wyler, KTSM; Charles Balthrope, KTSA; James W. Pate, Lone Star Chain; E. W. Lovain, KFDM; Guy Bradford, KRGV; M. E. Sanbom, KGKB; Merle Tucker, KR0D; George Cranston, WBAP-KGKO; Alex Keese, WFAA-KGKO; R. B. McAlister, KFYO.

A healthy discussion of agency recognition, AAAA contract, standard rate card, and other pertinent matters was held. The Sales Managers group went on record as desiring a special session devoted to sales managers problems at the NAB convention in St. Louis.

O. L. Taylor and George Johnson of KTSA, were hosts at a cocktail party following the session. It was a most successful and enthusiastic meeting.

LABOR NOTES

Appearing before the TNEC after the Supreme Court's *Hutcheson* decision (NAB REPORTS, p. 127), Thurman Arnold said that the Justice Department would continue to prosecute "make work" systems instituted by labor unions as violations of the anti-trust law.

"For example," he said, "in both New York and Philadelphia all trucks in the city have been compelled to pay the wages of an additional man from the local union who does no work. . . . No conceivable economic justification for it comes to our minds."

Both the A. F. of L. and the C. I. O. hailed the *Hutcheson* decision. They said it freed labor from any prosecution under the anti-trust laws. When the A. F. of L. Executive Council, meeting in Miami, heard of Arnold's TNEC testimony, it issued a statement calling Mr. Arnold's statement "subtle propaganda based on distortion of law and fact."

Mr. Arnold issued a statement saying he was going to prosecute James C. Petrillo, president of the American Federation of Musicians, networks, booking agencies, and others, for "conspiracy" in connection with the musi-

cians jurisdictional dispute with the American Guild of Musical Artists (the concert artists' union).

Mr. Petrillo insists that anyone who plays an instrument on the air should belong to his union, and the networks with their A. F. of M. closed shop contracts had to notify the artists of Mr. Petrillo's edict.

Whether Mr. Arnold will look into other aspects of the musicians' situation has not been disclosed.

There is no such thing as exempt *work* under the Wage and Hour law. Certain classes of *workers* are exempt—but not certain classes of *work*.

This question came up in this way this week:

A small Western station had a \$25 a week announcer who was going to m.c. a one-hour program outside his 40-hour week, for a \$10 fee. The m.c. work was clearly "professional." Was that *work* "exempt"; should his overtime rate be based on \$25 a week of \$35 a week?

The answer was \$35. Although the m.c. *work* was professional, the *worker* was not. He did not receive \$200 or more a month, and he did more than 20 per cent of the same type of work performed by non-exempt employees each week.

How far can an employer go in talking with his employees about labor unions?

The question is still unanswered after the Supreme Court's *Ford* decision. The government did not appeal that part of a Circuit Court decision which reversed the Labor Board. The Board had said *Ford* was guilty of an unfair labor practice in assailing labor unions and labor leaders.

The cost of living in the larger cities did not change from December 15 to January 15, the Labor Department reports. It is 2.1 per cent above August, 1939.

Miscellaneous

STOP THE PRESS!

The Longest Single Remote Contest Editor has left for a nine-month vacation in central Greenland, taking with him his map-measuring compasses. Therefore, we print the following letter without comment:

February 21st,
1941—Our 19th Year

Hold Everything! Don't award that "longest distance remote" palm to Johnny Gillin and WOW until you check this.

KFEL claims the record for the longest single remote recorded to date. (NAB REPORTS, February 7, Page 129.)

We went clear to Washington, D. C., to pick up a talk by Colorado's Senator Ed Johnson for a Breakfast Club meeting.

It is quite a bit farther from Denver to Washington than it is from Omaha to any point on the Pacific Coast, and considerably farther than from St. Louis to Havana.

Just look at your map, if you doubt it.

Cordially,

(Sgd.) GENE

Gene O' Fallon—KFEL.

SET PRODUCTION RECORD

In terms of the total number of radio receiving sets produced (10,352,865 reported in the last Census), 1939 was the biggest in the radio industry, according to the Bureau of the Census.

The number of sets made exceeded the comparable 1937 total of 7,802,399 sets by 2,550,466. The year 1935 ranked third with 5,645,162, and 1929 fourth with 4,980,090.

Total units of all kinds of radio receiving sets reported by number and their value, for all Census years for which separate figures are available, follow:

Year	Number	Factory Value
1939	10,352,865	\$158,965,359
1937	7,802,399	175,380,012
1935	5,645,162	132,683,691
1933	3,629,614	70,717,100
1931	3,819,285	123,016,150
1929	4,980,090	252,787,249
1927	1,978,057	95,162,393
1925	2,345,790	93,356,546
1923	190,374	13,326,116

STOP WATCHES

C. S. Cutting, chairman of the American Committee for the Defense of British Homes, 10 Warren street, New York City, appeals to broadcasters to send stop-watches for use in defense against air raids.

PERUVIAN GOOD WILL

Victor Llona, director of "Peru Calls You," a good-will program intended for U. S. listeners, asks broadcasters to listen in Monday, March 10, at 10:30 p. m., e.s.t. Meter wave 49.62.

CONVENTION

Reservations for accommodations at the Hotel Jefferson indicate a large attendance at the Nineteenth Annual Convention, St. Louis, May 12 to 15, inclusive. Chairman Ray Dady of the Housing Committee reports that every request for a reservation received to date has been given attention and tentative assignment has been made.

Broadcasters planning to attend should give immediate attention to the request for rooms. The accommodations at the Jefferson are adequate and many of the nearby hotels offer splendid facilities.

Program plans are progressing satisfactorily and an announcement with reference to both the business sessions and the banquet programs will be shortly forthcoming.

Legislation

"NO CENSORSHIP"

Senator Danaher (R.-Conn.) on March 5 introduced the following "no censorship" amendment to the Lend-Lease bill (HR 1776):

77TH CONGRESS—1ST SESSION

H. R. 1776

IN THE SENATE OF THE UNITED STATES

MARCH 5 (legislative day, FEBRUARY 13), 1941

Ordered to lie on the table and to be printed.

AMENDMENT

Intended to be proposed by MR. DANAHER to the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes, viz:

On page 7, line 19, after the word "direct" insert a colon and the following new language: "Provided, That nothing in this Act shall be construed to confer upon the President or any such department, agency, or officer the power or the authority to establish control or censorship in any manner not now provided by law, over the use of the radio, the press, or other instrumentality engaged in the publication or dissemination of news, opinion, or information; and no rule or regulation shall be promulgated or fixed which shall abridge or interfere with the freedom of speech or of the press".

FEDERAL LEGISLATION

HOUSE

H. R. 3577 (BARRY, D-N.Y.)—To prohibit transmission of certain gambling information in interstate commerce by communications facilities. Referred to Committee on Interstate and Foreign Commerce.

H. R. 3640 (KEOGH, D-N.Y.) COPYRIGHTS—To amend section 25 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended. Referred to Committee on Patents.

STATE LEGISLATION

ARIZONA:

S. 131 (HALDIMAN) ADVERTISING—FALSE OR MISLEADING—Prohibits any type of false or misleading advertising and prescribes severe penalties. Referred to Committee on Judiciary.

MARYLAND:

H. 507 (BEACHLEY) COPYRIGHT INFRINGEMENTS—To add Art. 21A to the Annotated Code (1939 Edition), relating to the protection and infringements of copyrights. Referred to Committee on Judiciary.

MASSACHUSETTS:

CCH S 20 (Public Document 144) DEFAMATION BY RADIO—Relating to the investigation requested by the general court of 1939 relative to defamation by radio. Referred to Committee on Constitutional Law.

OREGON:

S. 327 (Judiciary Com.) LOTTERY—TRADE STIMULANT PRIZES—Defining lottery; provides saving clause and trade stimulant prizes shall not be included. Referred to Committee on Judiciary.

S. 340 (Judiciary Com.) RADIO BROADCASTING—LIBEL—Defines liability for broadcasting defamatory matter.

WISCONSIN:

S. 200 (KNOWLES) DECEPTIVE ADVERTISING—Adds Section 100.18(e) to the Statutes, relating to deceptive advertising. Referred to Committee on Education and Public Welfare.

FEDERAL COMMUNICATIONS COMMISSION

FCC STUDIES "MONOPOLY"

Chairman James Lawrence Fly of the FCC told a press conference early this week that the Commission has received the Legal Division's draft of the proposed "Monopoly Report" and that preliminary discussion has been tentatively set for the Commission next Monday. He explained that this session will be of "general exploratory character."

Chairman Fly in answer to a question said that he did not think that the Commission would take any action on the report pending the absence of Commissioner Thompson, who is ill. He said that a draft of the report had been forwarded to Mr. Thompson, and Mr. Fly assumed, he said, "that he is studying it the same as his fellow Commissioners." The Chairman stated that "no quick action is contemplated as the report will require study in order to do a thorough job."

Mr. Fly told the newsmen that the week's delay in considering the Monopoly draft is due to the fact that the members of the Commission are making a television trip to New York and Philadelphia the latter part of this week preparatory to the television hearing on March 20.

ARMSTRONG RECEIVES FM GRANT

Three additional high frequency (FM) broadcast stations have been authorized by the Federal Communications Commission, making 42 such grants for this new type of program service to date.

Chief among the construction permits announced today was one to Edwin H. Armstrong, inventor, long identified with radio research and a pioneer in developing frequency modulation. He is authorized to utilize the site of his present experimental high frequency broadcast station W2XMN at Alpine, New Jersey, as the location for a Class D FM broadcast station to operate on 43,100 kilocycles to serve 15,610 square miles, embracing more than 12,200,000 population, in portions of New Jersey, New York, Connecticut, and Pennsylvania.

Chicago was granted another FM station, in this case to be operated by the Moody Bible Institute of that city, on the same non-commercial basis that it now conducts standards broadcast station WMBI in Chicago. The Institute's FM station will use 47,500 kilocycles to serve the 10,800 square miles, with 4,500,000 population, embraced in Chicago's metropolitan area. The proposed transmitter site is 18 miles west of downtown Chicago.

The Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y., received a grant to operate on 45,100 kilocycles to serve 3,200 square miles of the neighboring area, with 585,000 population. The proposed location of the transmitter is 89 East Avenue, Rochester, where the company operates experimental high frequency broadcast station W8XVB.

BROADCAST RULE AMENDED

FCC has amended Section 3.406, paragraphs b and c, so as to waive the half-hour announcement of call letters when such

announcement would interrupt a program of one-half hour duration or longer consisting of a single consecutive speech, play, religious service, symphony concert, or operatic production.

COMMISSION ASSIGNMENTS

The FCC has announced that the work, business and functions of the Commission for the month of March have been assigned as follows:

- Commissioner Craven Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
- Commissioner Case Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

PROPOSED PUERTO RICAN BROADCAST GRANT

Finding that Enrique Abarca Sanfeliz is in all respects qualified to construct and operate a proposed new standard broadcast station at San Juan, Puerto Rico, the FCC proposed to grant him a construction permit. At the same time the Commission found that United Theaters, Inc., another applicant for a new station at San Juan, is not financially qualified and its application was accordingly proposed to be denied.

Both applicants sought the same frequency—580 kilocycles. United Theaters, Inc., proposed to use power of 1 kilowatt, unlimited time. Abarca intends to use 5 kilowatts day and 1 kilowatt at night, unlimited time.

Even if the finances of United Theaters, Inc., could be considered adequate for the construction and operation of its proposed station, the Commission's "Proposed Findings of Fact and Conclusions" (B-134) holds that "from the facts of record we would still be compelled to deny the application and grant the Abarca application, since we find that (a) Abarca is better qualified financially than United Theaters, Inc.; and (b) the station proposed by Abarca would provide superior technical service than the one proposed by United Theaters, Inc."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled to be heard before the Commission during the

week beginning Monday, March 10. They are subject to change.

Monday, March 10

- WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., 1370 kc., 250 watts, unlimited.
Consolidated Hearing
- WCAM—City of Camden, Camden, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WTNJ and WCAP.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WTNJ and WCAM.
- WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1280 kc., 500 watts night, 500 watts LS, shares WCAM and WCAP.
- WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., 1230 kc., 1 KW night, 1 KW day, unlimited, DA day and night.
- NEW—Trent Broadcast Corp., Trenton, N. J.—C. P., 1230 kc., 1 KW, unlimited, DA day and night.

Wednesday, March 12

- WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), 890 kc., 1 KW night, 5 KW LS, unlimited time.

Thursday, March 13

Oral Argument Before the Commission

REPORT No. B-115:

- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

March 20

Television

To be held in Room A, Interstate Commerce Commission Building, 12th St. and Constitution Ave., Washington, D. C.

Docket No.

- 5806 For the purpose of considering the various engineering standards suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all pertinent problems related to the standardization and commercialization of television broadcasting.

April 11

- NEW—J. Leslie Doss, Bessemer, Ala.—C. P., 1370 kc., 250 watts, unlimited.

April 14

- NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass.—C. P., 1500 kc. (1490 kc. under NARA), 100 watts, unlimited.

May 5

- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oregon.—C. P., 600 kc., 500 watts night, 1 KW LS.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WBLK—The Exponent Co. (Transferor), Charleston Broadcasting Co. (Transferee), Clarksburg, W. Va.—Granted consent to voluntary assignment of license of station WBLK from The Exponent Company (licensee of WBLK) to the Charles-

ton Broadcasting Company (licensee of WCHS), in exchange for \$29,000 of the Charleston Broadcasting Company 7% cumulative preferred stock to be issued. WBLK operates on 1370 kc., 250 watts, unlimited time (B2-AL-299).

- WPAR—The Exponent Company (Transferor), Charleston Broadcasting Co. (Transferee), Ohio Valley Broadcasting Corp. (WPAR), (Licensee), Parkersburg, W. Va.—Granted authority to transfer 47 shares of common stock from The Exponent Company to Charleston Broadcasting Co. (present owner of 47%) of voting stock ownership in Ohio Valley Broadcasting Corp. in exchange for \$17,500 of Charleston Broadcasting Co. 7% cumulative preferred stock to be issued. (The above are two of a series of applications toward the consolidation into Charleston Broadcasting Company of radio interests controlled or held by John A. Kennedy and his wife, Bruce Lee Kennedy (who together hold control over the licensee corporation through their control over The Exponent Company and the Charleston Broadcasting Company.) WPAR operates on 1420 kc., 100 watts, unlimited time (B2-TC-256).

- KARM—Gilbert H. Jertberg, Executor of estate of George Harm, deceased (assignor), KARM, The George Harm Station (assignee), Fresno, Calif.—Granted consent to assignment of license of Station KARM from Gilbert H. Jertberg, Executor of the estate of George Harm, deceased, to KARM, the George Harm Station, a corporation, 1310 kc., 250 watts, unlimited time (B5-AL-300).

- KDAC—Gilbert H. Jertberg, Executor of estate of George Harm, deceased (assignor), KARM, The George Harm Station (assignee), Fresno, Calif.—Granted consent to assignment of license of Station KARM from Gilbert H. Jertberg, Executor of the estate of George Harm, deceased, to KARM, the George Harm Station, a corporation, 1310 kc., 250 watts, unlimited time (B5-ALRY-12).

- KDAS—Gilbert H. Jertberg, Executor of estate of George Harm, deceased (assignor), KARM, The George Harm Station (assignee), Fresno, Calif.—Granted consent to assignment of license of Station KARM from Gilbert H. Jertberg, Executor of the estate of George Harm, deceased, to KARM, the George Harm Station, a corporation, 1310 kc., 250 watts, unlimited (B5-ALRE-25).

- WFHR—William F. Huffman, Wisconsin Rapids, Wisc.—Granted modification of license to increase power from 100 watts night, 250 watts day, to 250 watts unlimited time, 1310 kc. (B4-ML-1042).

- WJOB—O. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted modification of license to increase time of operation from shares with WFAM night, to unlimited time, 1200 kc., 100 watts (B4-ML-1044).

- KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted construction permit to increase night power from 1 KW to 5 KW, move transmitter to Southeast 22nd and Park Ave. (same as site of KRNT transmitter now under construction), Des Moines, Iowa, install new equipment and install new directional antenna for night use, 1430 kc., 5 KW LS (B4-P-2727).

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted construction permit to move transmitter to 86th St. and Kedzie Ave., Chicago, Ill., install new transmitter, install directional antenna for day and night use, increase power from 500 watts night and day and 1 KW LS on Sunday, shares WSBT, to 5 KW, and increase hours of operation to unlimited (B4-P-3063).

- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted in part construction permit to increase day power from 1 KW to 5 KW and install new transmitting equipment, 590 kc., 1 KW night, unlimited time (B2-P-2898).

- WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted on regular basis license to cover operation of synchronous station at Lawrence, Mass., now on special experimental basis, 1370 kc., 10 watts, 100 watts, unlimited, synchronous with WLLH, 250 watts (B1-L-1116).

- Edwin H. Armstrong, Alpine, N. J.—Granted construction permit for Class D high frequency (FM) broadcast station to operate on frequency 43100 kc., 15,610 square miles, population 12,200,000 (B1-PH-82).

- The Moody Bible Institute of Chicago, Chicago, Ill.—Granted construction permit for a new high frequency (FM) broadcast station to operate on frequency 47500 kc., 10,800 square miles, 4,500,000 population (B4-PH-5).

Sturg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted instruction permit for new high frequency (FM) broadcast station to operate on frequency **45100 kc.**, 3,200 square miles, 585,000 population (B1-PH-75).

DESIGNATED FOR HEARING

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Application for construction permit for “booster” station in Camden, N. J., to operate with 100 watts to 250 watts power on **1210 kc.**, unlimited, synchronized with WSNJ (B1-P-2914).

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Application for construction permit to erect a synchronous station at Scranton, Pa., to operate with 100 watts, unlimited (B2-P-2982).

Mid-American Broadcasting Corp., Louisville, Ky.—Application for construction permit for new standard broadcast station to operate on **1040 kc.** (**1080 kc.** under NARBA), 1 KW night, 5 KW LS, directional antenna, unlimited time (B2-P-2760).

WMAS—WMAS, Inc., Springfield, Mass.—Application for construction permit to change frequency from **1420 kc.** to **880 kc.**, increase power from 250 watts unlimited, to 1 KW night 5 KW LS, move transmitter site from West St., Springfield, Mass., to Riverdale St., opposite Morgan Road, West Springfield, Mass., and install directional antenna for day and night use (B1-P-3051).

MISCELLANEOUS

WSBT—South Bend Tribune, South Bend, Ind.—Adopted a memorandum opinion covering action of the Commission on October 1, 1940, in granting construction permit to make changes in transmitting equipment, change frequency from **1360** to **930 kc.**, and move transmitter site. This grant was made upon condition that license would not be issued unless and until applicant disposed of its interest in its other South Bend station, WFAM (B4-P-900).

W3XAD—RCA Manufacturing Co. Inc., Portable (area of Camden, N. J.)—Present television station license further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending April 1, 1941.

W1XER—Yankee Network, Sargents Purchase, Mt. Washington, N. H.—Granted extension of temporary experimental high frequency broadcast station license for the period ending May 1, 1941.

Stephen R. Rintoul, Stamford, Conn.—Granted motion for continuance of hearing now scheduled for March 6, until action on applicant's petition to reconsider and grant application for new station to operate on **1370 kc.**, 250 watts, unlimited time.

Old Colony Broadcasting Co., Inc., Brockton, Mass.—Granted dismissal without prejudice of application for new station to operate on **1160 kc.**, 500 watts, daytime.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Passed for one week motion to consolidate hearing on application of KMLB (Docket 5994) with application of KNOE, Inc., for new station in Monroe, La. (Docket 5995).

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Denied petition to intervene in the hearing on application of Western Mass. Broadcasting Co. for a new station in Pittsfield, Mass., to operate on **1500 kc.**, 100 watts, unlimited time.

KGKB—East Texas Broadcasting Co., Tyler, Texas.—Withheld action on petition to intervene in hearing on application of Butler Radio, Inc., for new station in Tyler, Texas, pending statement of issues.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted petition for leave to amend application for construction permit to change frequency from **1310** to **1560 kc.** (under NARBA); increase power from 250 watts, unlimited time, to 10 KW, using DA at night.

W1XTG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to operate high frequency broadcast station W1XTG on **43400 kc.**, 1000 watts, special emission, for period March 2 to not later than May 1, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **44300 kc.**, 50000 watts, special emission, for period March 1 to not later than May 1, 1941.

W9XZR—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 5000 watts power, special emission for frequency modulation, with transmitter located at 135 South La Salle St., Chicago, instead of at 505 N. Michigan Ave., Chicago, for period March 1 to not later than May 1, 1941.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at 39th St. and Tower Ave., Superior, Wis., for period March 1 to not later than May 1, 1941.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation with transmitter located at 606 W. Wisconsin Ave., Milwaukee, Wis., for period March 1 to not later than May 1, 1941.

W2XWG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate W2XWG on **45100 kc.**, 1000 watts power, A4 and special emission for frequency modulation, at 350 Fifth Ave., New York City, for period March 1, to not later than May 1, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.

W2XMN—Edwin H. Armstrong, No. of Alpine, N. J.—Granted extension of special temporary authority to retransmit the transmissions of experimental high frequency broadcast stations W2XAG, W1XPW and W1XOJ for the period March 1 to May 1, 1941, in order to continue rebroadcasting experiments.

W2XMN—Edwin H. Armstrong, No. of Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40,000 watts power, special emission for frequency modulation, for the period March 1 to May 1, 1941, conditionally.

W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43300 kc.**, 1000 watts power, special emission for frequency modulation, for the period March 1 to May 1, 1941, conditionally.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 2500 watts power, special emission for frequency modulation, for the period March 1 to April 1, 1941, conditionally.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, with 1000 watts power, special emission for frequency modulation (facsimile modulation may be employed in connection with the program of research and experimentation); authority to be from March 1 to not later than May 1, 1941.

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43700 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **46500 kc.**, 1000 watts power, special emission for frequency modulation, for period March 1 to not later than May 1, 1941.

W1XPW—WDRC Inc., Hartford, Conn.—Granted extension of special temporary authority to rebroadcast high frequency broadcast stations W2XMN and W1XOJ emissions for the period March 1 to not later than May 1, 1941.

- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Granted petition for continuance to May 5 of hearing now scheduled for March 21 on application to change frequency from **1210** to **600 kc.**; increase power from 100 watts, unlimited time, to 500 watts night, 1 KW day.
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion for extension of time to file proposed findings now due March 8, to March 29, in re application for renewal of license.
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted petition for leave to amend application to change frequency to **1220 kc.** under NARBA, and increase hours of operation from daytime only to unlimited, using 250 watts power. (Applicant now operates on **1220 kc.** and original application requested change to **1370 kc.**; under NARBA this station would be assigned frequency **1250 kc.**, and this amendment in effect is to remain on present frequency and operate unlimited time with 250 watts after NARBA shift.) Hearing scheduled for March 6 cancelled.
- WNYE—Board of Education, New York City.—Granted extension of special temporary authority to continue to operate non-commercial educational broadcast station WNYE on **41100 kc.** for the period March 2, 1941, to not later than March 31, 1941, pending resubmission and action on application to change frequency to **42100 kc.**
- W2XAG—Carman R. Runyan, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on frequency **117190 kc.**, 5 KW power, special emission for FM, with transmitter located at 544 No. Broadway, Yonkers, N. Y., for the period March 1 to May 1, 1941, conditionally.
- W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for FM, for the period March 1 to May 1, 1941, conditionally.
- WHXVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43000 kc.**, 250 watts, special emission for FM, for the period March 1 to May 1, 1941, conditionally.
- W1XSN—Westinghouse E. and M. Co., E. Springfield, Mass.; W1XK—Hull, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for FM, for the period March 1 to May 1, 1941, conditionally.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted extension of special temporary authority to remain silent for the period beginning March 2, 1941, and ending in no event later than April 1, 1941, pending Commission action on revocation order.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 5:45 p. m. to 6:15 p. m. EST on March 2, 9, 16, 23, and 30, 1941, in order to broadcast a program of the Massachusetts State Federation of Women's Clubs only.
- WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa.—Granted special temporary authority to operate from 7:15 p. m. to 10:15 p. m. CST on March 27, 28, 29, 1941, in order to broadcast basketball games only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 8 to 11 p. m. EST on March 13, 1941, in order to broadcast the Evacuation Day Banquet from the Hotel Westminister in Boston only.
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of International Broadcast Station WLWO with a power input to the final stage of 100 KW for the period March 2, 1941, to not later than March 31, 1941, in order to obtain data requested in connection with application (File No. B2-MLIB-40).
- WRCA-WBBI—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to suspend the effective dates of the Commission's action of December 10, 1940, in granting of license File No. B1-MLIB-44 for the period March 3, 1941, to not later than April 1, 1941, in order to permit the simultaneous utilization of **9670** and **17780 kc.**, while changes in equipment are being made in accordance with outstanding construction permits.
- W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period March 2, 1941, to not later than March 31, 1941.
- W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to rebroadcast certain programs of Station W1XPW for a period March 1, 1941, to not later than May 1, 1941.
- KAWM—A. W. Mills, Gallup, New Mexico.—Granted extension of special temporary authority to remain silent for the period beginning March 1, 1941, to not later than March 30, 1941, pending action on application to install new equipment.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. on March 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, and 27; from 2 to 3:15 p. m. on March 3, 10, 17, 24; from 8 to 10:30 p. m. CST on March 14 1941, in order to permit WNAD to broadcast educational programs only.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate above time and above dates, in order to broadcast educational programs only (provided KGGF remains silent).
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS from 6:55 p. m. to 10:30 p. m. CST on March 21 and 22, 1941, with power of 1000 watts, and from 7:25 p. m. to 9:25 p. m. CST, March 1, 1941, in order to broadcast basketball games only.
- WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from sign-off (March 8:15 p. m. EST) to 12 midnight on March 1, 1941, in order to broadcast the Annual Inter-collegiate AAAA Track & Field Championship from Madison Square Garden only and on March 3, 1941, in order to broadcast the Golden Gloves Boxing Bouts, sponsored by the Daily News A.A., from Madison Square Garden only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from local sunset (March 5:45 p. m. EST) to 6 p. m. EST on March 2, 9, 16, 23, and 30, 1941, in order to broadcast the Rosary Hour programs only.
- WINS—Hearst Radio Inc., New York, N. Y.—Denied special temporary authority to broadcast sustaining music and announcements in addition to the authority granted February 11, 1941, to operate additional time on March 8, 1941, in order to broadcast the Knights of Columbus Athletic Meet from Madison Square Garden only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Denied special temporary authority to operate from 7:30 p. m. to 11 p. m. CST on March 1, 5, 6, 7, 8, 12, 13, 14, 15, 20, 21, and 22, 1941, in order to broadcast basketball games only.
- KPHO—M. C. Reese, Phoenix, Ariz.—Granted construction permit to install a new transmitter, **1200 kc.**, 250 watts, unlimited time (B5-P-3092).
- WAOG—New York State Conservation Dept., Albany, N. Y.—Granted extension of special temporary authority to operate portable radiophone forestry station WRAI on frequencies **31620, 35260, 37340** and **39620 kc.**, for the period February 27, 1941, to not later than March 28, 1941, as a relay broadcast station to relay programs from the Olympic Bobsled Run to Standard Broadcast station WNBZ.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Adopted order granting renewal of license for KGGF to operate on frequency **690 kc.** with power of 1 KW day, 500 watts night, unlimited time, upon a temporary basis only, pending final determination on licensee's amended application for construction permit (B4-R-710).
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Adopted order granting renewal of license of KQW, on the frequency **740 kc.**, 1 KW night, 5 KW LS, unlimited time, upon a temporary basis only, pending final determination on licensee's application for construction permit (B5-R-46).

APPLICATIONS FILED AT FCC

580 Kilocycles

- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—License to cover construction permit (B4-P-2674) for increase in power using directional antenna at night.
- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to determine operating power by direct measurement of antenna power.

700 Kilocycles

- WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) as modified, to install new equipment, requesting authority to extend completion date from 4-22-41 to 10-22-41.

780 Kilocycles

- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of construction permit (B5-P-2701) for installation of directional antenna for night use and increase in power, requesting 790 kc. under North American Regional Broadcasting Agreement and extension of completion date from 6-8-41 to 90 days after grant.
- WMC—Memphis Publishing Co., Memphis, Tenn.—Authority to install automatic frequency control equipment on 790 kc. under North American Regional Broadcasting Agreement.

790 Kilocycles

- WGY—General Electric Co., Schenectady, N. Y.—Authority to install automatic frequency control (main transmitter) on 810 kc. under North American Regional Broadcasting Agreement.
- WGY—General Electric Co., Schenectady, N. Y.—Authority to install automatic frequency control (auxiliary transmitter) on 810 kc. under North American Regional Broadcasting Agreement.

900 Kilocycles

- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—License to cover construction permit (B4-P-1984) for change in hours of operation, installation of directional antenna for night use and move of transmitter.
- WBEN—WBEN, Incorporated, Buffalo, N. Y.—Modification of construction permit (B1-P-2757) as modified, to install new transmitter, directional antenna for night use, increase in power and move of transmitter, requesting extension of completion date from 4-14-41 to 6-1-41.
- WKY—WKY Radiophone Company, Oklahoma City, Okla.—Authority to install automatic frequency control equipment, auxiliary transmitter.
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Authority to determine operating power by direct measurement of antenna power.

920 Kilocycles

- WAAF—Drivers Journal Publishing Co., Chicago, Ill.—Construction permit to increase power from 1 KW to 1 KW night, 5 KW day, change hours of operation from daytime to unlimited time, install a new transmitter, install directional antenna for day and night use, and move transmitter. Amended: To change requested power from 1 KW night, 5 KW day to 1 KW day and night, change type of requested transmitter and make changes in directional antenna for night use.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter on 950 kc. under NARBA.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for main transmitter on 950 kc. under NARBA.

930 Kilocycles

- WDBJ—Times-World Corp., Roanoke, Va.—Modification of construction permit (B2-P-2522) as modified, to install directional antenna for night use increase power to 5 KW, requesting change in frequency to 960 kc. under NARBA.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power on 930 kc. under North American Regional Broadcasting Agreement (Jurat).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Authority to determine operating power by direct measurement of antenna power.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—License to cover construction permit (B3-P-2952) for increase in power and installation of directional antenna for night use.

970 Kilocycles

KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for main transmitter, on 1000 kc. under NARBA.

KJR—Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter, on 1000 kc. under NARBA.

1020 Kilocycles

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Authority to install automatic frequency control equipment on 1060 kc. under North American Regional Broadcasting Agreement.

1060 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Modification of construction permit (B5-P-2881) for installation of directional antenna for night use, increase in power, change in frequency and hours of operation, requesting approval of directional antenna to be used both day and night, and approval of present site.

1100 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—License to cover construction permit (B1-P-2753) as modified for a new transmitter, directional antenna, and increase in power, requesting 1130 kc. under North American Regional Broadcasting Agreement.

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Authority to determine operating power by direct measurement on 1130 kc. under North American Regional Broadcasting Agreement.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758) for increase in power from 250 watts night, 1 KW day, to 5 KW day and night; install new transmitter and directional antenna for day and night use, requesting approval of directional antenna for day and night use. Amended to request 1150 kc. under North American Regional Broadcasting Agreement.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Modification of construction permit (B4-P-2608) for new transmitter, directional antenna for day and night use, increase in power, move of transmitter, requesting authority to change type of transmitter, and extend commencement and completion dates to 30 days after grant and 180 days thereafter respectively.

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—Modification of construction permit (B3-P-2664) for a new station, requesting authority to install new transmitter, approval of antenna, approval of transmitter and studio sites, requesting 1150 kc. under North American Regional Broadcasting Agreement.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power on 1150 kc. under North American Regional Broadcasting Agreement.

1140 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit to change frequency from 1140 kc. to 1070 kc. under North American Regional Broadcasting Agreement; install a new transmitter; increase power from 5 KW to 50 KW;

change hours of operation from simultaneous day, share night with KVOO, to unlimited time; install directional antenna for night use and move transmitter.

1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit to install new auxiliary transmitter for emergency use only.

1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install directional antenna for night use; increase power from 1 KW night, 5 KW day, to 5 KW night, 10 KW day; change hours of operation from limited to unlimited time; change frequency from 1180 ke. to 1100 ke.; install new transmitting equipment; and move transmitter from Minneapolis, Minn., to Richfield Twp., Minn. Amended to move transmitter .1 mile from requested site at same address, make changes in directional antenna for night use, and request frequency 1130 ke. under North American Regional Broadcasting Agreement.

1200 Kilocycles

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Modification of license to change frequency from 1200 ke. to 1400 ke. under North American Regional Broadcasting Agreement; increase power from 100 watts night, 250 watts day, to 250 watts day and night; and change hours of operation from specified hours to unlimited time.

NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new station to be operated on 1200 ke., 1230 ke. when North American Regional Broadcasting Agreement becomes effective, 250 watts, unlimited time.

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts. Amended: re equipment.

WCED—The Tri-County Broadcasting Co., DuBois, Penna.—License to cover construction permit (B2-P-2665) as modified, for a new station.

1210 Kilocycles

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Authority to determine operating power by direct measurement of antenna power on 1240 ke. under North American Regional Broadcasting Agreement.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—License to cover construction permit (B2-P-2559) for increase in power and installation of directional antenna for night use.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—Modification of construction permit (B-P-2385) for installation of new transmitter and antenna, change frequency, increase power, and move transmitter, requesting approval of transmitter site at present licensed site, antenna changes and change in type of transmitter. Amended: re corporate structure.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW day and night, and install directional antenna for day and night use, requesting 1260 ke., 1290 ke. when North American Regional Broadcasting Agreement effective.

1280 Kilocycles

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Modification of construction permit (B4-P-2906) for a new station, requesting frequency 1310 ke. under North American Regional Broadcasting Agreement; changes in directional antenna for night use; and extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and 180 days thereafter.

1290 Kilocycles

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Authority to install automatic frequency control equipment on 1320 ke. under North American Regional Broadcasting Agreement.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of construction permit (B4-P-2462) as modified for new transmitter and directional antenna for night use, increase in power and move of transmitter, requesting 1330 ke. under North American Regional Broadcasting Agreement, and extension of commencement and completion dates from 8-18-40 and 7-18-41 to 60 days after grant and 180 days thereafter.

KMYR—F. W. Meyer, Denver, Colo.—Modification of construction permit (B5-P-2067) as modified for a new station, requesting 1340 ke. under North American Regional Broadcasting Agreement; changes in antenna, change transmitter site, and extend completion date from 4-28-41 to 180 days after grant.

1310 Kilocycles

WJPR—John R. Pepper, Greenville, Miss.—Construction permit to change frequency from 1310 ke. to 1600 ke. under North American Regional Broadcasting Agreement; increase power from 250 watts to 1 KW; install a new transmitter, and move transmitter. Amended to omit request for move of transmitter.

NEW—John and Marcia Arrington, d/b as Arrington & Arrington, Covington, Va.—Construction permit for a new station to be operated on 1310 ke., 1340 ke. under North American Regional Broadcasting Agreement, 250 watts, unlimited time. Amended to specify transmitter site as Covington, Va.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to transfer control of corporation from J. P. Marchant (63 shares), D. J. Carey (25 shares), Melvin Myer (10 shares), W. Walter Tison (1 share) and The Tribune Co. (1 share) to Russell E. Baker.

1330 Kilocycles

WTAQ—WHBY, Inc., Green Bay, Wis.—Construction permit to make changes in antenna system.

1350 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit to make changes in directional system, requesting 1380 ke. under North American Regional Broadcasting Agreement.

1360 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Authority to install automatic frequency control equipment on 1390 ke. under North American Regional Broadcasting Agreement.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—License to cover construction permit (B3-P-3000) for changes in equipment.

1370 Kilocycles

KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Authority to determine operating power by direct measurement of antenna power.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Authority to determine operating power by direct measurement of antenna power on 1400 ke. under North American Regional Broadcasting Agreement.

NEW—Roy G. Terry, trading as Terry Broadcasting Co., Tyler, Tex.—Construction permit for a new station to be operated on 1370 ke., 250 watts, unlimited time, Class IV. Amended: re geographic location.

KRKQ—Everett Broadcasting Co., Inc., Everett, Wash.—Modification of construction permit (B5-P-2027) for new transmitter, antenna, increase in power and move of transmitter, requesting changes in antenna and extension of commencement date to 30 days after grant and completion date to 90 days thereafter.

1380 Kilocycles

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Authority to determine operating power by direct measure-

ment of antenna power on 1410 kc. under North American Regional Broadcasting Agreement.

1410 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to install automatic frequency control equipment on 1440 kc. under North American Regional Broadcasting Agreement.

1420 Kilocycles

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Authority to determine operating power by direct measurement of antenna power on 1450 kc. under North American Regional Broadcasting Agreement.

1430 Kilocycles

NEW—Southern California Broadcasting Co., Pasadena, Calif.—Construction permit for a new standard broadcast station to be operated on 1400 kc. (1430 kc. under NARBA) (Class III), 1 KW, daytime.

NEW—Southern California Broadcasting Co., Pasadena, Calif.—Construction permit for a new station to be operated on 1400 kc., 1430 kc. under North American Regional Broadcasting Agreement, 1 KW, daytime, Class III (Jurat).

1440 Kilocycles

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Construction permit to install directional antenna for night use, and increase power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in vertical antenna. Amended to change from WMBD Broadcasting Co. to Peoria Broadcasting Co.

1450 Kilocycles

NEW—Washington Broadcasting Co., Washington, Pa.—Construction permit for a new Class IV broadcast station to be operated on 1420 kc., 1450 kc. under NARBA, 250 watts, unlimited time. Amended: re stockholders and to request 1450 kc., NARBA.

1480 Kilocycles

NEW—Homer Rodeheaver, Winona Lake, Ind.—Construction permit for a new station on 1480 kc. under North American Regional Broadcasting Agreement, 1 KW, daytime, Class III.

1490 Kilocycles

NEW—Portsmouth Radio Corp., Portsmouth, Va.—Construction permit for a new station to be operated on 1500 kc., 1490 kc. under North American Regional Broadcasting Agreement, 250 watts, unlimited time.

NEW—Howard H. Wilson, Oshkosh, Wis.—Construction permit for a new standard broadcast station to be operated on 1490 kc. under NARBA, 250 watts, unlimited hours, Class IV.

1500 Kilocycles

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Authority to determine operating power by direct measurement of antenna power on 1490 kc. under North American Regional Broadcasting Agreement.

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—License to cover construction permit (B1-P-2909) as modified, for a new station.

WBTA—Batavia Broadcasting Corp., Batavia, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Modification of construction permit (B2-P-2854) for a new station, requesting approval of vertical antenna, approval of transmitter and studio sites, and install a new transmitter. Amended to move transmitter 0.3 mile further east on Sand Point (same site).

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Construction permit for equipment changes and change in frequency from 1500 to 1230 kc. under NARBA, effective 3-29-41.

NEW—Barclay Craighead, Butte, Mont.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time, Class IV.

1530 Kilocycles

WBRV—American Republican, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) as modified for a new transmitter; changes in directional antenna for day and night use; increase in power, requesting authority to change frequency from 1530 kc. to 560 kc.; change power from 5 KW to 1 KW; install a new transmitter; move transmitter from Prospect Twp., Connecticut, to Naugatuck, Conn.; install new directional antenna for day and night use, and extend commencement and completion dates from 2-22-41 and 6-22-41 to 60 days after grant and 180 days thereafter.

WBRV—American-Republican, Inc., Waterbury, Conn.—Authority to make changes in automatic frequency control equipment on 1590 kc. under North American Regional Broadcasting Agreement.

WALB—Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) as modified for a new station, requesting 1590 kc. under North American Regional Broadcasting Agreement.

1600 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new station to be operated on 1560 kc. under North American Regional Broadcasting Agreement, 1 KW, unlimited time, directional antenna day and night. Amended to change requested frequency from 1560 kc. under North American Regional Broadcasting Agreement to 1600 kc. under North American Regional Broadcasting Agreement, and make changes in requested directional antenna for day and night use.

FM APPLICATIONS

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for new high frequency broadcast station to be operated on 43700 kc., coverage 14,144 square miles. Amended to change frequency from 43700 to 45300 kc., coverage from 14,144 to 6,800 square miles; change type of transmitter; change location of studio locally and transmitter location from Wyandotte, Mich., to Detroit, Mich., and make changes in antenna.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc., 1,427.97 square miles. Amended to change coverage from 1,427.97 square miles to 5,707.7 square miles, change location of transmitter and studio locally, change type of transmitter, and make changes in antenna.

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on 45500 kc., coverage 4,340 square miles.

NEW—Amarillo Broadcasting Corp., Amarillo, Tex.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc., coverage 6,503.89 square miles, population 80,024. Amended to change coverage to 5,628 square miles and population to 73,734, and change type of antenna.

NEW—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc., coverage 7,290 square miles, population 415,501. Amended to change coverage from 7,290 to 6,298 square miles and change type of transmitter.

W69PH—WCAU Broadcasting Co., Philadelphia, Penna.—Modification of construction permit (B2-PH-43) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change location of transmitter.

NEW—Columbia Broadcasting System, Inc., Hollywood, Calif.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc., coverage 20,560 square miles, population 2,594,086.

TELEVISION APPLICATIONS

NEW—Balaban & Katz Corp., Portable-Mobile (area of Chicago, Ill.)—Construction permit for a new television broadcast station to be operated on 384000-396000 kc., 10 watts, A-3 and A-5 emission. Amended to change emission from A-3 and A-5 to A-5 only.

- NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for a new television station to be operated on **384000-396000 kc.**, 10 watts, A-3 and A-5 emission. Amended to change emission from A-3 and A-5 to A-5 only.
- W6XHH—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Modification of construction permit (B5-PVB-62) for a new television station, requesting extension of commencement and completion dates to 6-1-41 and 1-1-42 respectively.
- W6XHT—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Modification of construction permit (B5-PVB-63) for a new television station, requesting extension of commencement and completion dates to 6-1-41 and 1-1-42 respectively.

MISCELLANEOUS APPLICATIONS

- W9XLA—The KLZ Broadcasting Co., Denver, Colo.—Construction permit to move transmitter from Denver, Colorado to Near Denver, Colorado.
- WBOE—Cleveland City Board of Education, Charles H. Lake, Supt., Cleveland, Ohio.—License to cover construction permit (B2-PED-16) for change in frequency, power and emission.
- WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authorization to install automatic frequency control. (Sec. 6 thru 10).
- NEW—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York, N. Y.).—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, A-3 emission.
- NEW—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York, N. Y.).—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, A-3 emission.
- WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-28) for change in frequencies, equipment and increase in power, requesting extension of completion date from 4-6-41 to 5-6-41.
- WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-29) for change in frequencies, equipment and increase in power, requesting extension of completion date from 4-6-41 to 5-6-41.
- KEJM—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile (area of Sioux City, Ia.)—License to cover construction permit (B4-PRE-375) for change in equipment and decrease in power.
- W9XG—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-PVB-52) for change in equipment frequency, decrease power and add A-3 emission, requesting extension of completion date from 3-24-41 to 9-24-41.
- NEW—Columbus Broadcasting Co., Inc., Portable-Mobile (area of Columbus, Ga.)—Construction permit for a new relay station to be operated on **1622, 2058, 2150, 2790 kc.**, 50 watts, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Jeddo-Highland Coal Company, Jeddo, Pa., and three Providence, R. I., coal dealer corporations, are charged, in a complaint, with an agreement and conspiracy to control the sale of "Jeddo-Highland" coal in the Providence area.

The complaint alleges that under the respondents' agreement, Jeddo-Highland Coal Company confined its sales and shipments

of Jeddo-Highland coal in Providence exclusively to the three respondent coal dealers, Eastern Coal & Oil Company, Sayles & French, Inc., and Atlantic Coal Company; the three dealers designated one or more other Providence anthracite coal dealers to whom Jeddo-Highland should not sell its Jeddo-Highland coal, and Jeddo-Highland refused further to sell Jeddo-Highland coal to Providence anthracite dealers who sell that brand of coal at a retail price less than the three respondent dealers' retail price. (4468)

United States Raw Skins Corp.—A complaint has been issued charging the United States Raw Skins Corporation, 12 East 33d St., New York, with misrepresentation in the sale of leather, and the Lieberson Novelty Co., Inc., 325 South Market St., Chicago, with misrepresentation in the sale of ladies' handbags and other articles made from leather purchased from the New York corporation.

The complaint alleges that in advertisements disseminated by the respective respondents the leather sold by the United States Raw Skins Corporation to the Lieberson Novelty Co., Inc., and to others was represented as having been produced by the tanning of antelope hide, and the articles made therefrom by the Lieberson Company as having been manufactured from such leather so produced.

According to the complaint, the leather sold by United States Raw Skins Corporation was not produced from antelope hide, and the Lieberson Novelty Co., Inc., made its articles from leather tanned to simulate antelope leather. (4469)

AR. Winarick, Inc.—A complaint has been issued alleging that a New York manufacturer of beauty parlor and barbers' supplies and three Washington, D. C., wholesalers and jobbers entered into an agreement, combination and conspiracy under which they restrained competition and fixed prices in Washington and nearby areas of Virginia and Maryland, and pursuant to which they carried on certain acts and practices in the sale of such products.

The respondents are AR. Winarick, Inc., 805 East 140th St., New York, manufacturer; Union Beauty & Barber Supply, Inc., 516 Twelfth St., N. W.; Louis Saul and Anthony Nicastrì, trading as A. B. C. Barber & Beauty Supply Co., 1414 Fourteenth St., N. W.; and Vasili Thalìs, trading as American Beauty & Barber Supply Co., 733 Seventh St., N. W., all of Washington; Joseph A. Gallagher, New York, vice president and general sales manager of AR. Winarick, Inc., and George Miller, E. D. Chapman, Frank Waters, and Gladys Welch, of Washington, all officers of Union Beauty & Barber Supply, Inc.

The complaint alleges that due to their position in the wholesaling and jobbing business the three Washington distributing companies are able to control and influence the flow of trade in beauty parlor and barbers' supplies in their territory.

The complaint alleges that in pursuance of their agreement or conspiracy, the respondents sold such products in that territory at agreed-upon uniform prices set forth in price lists circulated by and among them; ceased to compete among themselves or with others in the sale of such products in Washington and nearby areas, and threatened to and did cut off supplies from those jobbers or wholesalers and retailers who refused or failed to sell such products at the fixed prices. (4470)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Macher Watch & Jewelry Company—Caroline R. Macher and Robert J. Macher, trading as Macher Watch and Jewelry Co., and as Wholesale Watch and Jewelry Co., 15 Maiden Lane, New York, have been ordered to cease and desist from misrepresentations in the sale of watches, jewelry, silverware or other merchandise.

Commission findings are that the respondents, who traded under the name Wholesale Watch and Jewelry Co. until April, 1939, represented in catalogs and other advertising material that they are wholesalers and jobbers charging wholesalers' and jobbers' prices which allow the purchaser large discounts from customary retail prices. However, according to findings, the respondents are neither wholesalers nor jobbers but retailers, and their prices are retail prices.

The Commission order directs the respondents to cease and desist from using the word "Wholesale" or "Jobbers" or similar words as part of or in connection with their trade names, and from representing that their prices are wholesalers' or jobbers' prices or provide any substantial discount from customary retail prices.

Under the order the respondents further are directed to cease representing that their business is "over half a century" old or was started at any time prior to 1930, and that their rings or other jewelry are set with rubies, sapphires or other precious stones, when in fact such settings are only artificial or synthetic stones. (4087)

Ru-Ex Co., 500 Foot-Schulze Building, St. Paul, Minn., has been ordered to cease and desist from disseminating any advertisement which represents that its medicinal preparation "Ru-Ex" is in all cases safe or harmless, or which fails to reveal that the preparation should not be used by persons having tuberculosis or goitre. The order provides that such advertisement need contain only a statement that the preparation should be used only as directed on its label, when the label warns that the preparation should not be used by those having tuberculosis or goitre.

According to Commission findings, the respondent's product, advertised as a rheumatism, arthritis and neuritis remedy, contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions. (4387)

Stetson Shoe Co., Inc., trading as M. N. Arnold Shoe Co., South Weymouth, Mass., has been ordered to cease and desist from certain representations in the sale of its products.

Commission findings are that the respondent corporation falsely designated shoes as "Alligator Calf" when in fact they were not made from the hide of an alligator but from a leather material other than that hide, which had been embossed to simulate alligator leather.

The Commission order directs the respondent to cease and desist from using the word "alligator" or any similar word to describe shoes not made from alligator hide, and provides that the word "alligator" may be used to describe the finish of shoes which are made from other materials and are finished or embossed to resemble alligator leather, when such word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials (4050).

Worthmore Sales Promotion Service, Inc., 221 East 20th St., Chicago, manufacturer of "Rap-A-Pak" novelty holders for cigarette packages, has been ordered to cease and desist from representing as profits of agents selling its products any amount in excess of the average net earnings regularly made by its salesmen or distributors in the normal course of business. Commission findings are that the respondent corporation represented in periodical advertisements circulated in various States that salesmen selling its device customarily earn from \$75 to \$100 a week in the usual course of business, when in fact such earnings under those conditions are impossible. (4430)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Arco Publishing Company—Milton Gladstone, trading as Arco Publishing Co., 480 Lexington Ave., New York, publisher of manuals containing questions and answers and other material designed to prepare persons for Civil Service examination, entered into a stipulation in which he agrees to cease representing that such publications contain questions and answers, new type or otherwise, which will be used in forthcoming Civil Service examinations, or that he has access to questions contemplated by the United States Civil Service Commission for any future examination. The respondent also stipulates that he will desist from representations causing the impression that his publications or their issuance have been authorized or approved by any agency, governmental or otherwise, when in fact they have not been so sanctioned. (3040)

Edison General Electric Appliance Co., Inc., 5600 West Taylor St., Chicago, stipulated that in the sale of "Hotpoint Electric Refrigerators" it will cease using any statement the effect of which tends to cause the belief that it has a contract with the United States Government or any agency thereof to furnish electric refrigerators in number, quantity or percentage other than is a fact. According to the stipulation, it is further understood that no provision of the respondent's agreement with the Commission shall be construed as authorizing the advertising of United States Government awards when such advertising is prohibited by agreement with the Government or is in violation of law. (3041)

Emerson Radio & Phonograph Corporation, 111 Eighth Ave., New York, manufacturer of radios and radio-phonograph combination sets, entered into a stipulation to cease representing that certain radio sets have a "list price" of a designated amount, when in fact such designated amount is fictitious or in excess of the established price for which the products are customarily sold in retail trade.

The respondent corporation also agrees to cease using the word and figure "Now \$9.95" or similar phraseology to designate products regularly sold at that price so as to imply that the price referred to has been recently reduced. The respondent also agrees to desist from using the phrase "Save \$10.00" or any similar phrase in referring to products having a specified alleged "list price" or which are sold at a designated amount, so as to imply that the products are customarily sold in retail trade for such list price or that their selling price is \$10 less than the price for which they are customarily sold in retail trade. (3039)

Hess Hair Milk Laboratories—Frank X. Hess, trading as Hess Hair Milk Laboratories, St. Paul, Minn., has entered into a stipulation in which he agrees to cease representing through the use of testimonials or in any manner, that "Hess Hair Milk" is a "natural treatment" or natural product; that it will prevent falling hair; that it is a hair tonic or scalp conditioner or has any remedial or tonic effects on the scalp or hair; that its use will restore the original, natural or youthful color to gray or faded hair; that it will cause hair to have a youthful appearance, or that it will prevent the appearance of age. (3042)

Middle West Supply Company—Charles T. Pike, Elbert C. Pike and Ernest C. Pike, trading as Middle West Supply Company and as The Best Gardens, 310 Prairie St., St. Charles, Ill., have been directed to cease and desist from misrepresentations in the sale of face powder and flower seeds.

Commission findings are that under the name Middle West Supply Company, the respondents have sent prospective customers penny postals bearing so-called "special" or "introductory" offers of "free" face powder allegedly valued at \$1, provided the customer remits 10 cents to cover handling charges, and sends the respondents six postals addressed to friends; and that the respondents advertised that customers responding in 10 days would receive a "promptness prize."

Further findings are that in a large number of cases no face powder is sent upon receipt of the dime, or if the powder is sent it is not reasonably worth more than the customer's dime, and that the respondents require an additional 24-cent payment before sending the "promptness prize."

Similar offers with respect to flower seeds were made by the respondents under the trade name of The Best Gardens, according to findings. In a large number of cases, the findings continue, no flower seeds were sent, or, if actually sent, were worthless hulls and would not grow.

According to Commission findings, the United States Post Office Department received almost 5,000 complaints regarding the respondents' failure to live up to their offers and during one year the respondents bought more than 3,000,000 postal cards, at one time mailing about 50,000 a day.

The Commission order directs the respondents to cease using the words "free," "free offer," "gift," "prize," or "premium" to refer to any of their merchandise; to discontinue representing that amounts charged for goods are anything other than their full retail price; to cease marking up regular prices of merchandise, and to desist from the representation that the respondents are conducting a special, introductory or advertising offer. (3996)

Rumagol Laboratories—Trading as Rumagol Laboratories, Rio Grande Pharmacy, and Rio Grande Drug Co., A. Medrano, 4164 Brooklyn Ave., Los Angeles, entered into a stipulation in which he agrees to cease certain representations in the sale of the preparation "Rumagol."

The respondent agrees to cease disseminating advertisements representing that Rumagol is a competent remedy or effective treatment or analgesic for rheumatoid arthritis, muscular pains, lumbago, sciatica, gout, neuritis, arteriosclerosis, painful or twisted joints or nerves, or so-called rheumatism, and that preparations sold in competition with Rumagol such as rubefacient or counter-irritating liniments or ointments are ineffective in the treatment of such ailments. The respondent also agrees to desist from advertising that the preparation will reduce and eliminate excess uric acid by its action on the kidneys.

Under the stipulation, the respondent Medrano further agrees to cease disseminating advertisements of the preparation which fail to reveal that it should not be used when abdominal pain, nausea, vomiting or other appendicitis symptoms are present, or which fail to reveal that frequent or continued use may result in dependence on laxatives. The stipulation provides that such advertisements need contain only a statement that the preparation should be used only as directed on its label, if and when such label either contains a warning concerning consequences that may result from use of the preparation under certain conditions or specifically directs attention to a similar warning statement in the accompanying labeling. (02745)

Reese Chemical Co., 10617 Frank Ave., Cleveland, has entered into a supplemental stipulation in which it agrees to cease representing that its preparation "Thoxine" is a remedy or cure for sore throat or is of any value in its treatment except as it may afford temporary relief for certain aches and discomforts associated with a cold. The respondent also agrees to cease representing that its product soothes congested membranes all the way down, or works quickly through the entire system, and that it is the ideal preparation for children. The stipulation is supplemental to a stipulation accepted by the Commission in May, 1936, in which The Reese Chemical Co. agreed to cease making other representations concerning "Thoxine." (01395)

Restmore Mattress Company—Isadore Galitzky, trading as Restmore Mattress Co., 1121 Holmes St., Kansas City, Mo., mattress manufacturer, has entered into a stipulation in which he agrees to cease using on labels or in advertising matter (or through such printed matter supplied to others for their use in connection with the sale of his products) any fictitious or misleading price representation which purports to be the retail sales price of certain mattresses but which in fact, exceeds the customary retail price. (3045)

F. A. Stuart Co., Marshall, Mich., has entered into a supplemental stipulation in which it agrees to cease disseminating certain representations concerning "Stuart's Laxative Compound Tablets."

The respondent agrees to cease disseminating advertisements which represent that these tablets will in no case have any deleterious effects or are safe to use in all cases, or which advertisements fail to reveal that (1) use of the preparation should be discontinued where a skin rash appears; (2) the preparation should not be used when abdominal pain, nausea, vomiting or other symptoms of appendicitis are present, and (3) frequent or continued use may result in dependence upon laxatives.

The stipulation provides that the advertisement need contain only a statement that the preparation should be used only as directed on the label, if and when the label either contains warning statements of the consequences that may result from the preparation's use under certain conditions, or specifically directs attention to similar warning statements in the accompanying labeling.

The stipulation is supplemental to a stipulation accepted by the Commission from the respondent in December, 1936. (01589)

Weller Company—H. Pierce Weller, trading as Weller Co., Atascadero, Calif., has entered into a stipulation in which he agrees to cease advertising that the preparation "Vitey Perles" will increase energy, and that the product has any effect whatever without expressly limiting such claims to cases where there is

a lack of Vitamin E. The respondent further stipulates that he will cease representations to the effect that Vitey Perles stimulates sexual desire or ability. (02746)

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THE WEEK IN WASHINGTON

The NAB Board will meet Monday and Tuesday, March 17 and 18, at the Roosevelt Hotel, New York City. (p. 237.)

Lanny Ross, radio tenor, has written a new song, "The Smile of the Irish", which BMI will make available for broadcasting in time for St. Patrick's Day. (p. 237.)

Public promotion for Radio's Movin' Day gets under way. (p. 239.)

A study of urban radio listening in the United States will be mailed to all members next week. (p. 244.)

Members who wish to propose amendments to NAB By-Laws should send them to NAB headquarters immediately. District 3, 5 and 7 meetings are scheduled. The Code Committee replies to objections to beer advertising. (p. 244.)

Delaware's "Blue Laws" were repealed after a strict enforcement campaign involving broadcasting stations. (p. 246.)

James Lawrence Fly, FCC Chairman, said that the Commission was working on a brand new "monopoly" report. (p. 246.)

Board Meets March 17-18

The NAB Board will meet Monday and Tuesday, March 17-18, at the Roosevelt Hotel, New York City, to consider the whole music situation.

In connection with the meeting, Neville Miller issued the following statement:

"On February 26 we were informed that the American Society of Composers, Authors and Publishers had signed a consent decree requiring the Society to offer its music to broadcasters on a per program basis. I immediately wrote Mr. Gene Buck that if the Society cared to submit terms by which broadcasters could obtain licenses to use ASCAP music on radio programs I would call a special meeting of our Board of Directors to consider such proposals. Mr. Buck replied promptly, and since that time we have had another exchange of letters on the subject.

"It is understood that no broadcaster has delegated to the National Association of Broadcasters the right of negotiation and that any proposal must eventually be

submitted to individual broadcasters. Several broadcasters, I am told, have themselves made this clear to ASCAP by writing ASCAP to that effect. However, Mr. Buck feels that it would be helpful if our Board of Directors were to appoint a committee to sit with ASCAP's representatives to assist in formulating a proposal for submission to broadcasters.

"I have therefore called a meeting of our board for for next Monday, March 17, in New York to consider the whole question. As members of the board will assemble here from all parts of the country, I have also told Mr. Buck that I think it important that he get into concrete form the alternative bases of licensing which the Society is prepared to offer to broadcasters so that they can be considered in general terms by the members of our board at their meeting."

BMI

THE SMILE OF THE IRISH

Lanny Ross, radio tenor, has written a new song, *The Smile of the Irish*, which BMI will make available for broadcasting in time for St. Patrick's Day. Mr. Ross has already introduced the song in vaudeville and over the air with notable success and it will be featured in the St. Patrick's Day parade in New York by a group of Irish girls chosen for their ability to represent the beauty as well as the smiles of the Irish.

The lyrics of the song are well adapted to parody and Mr. Ross has developed special lines for the use of the Army, the Navy, and the Marine Corps. The version which begins, *Oh, There's Nothing Like the Smile of a Soldier*, bids fair to become a familiar bit of bellowed melody in the Army camps along with BMI's other gift to the service man's amusement, *Where's the Captain's Hat?*

HEARTBREAK FOR HOLLAND

A new song, *My Sister and I*, based on the book of the same title which is the diary of a Dutch boy refugee has created a furor among band leaders and vocalists in their eagerness to be among the first to record it.

Dick Jergens first heard the song at the offices of the

(Continued on page 238)



1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 237)

publishers, BMI, and asked that a recording be sent to him in Chicago where he was playing. He played it for Eddy Duchin and they both immediately put in a bid to record the tune. In the meantime, Tommy Tucker became interested in it and mentioned it to Bea Wain. Bea liked the idea so well that she phoned the composers and asked them to come up to her apartment and play it for her. As a result, Victor announced next day in its record releases, "Bea will disc 'My Sister and I', a refugee song based on the best-selling novel of the same name." And while this was going on, Bob Chester was assigned to record the tune by Bluebird and Benny Goodman beat all the bands to an air performance by doing it Monday night, March 3rd, on WJZ. All in all, eight top-flight band leaders have reserved *My Sister and I* for recording, and orchestrations are not yet off the printing press.

There is something timely, tender, and poignant about the lyrics which bring home to the listener what the war has meant to the people of the peaceful little countries. Yet there is nothing that the strictest censor could delete on the ground that it told of the horror of war.

The writers, Alex Kramer, Joan Whitney, and Hy Zaret, also wrote *So You're the One* and *It All Comes Back to Me Now*. Joan Whitney left last week for Hollywood in company with Aileen Stanley, agent for the motion picture rights of the book, to complete negotiations under way calling for production of a motion picture based upon the book.

The song will be released to BMI stations in the near future.

In *Billboard's* Music Popularity Chart this week we took a red pencil to check off the BMI numbers on the list of Leading Music Machine Records, National Best Selling Retail Records, and National Sheet Music Best Sellers. By the time we had finished, it was hard to find the numbers which had not been checked. Nine out of the eleven leaders in the coin machines, eight out of ten best selling records, and twelve out of fifteen sheet music best sellers are covered by the BMI license. *Billboard* reports that *High on a Windy Hill* has this past week

BMI FEATURE TUNES

March 17-24

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. WHERE'S THE CAPTAIN'S HAT
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. ACCIDENT'LY ON PURPOSE
11. KEEP AN EYE ON YOUR HEART
12. ALL I DESIRE
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. SHADOWS IN THE NIGHT
17. STONE'S THROW FROM HEAVEN
18. WITH A TWIST OF THE WRIST

taken a sudden jump upward to land "among the blue-ribbon winners in the current automatic phono picture" and it is now "a prime favorite among nickel droppers."

NEW BMI REPRESENTATIVES

Broadcast Music, Inc., announces the appointment of Mr. Harold Seader of 6 Wales Street, Dorchester, Mass., as New England representative, and Mr. J. Robert Miller, 10410 East Jefferson Avenue, Detroit, Mich., as roving representative covering from Kansas City to Pittsburgh.

FAMOUS COMPOSER SIGNS BMI CONTRACT

Broadcast Music, Inc., has completed a contract with Dr. Ralph Benatzky for his previously unpublished compositions. Composer, dramatist, novelist, and poet, Dr. Benatzky is best known in this country for such recent productions as *Meet My Sister*, with Walter Slezak, *Cocktail*, with Mady Christians, and *White Horse Inn*. He has the phenomenal record of having written 92 plays, about 200 one-act plays, about 5000 songs, 11 books, 150 motion pictures, and enough other items to make up the life work of an average man. For his operas and music plays he himself writes book, lyrics, and music.

Dr. Benatzky is a Czech by birth and has for years been a Swiss citizen, but he is now living in New York and has taken out his first naturalization papers to become a citizen of this country.

He began his work as an author and composer when

(Continued on page 243)

TWO WEEKS TO MOVIN' DAY

Since last NAB REPORTS thirteen additional governors have either issued Movin' Day proclamations or have promised to do so. These governors, together with the station executive, securing the proclamation, on behalf of the industry, are:

- ALABAMA—Gov. Frank M. Dixon
Arranged by Howard E. Pill, WSFA, Montgomery
- FLORIDA—Gov. Spessard L. Holland
Arranged by W. Walter Tison, WFLA, Tampa
- IDAHO—Gov. Chase A. Clark
Arranged by C. G. Phillips, KIDO, Boise
- LOUISIANA—Gov. Sam Houston Jones
Arranged by James A. Noe, WNOE, New Orleans
- MICHIGAN—Gov. Murray Van Wagener
Arranged by John E. Fetzer, WKZO, Kalamazoo
- NEW HAMPSHIRE—Gov. Robert O. Blood
Arranged by Earle Clement, WLNH, Laconia
- NORTH CAROLINA—Gov. J. M. Broughton
Arranged by Edney Ridge, WBIG, Greensboro
- NORTH DAKOTA—Gov. John Moses
Arranged by F. E. Fitzsimonds, KFYZ, Bismarck
- SOUTH DAKOTA—Gov. Harlan J. Bushfield
Arranged by A. A. Fahy, KABR, Aberdeen
- UTAH—Gov. H. B. Maw
Arranged by S. S. Fox, KDYL, Salt Lake City
- VIRGINIA—Gov. James H. Price
Arranged by C. T. Lucy, WRVA, Richmond
- WASHINGTON—Gov. Arthur Langlie
Arranged by H. J. Guillian, KIRO, Seattle
- WYOMING—Gov. Nels H. Smith
Arranged by H. L. McCracken, KYAN, Cheyenne

These additions bring to thirty-one the number of proclamations secured and promised. Nine additional proclamations are being negotiated in eight states and the District of Columbia as follows:

Georgia, Illinois, Maryland, Missouri, New Jersey, New York, Pennsylvania, Wisconsin, District of Columbia. No information has been received from nine other states.

With the progress thus far reported, there is every possibility that the industry will secure a clean sweep in continental United States.

MORE MAYORS PROCLAIM

Several additional mayors are reported as issuing proclamations:

- The Mayor of Lima, Ohio
- Mayor T. W. Harris, Columbus, Miss.
- Mayor Ed Warren, Cheyenne, Wyo.
- Mayor Rex P. Barrett, Columbia, Mo.
- The Mayor of Rochester, N. Y.
- The Mayor of West Palm Beach, Fla.
- The Mayor of Palm Beach, Fla.
- The Mayor of Lake Worth, Fla.
- Mayor Ira Kruger, Aberdeen, S. D.
- The Mayor of Rock Island, Ill.

EDUCATORS HELP

We have received word of cooperation from state superintendents of education in the following states since the last NAB REPORTS:

- Florida
- New Mexico

GOVERNORS' LEAGUE STANDINGS

District	Standing	States in	States out
No. 6	1.000	Arkansas Louisiana Mississippi Tennessee	
No. 7	1.000	Kentucky Ohio	
No. 8	1.000	Indiana Michigan	
No. 11	1.000	Minnesota North Dakota South Dakota	
No. 12	1.000	Kansas Oklahoma	
No. 17	1.000	Oregon Washington	
No. 14 . . . .	.800	Colorado Idaho Utah Wyoming	Montana
No. 5 . . . .	.667	Alabama Florida	Georgia
No. 4 . . . .	.667	North Carolina South Carolina Virginia West Virginia	Maryland District of Columbia
No. 10 . . . .	.667	Iowa Nebraska	Missouri
No. 1 . . . .	.500	Connecticut Massachusetts New Hampshire	Maine Rhode Island Vermont
No. 15 . . . .	.500	California	Nevada
No. 16 . . . .	.333	California	Arizona New Mexico
No. 2 . . . .	.000		New York
No. 3 . . . .	.000		Delaware New Jersey Pennsylvania
No. 9 . . . .	.000		Illinois Wisconsin
No. 13 . . . .	.000		Texas

Some "out" states have proclamations in negotiation.

TAMPA—ST. PETERSBURG

A full page of copy in the Tampa *Tribune*, Tampa *Times* and the St. Petersburg *Times* is part of the Movin' Day promotion arranged by WDAE, WFLA and WTSP.

The Peninsular Telephone Company bills and the statements issued by Tampa Electric Company contain Movin' Day stuffers. Plans for the broadcast barrage

have already been completed. In addition Spessard L. Holland, Governor of the State of Florida, issued a Movin' Day proclamation on March 5, arrangements for which were made by Walter Tison, WFLA and NAB District 5 Director.

LIMA, OHIO

WLOK, Lima, started promotion of Radio Movin' Day on March 10, with a big meeting and open house for all radio servicemen in northwestern Ohio. Invitations urged servicemen to come early and stay late. They inspected WKOL's new 250-watt transmitter and heard talks on Movin' Day by Russ Shettler, WLOK's chief engineer, and by Kent Richey, Lima radio parts jobber. Meeting was strictly informal, and was followed by special entertainment by WLOK staff. Elaborate refreshments and dutch lunch were served. At conclusion of meeting visitors were invited to remain for early morning frequency check.

WLOK has arranged consistent follow-up by dramatized broadcasts, announcements, mayor's proclamation and various stunts. Advertisers are cooperating in allowing mention of Movin' Day on their programs.

TRANSCRIPTION IDEA

When V. J. LeBarron, secretary-treasurer, KGNF, North Platte, Nebr., received the Movin' Day tune recently released to all stations, he sent it to C. P. MacGregor transcription company in Hollywood. There, Anita Boyer "sang it in three different rhythms, making three different tracks on the transcription. We are going to use it 'loud and often' until everyone will be singing it when Movin' Day gets here.

"Maybe some other station would like the idea."

1400 KILOCYCLE CLUB

Bob McRaney, general manager, WCBI, Columbus, Miss., has come up with an outstanding idea to publicize his new dial location. It is passed on in the belief that it will be useful to other stations. Here it is in Mr. McRaney's own words:

"We have organized a radio fan club called the 1400 Kilocycle Club. We are endeavoring to secure 1400 charter members; one member for every kilocycle we have after March 29. Regular membership cards are being printed and mailed to those requesting them, the first 1400 being charter members of the club. The idea seems to have caught on splendidly, and we are being besieged with requests for membership cards. Thirty minutes every day has been set aside on WCBI during which time requests of the membership are answered, details of the organization given, names of new members read, and special emphasis made on Movin' Day angle of WCBI to its new frequency 1400 kilocycles.

"This coupled with our regular newspaper publicity, plus distribution of stuffers in power bills, plus the Mayor's proclamation should certainly bring to the attention of our listeners the facts of Movin' Day."

PROMOTION TIME TABLE

1. Increase promotion tempo in accordance with your plans.
2. Make a recording of the Movin' Day Theme. Get everybody whistling it!
3. Plan for promotion on and after March 29. As a precaution the use of newspapers may be in order.
4. Try your telephone company again for April insertion of stuffers. From reading NAB REPORTS you have noticed that some telephone companies are now cooperating with the industry. A great many people say "no" the first time.

PROMOTES MAYORALTY "PROCS"

When the Hon. Harland J. Bushfield, Governor of the State of South Dakota, signed the Movin' Day proclamation he agreed to cooperate further with the radio industry. On the day after the signing of the proclamation, on March 5, he wrote A. A. Fahy, general manager, KABR, that he would issue the proclamation on March 15 as requested. Mr. Fahy is also promoting the idea of having the Mayors of South Dakota cities and towns issue similar proclamations.

STRANGE COINCIDENCE

By coincidence Governor John Moses of North Dakota also selected March 15 for the issuance of his Radio Movin' Day proclamation. So said his letter to F. E. Fitzsimonds, manager, KFYZ, Bismarck, N. D.

MAILED COPIES OF IDAHO "PROC"

Immediately after Governor Chase A. Clark, of Idaho, issued his proclamation, C. G. Phillips, manager, KIDO, Boise, mailed a copy to all stations in the state. Reports have it that it is being used effectively.

COLUMBIA, MO.

Foster H. Brown, Jr., KFRU, Columbia, Mo., is taking no chance that any listeners will be ignorant of the arrival of Movin' Day. Here's what has been arranged so far:

Proclamation of Mayor Rex P. Barrett on March 15. Advertisements in local newspapers beginning March 20.

Spot announcements beginning same date. On April 1 the telephone company will include reallocation stuffers in its bills.

Telephone calls to all radio servicemen to stimulate their interest and cooperation are currently being made.

KENTUCKY UTILITIES

Kentucky utilities which services a huge part of the state of Kentucky is cooperating aggressively in spreading reallocation news via the enclosure route. Officials were contacted by Ted Grizzard, station director of WLAP, Lexington.

SPECIAL MOVIN' DAY SECTION

Douglas Fellows, radio editor, *Hartford Courant*, is busy compiling material for a special section in the *Courant* to be issued March 23. The *Courant* is Hartford's only Sunday newspaper.

Decision to publish the special section was made after conference with James F. Clancy, WTIC Sales Promotion Manager, Walter Haase, program manager, WDRC, and officials of WTHT.

ROCHESTER

William Fay, general manager, WHAM, Rochester, N. Y., has prepared an impressive educational and promotional schedule over his station. Account of "additional promotion incidental to Movin' Day" covers several pages. Some of the highlights are:

Each day WHAM's full column promotion ad in Rochester's morning and evening newspapers, total circulation 173,000, plugs new frequency, as well as programs.

The station is offering a new log book in cooperation with the Stromberg-Carlson plant. The book will also be available through Stromberg-Carlson dealers throughout the United States.

Announcements on WHAM between March 16 and 20 will call attention to the fact that the station shifts to 1180 kilocycles. From March 22 all sustaining programs will give similar information. A representative of the local radio servicemen's group will be presented to discuss "Seven Days—300,000 Sets." There will also be courtesy announcements.

March 23, church services will mention frequency shifts. Also courtesies. March 24, radio servicemen's talk No. 2. Also courtesies.

March 25, Lee McCanne, assistant to the general manager of Stromberg-Carlson will discuss "Station Interference and Frequency Reallocation." Also courtesies. On this day tests will be made on 1180 kc. between 1:00 a.m. and 2:00 a.m. to assist dealers and servicemen in locating the frequency on push button receivers.

March 26, Ken Gardner, chief engineer, will discuss radio Movin' Day. On the same date radio servicemen's talk No. 3 is scheduled. Also courtesies. Next day WHAM will broadcast from the transmitter telling how the retuning of the 50 kw transmitter was achieved. Mem-

bers of the engineering staff will be interviewed. More courtesies.

On March 28, the station will present the proclamation of the Mayor of Rochester.

The mobile transmitter will be used to conduct a man-on-the-street program. Quiz questions will deal with such common but little understood words as "crystal," "frequency," "carrier," "microphone," "clear channel," etc.

A science program of the Rochester School of the Air will explain to the boys and girls what the frequency shift means. More courtesies.

March 29, servicemen's talk No. 4—"Radio's 'M' Day." The Stromberg-Carlson company's sales manager will broadcast a second show "Radio Sets Five Years Ago and Now." More plugs.

March 30 through April 5, WHAM will continue to announce the station's new frequency.

WEST PALM BEACH

Steve Willis, general manager, WJNO, West Palm Beach, Fla., has no interest in a printing plant but just the same he's having 40,000 dodgers printed on reallocation and will distribute 400 window cards in 2-color silk screen process.

He has secured proclamations from the mayors of West Palm Beach, Palm Beach and Lake Worth. Similar resolutions were issued by the local Board of Public Instruction, Boy Scouts, Girl Scouts, Unified Drive, Red Cross, the Woman's Club of West Palm Beach, the Woman's Club of Lake Worth and 15 additional community groups connected with educational, civic, religious and charitable activities.

Between March 7 and 11 inclusive WJNO conducted a teaser announcement campaign—"Wait for THE day! It's Coming." From March 12 to 15 the copy read—"Wait for THE day! We have a date at twelve-thirty." Beginning March 16 and continuing through the 20th the announcement will read "Wait for WJNO Day! We have a date at twelve-thirty."

Beginning March 20 the ten daily news periods will carry a straight news story reporting events pointed to "WJNO Day," March 29. First news stories will be the mayor's resolution and those of the civic groups.

March 20 will emphasize the retailers' anxiety to cooperate by displaying the "WJNO Day" window and counter cards.

The majority of the 40,000 dodgers will be distributed by Boy Scouts throughout the county, the time being credited toward their civic award. The dodgers will also be distributed to all churches on "WJNO Sunday," March 30, and at the schools. Dodger distribution will cover the March 20-29 bracket. The distribution of window and counter cards begins on March 20.

Newspaper advertising begins March 28. This will be a 3-column ad reproducing the mayor's resolutions and signed by all civic groups. Sunday papers will contain smaller ads.

On March 29 the Station will present a program which pays tribute to the community for the way it has been honored by citizens and civic groups.

CHICAGO

Chicago stations are working closely with the Chicago chapter, Radio Servicemen of America. They have provided RSA members with printed call letters for use as station tabs. This service organization has a large membership in Chicago and should prove most helpful to all Chicago stations.

PHILCO 30,000 MAILING

The service department of Philco Corporation, reports through J. R. Jackson, manager, service department, that 30,000 radio dealers and servicemen throughout the United States and Canada have been mailed a four page Movin' Day promotion.

COLUMBUS, OHIO

Here's the outline of WBNS' promotion for Columbus and adjacent territory as relayed by Jim Yerian, promotion manager:

Will plug a single telephone number for local radio servicemen's association. Line terminate in a clearing house office for service calls to be routed according to the location.

An elaborate program of spots begins March 17. The copy will be short if a commercial spot follows, longer for breaks which do not precede a spot; one-minute on station breaks not preceding commercial spots or commercial programs. Some of them will be transcribed spots for use in being made of the NAB Movin' Day theme song. Listeners are urged to make a reservation with

their radio repairman for service to be performed as soon after March 29 as possible.

Prior to March 29 radio will be the only medium used. But beginning with that date and continuing to April 10 a thorough newspaper campaign has been prepared. A ten-inch ad will appear in the *Ohio State Journal* and eight county dailies with three such insertions in county weeklies and semi-weeklies.

Another series of two-inch ads will appear in the *Ohio State Journal* and eight county dailies for ten consecutive days following the change. The same design in same size will be used on colored stickers. Some of them will appear on news releases going to over 1,000 schools in central Ohio.

Irwin Johnson is preparing a script for the educational program, "Liberty Under Law," which will include a history of frequencies in radio and which will point out the advantages of reallocation. This program now carried by seven Ohio stations will probably be carried by twelve as of March 29.

Thirty thousand rural families will receive a booklet which includes a complete station log, picturization of the staff and information relative to frequency changes.

Ten large billboards will be used; the lobby will be decorated; posters will be prepared suitable for sponsors' windows; the house organ will promote the new wave lengths and auto license plates for all staff members have been designed.

Letters will be sent, outlining the promotion campaign, to all radio dealers in central Ohio. Another letter will go to automobile dealers in the same territory. It urges them to notify owners of auto radios to have their sets changed.

The grocer and druggist letters, also containing frequency change information, will suggest that these merchants discuss changes with their customers so they will not miss a single program which sells the advertised goods in stock.

Every individual user of WBNS' time will get a selling story.

SACRAMENTO, CAL.

The Radio Movin' Day promotion plan being undertaken by KFBK, Sacramento, covers five sheets. Highlights are:

A meeting of servicemen on March 15. Invitations were extended to 730 servicemen north of Sacramento as far as the Oregon line.

Magazine articles in: California State Grange publication; Pacific Rural Press, California State Employees' Magazine.

A full page layout is scheduled for the magazine section of the Sacramento *Bee* on March 29. A technical story will appear in the *Bee* on March 25 and a general story March 27.

HOLD TEST PERIODS

In order to enable dealers to reset their stock of receivers to the new frequencies before March 29, it has been suggested that stations schedule definite test periods during which they will transmit on the new frequency. The radio repair men and the dealers should be notified of these test periods.

A. E. Joscelyn, general manager, has announced that WBT, Charlotte, will start such a series of transmissions this week. WHAM, Rochester, will hold its first test for servicemen, March 25.

The daily publication of one-inch teaser ads in the Sacramento *Bee* covers March 10-18. Six-inch ads appear 19, 20, 21 and 22. A thirty-inch ad is scheduled for March 25 and a double truck in the *Bee* is set for March 26. This is a cooperative ad with servicemen and dealers' tie-in.

The tempo of spot announcements is stepped up from two daily, March 10 to 15, to three daily, March 16 to 23; and five daily, March 24 through 29.

Jointly with Sacramento's other station, KROY, 20,000 of the 2-color NAB stuffers are being distributed by department stores.

Single card radio logs printed on two sides will be distributed throughout northern California. At the meeting of servicemen Norman Webster, chief engineer of the McClatchy engineering department, will give a technical explanation of frequency allocation.

Howard Lane, business manager of the McClatchy Broadcasting Company, will urge radio servicemen's fullest cooperation. The station's powerful 300 watt PA system, just completed, will be demonstrated at the meeting.

ROCK ISLAND, ILL.

Ivan Streed, program manager, WHBF, reports that promotion plans are already set in motion in Rock Island.

First, he reports, that the Mayor's resolution has been printed in the Davenport (Iowa) Democrat, Moline Dispatch and the Rock Island Argus.

The Peoples Power and Light Company has distributed stuffers with their bills mailed to the consumers in the Tri-Cities. Cards have also been placed in the Tri-Cities' busses; the Tri-Cities' leading theaters are running a two frame trailer. "We are using the NAB 'Movin' Day theme' and have made a male trio transcription of it in connection with other spot announcements."

The Rock Island high school will do one of the scripts sent by NAB, while the station will produce the other two. During the week of March 24 Chief Engineer R. J. Sinnett will broadcast directly from the transmitter. He also advised that many radio service shops are running special announcements.

WINSTON-SALEM

When station WSJS, operated by the Piedmont Publishing Company, Winston-Salem, N. C., moves to its new spot on the dial it changes from 1310 to 600 kc.

Harold Essex, commercial manager, has already published three full pages on Movin' Day and the station's new affiliation with the Red Network. Three more are scheduled. Then follows a series of small "scatter ads" from March 27 to 31, inclusive. These deal exclusively with Movin' Day.

Broadcast promotion, because of the amount of prior

newspaper promotion, will be held under lease until March 23. On the "Club 600", afternoon show, however, a 2-color log is being offered listeners.

The call letters and dial location of four columns of stations are included in this log. On this program the announcer gives information concerning Movin' Day.

DUKE POWER COMPANY

According to E. C. Marshall, vice president, Duke Power Company, reallocation information has been printed on all post card statements going to consumers. This company serves Charlotte, Greensboro, Winston-Salem, as well as a large number of other North Carolina communities.

WASHINGTON RALLY

Washington D. C. stations, WJSV, WMAL, WOL and WRC, servicemen and members of the Electric Institute held their Radio Rally in the auditorium of the Potomac Electric Power Company, March 12.

Speakers were Art Stringer and Lynne Smeby, of NAB, E. K. Jett, FCC chief engineer, and A. D. Ring, assistant chief engineer.

After outlining the national promotion and education which will be placed behind Movin' Day, Mr. Stringer called upon representatives of the four stations to reveal their individual plans. These speakers were John Dinwiddie, WMAL-WRC, Charles Zurhorst, WOL, and John Heiney, of WJSV.

CBS, MBS and NBC provided the program of live talent. Mr. Jett asked the servicemen to tell their customers to give the reallocation plan a reasonable time to prove itself before registering complaints with the Commission.

He said that foreign interference should disappear from the broadcast band and "that is the main thing we are endeavoring to adjust."

BMI

(Continued from page 238)

his career as an officer in the Czech Army was broken up by a long bout with blood poisoning caused by a minor wound. Ultimately he recovered his full health and, although he holds decorations from three governments, many broadcasters will envy him most of all the fact that he keeps his golf score down to 74.

The announcement of numbers by Dr. Benatzky to be published by BMI will be made in the near future.

BOY OF THE MONTH

Ernest Gold, composer of eighteen BMI compositions was chosen "boy of the month" by the magazine *Youth*

Today for their March issue. Mr. Gold's compositions include *Practice Makes Perfect*, *Accident'ly on Purpose*, *Come Down to Earth My Angel*, *Montevideo*, *Shining Hour*, and other numbers familiar to all BMI subscribers. He is nineteen and is now studying theory with Otto Cesana. He began the study of music at the age of four.

DEMAND FOR BMI'S MUSIC

Twenty-seven thousand requests for particular BMI numbers in ten weeks is the record reported by Nathan Frank, Manager of WCBT at Roanoke Rapids, North Carolina.

TRICK HORSES LIKE BMI

The trick horses at the Forth Worth Spring Rodeo recently did their stuff to the tune of BMI licensed music. Harold Hough, WBAP-KGO, reports that they experineced little difficulty in learning their new cues, even though they were fetched up on ASCAP music.

Sales

URBAN SURVEY PUBLICATION

The publication "Urban Radio Listening in the United States" will be put in the mails next week. This forty-page booklet will present the results of quarterly surveys conducted during the years 1938 and 1939. It is published on behalf of the broadcasting industry by the National Association of Broadcasters in cooperation with the Columbia Broadcasting System and the National Broadcasting Company. The surveys were conducted by Crossley, Inc.

The publication of this survey was a project of the NAB Research Committee with membership as follows: William J. Scripps, WWJ, Chairman; H. M. Beville, Jr., Research Manager, NBC; Arthur B. Church, President, KMBC; James D. Shouse, Vice President, WLW-WSAI; Dr. Frank N. Stanton, Research Director, CBS; Theodore C. Streibert, Vice President, MBS; Lee B. Wailes, Manager, Westinghouse Radio Stations, Inc.; J. W. Woodruff, Jr., President, WRBL; Paul F. Peter, NAB Director of Research, ex officio.

Mr. Peter, in cooperation with Mr. H. M. Beville, Jr., and Dr. Frank Stanton, supervised the technical detail and, in cooperation with Mr. E. P. H. James, NBC, and Mr. Victor M. Ratner, CBS, supervised the publication.

"Urban Radio Listening in the United States" will contribute materially to the knowledge of radio ownership and listening habits of the urban population of the country. It is a counterpart to the rural survey published by the Joint Committee on Radio Research in 1938.

COST-PER-INQUIRY

On the cost-per-inquiry front, every day more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

Driver and Company, Omaha, Nebraska, on behalf of an unknown stationery company.

House of Dubonay, 6715 Hollywood Boulevard, Hollywood, California.

Two Creek Ranch, Ovando, Montana.

Norman B. Furman, Inc., 117 West 46th Street, New York City, on behalf of "Let's Visit Lec Sims."

All four, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

AGENCY CONTRACT FORM

Results of the final questionnaire on the revision of the agency contract form to be recommended by the NAB were received too late for inclusion with this issue of the REPORTS. The recommended form will be printed as a supplement to next week's issue.

SALES MANAGERS LAY PLANS

The Sales Managers Executive Committee held an all-day session at the Palmer House, Chicago, on Wednesday, March 12. Frank Pellegrin, newly appointed Director of the Department of Broadcast Advertising, and C. E. Arney, Jr., Assistant to President Neville Miller, met with the committee. Plans for the Commercial session at the 19th NAB Convention were discussed. As a result a most interesting program is promised. Details will be announced as soon as the necessary arrangements have been perfected. Those present were:

E. Y. Flannigan, WSPD, Toledo, Ohio, Chairman; Ellis Atteberry, KCKN, Kansas City, Kansas; Charles Caley, WMBD, Peoria, Illinois; Eugene Carr, WGAR, Cleveland, Ohio; and Craig Lawrence, KRNT, Des Moines. Willard Egolf, KVOO, Tulsa, Oklahoma, was prevented from attending by reason of a last minute change in the date of the meeting.

NAB

AMENDMENT OF BY-LAWS

The attention of all NAB members is directed to the provision of the By-Laws respecting proposed changes. This reads as follows:

"Article XIII—Amendments

"Section 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change."

Should any members desire to submit proposed amendments for consideration of the membership, they should be sent in immediately in order that the notice provided may be given the membership of the Association.

DISTRICTS 3, 5, 7 MEET

District 3 broadcasters will meet April 7 at the Benjamin Franklin Hotel, Philadelphia.

District 5 will meet April 11 at Ponte Vedre Beach, Fla.

District 7 will meet at the Netherland-Plaza, Cincinnati, on April 4.

Directors will be elected at all three meetings. Discussion of music and other industry problems will make these meetings of prime interest to all broadcasters.

CODE RULINGS

Rulings released by the Code Compliance Committee this week are of general interest to members. A temperance group had inquired if beer advertising in and of itself did not violate the Code, and several stations raised the question whether talks by Norman Thomas, Socialist candidate for President, would also violate the controversial public issues section if aired under sponsorship.

In brief, the principles involved are that the mere advertisement of any individual product in a competitive field could not amount to a violation of the Code, and that whether a sponsored talk would contravene the public controversial section depends on the content of the script as interpreted by the individual licensee.

The Committee's releases:

March 10, 1941.

Radio Station ———.

If Thomas talks involve an editorial presentation of his views or those of Socialist Party on currently controversial public issues it would violate Code to sell time under whatever sponsorship.

RUSSELL P. PLACE, *Secretary*,
NAB Code Compliance Committee.

March 11, 1941.

Mr. Herbert H. Parish, Executive Director
Minnesota Temperance Movement
204 Hodgson Building
Minneapolis, Minnesota

DEAR MR. PARISH:

With reference to your letter of February 14 to Mr. Edgar Bill, Chairman of the NAB Code Compliance Committee, I am writing to advise you of the results of a poll of that committee on the question raised in your letter.

It is not the policy of the Committee to give opinions or rulings to anybody other than broadcasting stations, and even then the Committee acts only in an advisory or interpretive capacity to the station licensees with whom final responsibility rests under the law.

However, the thinking of the Committee on the question of beer

advertising violating the Code as selling time for a controversial public issue runs about as follows:

We firmly believe that our principles regarding the handling of controversial questions are sound and should be maintained. In the practical application of those principles we, for instance, sell time to commercial sponsors solely for the advertising of the sponsors' goods or services. Conversely, we do not sell time to commercial sponsors, individuals, or special interest groups to be used to argue controversial issues or promote viewpoints in connection with arguable social ideas. Obviously, the material that would be used by your group falls in this category. Your letter errs in inferring that this type of subject matter is "barred from the air." It is merely a type of subject matter for which, if discussed, we refuse to accept money. Instead it is handled, just as all other discussion in similar fields, on time provided for such discussion and in the light of the legitimate demands on our discussion time and the public interest in the subjects proposed.

There is nothing in the Code one way or the other with regard to the advertising of beer. This naturally is a matter for the decision of the individual licensee and no violation of the Code would be involved if he accepts beer advertising which does not use the time to argue any controversial issues that might arise. In this respect this seems to be similar to the principle by which stations would gladly sell time to a common carrier for the promotion of its services in connection with travel, whereas they should refuse to sell time to the same carrier to be used to agitate for new rates, different regulation, taxation, legislation or the like.

To sum up, it hardly seems possible that the advertisement of any product could raise a controversial issue; any controversy that might arise would naturally deal with the laws permitting the sale of the product and not the advertisement itself of an individual product in a competitive field.

Cordially yours,

RUSSELL P. PLACE, *Secretary*,
Code Compliance Committee.

INSURANCE COMMITTEE

In a release which has gone forward to NAB members, Roger W. Clipp, WFIL has announced that the NAB Insurance Committee has completed a tabulation of the answers received to the Insurance Questionnaire that was mailed the last of October. Included with the release was a summary of the questionnaire results. It is thought that the questionnaire tabulation may elicit further comment about insurance from broadcasters, and if so, they are requested to send comments to Roger Clipp, WFIL, Widner Building, Philadelphia.

The comprehensive questionnaire contained questions about 52 different types of broadcast station insurance. The percent of the stations carrying various types of insurance ranged all the way from 94.2% for those carrying workmen's compensation down to 1.82% for those carrying check-room insurance. It was also interesting to note that insurance risks of various kinds associated with fire and loss due to the elements, ran high. Risks in connection with using automobiles for business were covered to a high percent also.

Other items such as insurance to cover loss of income from interruption to broadcast service due to mechanical failure, libel and slander, copyright infringement, war and bombardment, parcel post and registered mail, house musicians' instruments and borrowed property insurances, all ran to low percentages.

The final tabulation of the information received in answer to the Insurance Questionnaire, contains the re-

quired data for carrying on the standardization work of the Committee with the insurance companies.

As soon as comments from the membership on the Insurance Questionnaire have had time to come in, another meeting of the Insurance Committee will be called. Chairman Clipp anticipates that this will be about March 24. The other members of the Insurance Committee are: Wm. I. Moore, WBNX; Charles A. Wall, NBC; C. R. Dean, CBS; J. R. Poppele, WOR and MBS.

THANK-YOU NOTE

The National Tuberculosis Association wishes to convey, through NAB, its gratitude to the broadcasting industry for support of its work during the past year.

LABOR BOARD ORDERS

The Labor Relations Board today announced certification of Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers (AFL), as the sole bargaining agent of the transmitter operators employed by WDEL, Incorporated, Wilmington, Delaware.

At the same time the Board dismissed the petitions for investigation and certification of representatives of employees of WGAL, Incorporated, Lancaster, Pennsylvania, and York Broadcasting Company, York, Pennsylvania, filed by Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers, (AFL).

The Board's actions were based on the results of secret ballot elections conducted on October 14.

The Labor Relations Board this week announced a decision requiring the Capital Broadcasting Company, Inc., Montgomery, Alabama, operating Station WCOV, upon request, to bargain collectively with International Brotherhood of Electrical Workers (AFL) as the sole bargaining agency for its radio engineers, and to offer reinstatement with back pay to four employees.

Legislation

DELAWARE BLUE LAW CASE

Repeal of the Delaware Blue Law last Friday sets at rest the right of the two Delaware stations, WDEL and WILM, to broadcast on Sundays. That morning Judge Isaacs had dismissed complaints against J. Gorman Walsh, manager of both, and Harvey C. Smith, program director of WDEL, on the grounds that radio was a necessity on Sundays as much as on other days. H. Albert Young, their attorney contended that radio was interstate commerce and the Blue Law an unreasonable exercise of

the police power of the state which interfered with interstate commerce.

Although the arrests were clearly only part of a campaign to repeal the Sunday Law by enforcing it, the complaints were brought in the police court in Wilmington, from which, under the Delaware constitution there is no appeal. Clair McCollough was determined to fight the principle involved, and the defendants, if convicted, were prepared to spend the night in jail rather than pay the four dollar fine. The telephone wires buzzed between Lancaster, Penna., Willmington, Washington and New York. NAB counsel, Washington counsel and Mr. Young laid their plans. The results—Messrs. Walsh and Smith were released.

DANAHER AMENDMENT

Amendment to the Lend-Lease bill introduced by Senator Danaher of Connecticut for "no censorship" of both radio and the press failed to pass with the bill and there was no substitute for it. (NAB REPORTS, p. 225.)

COMMITTEE FAVORS WAKEFIELD

The Senate Committee on Interstate Commerce on Thursday favorably reported the nomination of Ray C. Wakefield to succeed the late Col. Thad H. Brown as a member of the FCC. Mr. Wakefield was nominated by the President last week for a 7-year term beginning July 1941.

FEDERAL LEGISLATION

H. R. 3789 (McLEAN, R-N. J.) DAYLIGHT SAVING—To save daylight and to provide standard time for the United States. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

TEXAS:

H. 659 (BRUHL) (Same as S. 210) DENTISTRY—Amend Sec. 2 of Chap. 501, page 1346, of the Acts of the Regular Session of the 45th Legis., and making it unlawful for any dentist to obtain business in connection with the practice of dentistry by employing "cappers" or "steerers," etc. Referred to Committee on Public Health.

WASHINGTON:

S. 220 (ROBERTS) SUBVERSIVE ACTIVITIES—An act to curb Nazi, Fascist, Communist and other subversive activities and to provide penalties for violations of this act, and declaring an emergency. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

"MONOPOLY" REPORT

James Lawrence Fly, Chairman of the FCC, referring to the "Monopoly" Report on which the Commission began conferences on Monday, said that the report is

not intended to be a revision of the original Committee report, but is a new report for the Commission as a whole. This, he told newsmen at a press conference early this week, does not imply any reflection on the Committee report as such but simply that the full Commission is preparing its own report. At the moment, of course, the report is still in preliminary draft stage. There was no indication early in the week how long it will take the Commission to complete its work on the Monopoly Report.

Mr. Fly told the newspaper correspondents that last week's television trip to Philadelphia-New York was one of the most constructive yet taken. The Commissioners saw, he said, three demonstrations, all of which were impressive. Mr. Fly feels, he stated, much encouraged by the progress which he noted on the trip.

The Chairman said that he hoped the television hearing which begin on March 20 will take only a day or two. He told the newsmen that he sees a definite trend toward agreement in the industry on the engineering problems of television.

FM SERVICE PROPOSED

High frequency (FM) broadcast service to approximately half of North and South Carolina and smaller portions of Virginia, West Virginia, Kentucky, Tennessee and Georgia is proposed by Grodon Gray of Winston-Salem, N. C., who was today granted a construction permit by the FCC for this purpose.

Service to this 69,400 square miles of area embracing 4,346,000 population is made possible by selection of an antenna site on one of the highest points east of the Rocky Mountains—atop Clingman's Peak (6,600 feet), two miles southwest of Mt. Mitchell and 19 miles northeast of Asheville, N. C. Here the applicant contemplates erecting a 200-foot tower to be surmounted by a 75-foot antenna, thereby giving the antenna an over-all height above sea level of 6,875 feet. Mt. Mitchell, being state owned, could not be used for the antenna location.

The applicant, who is president of the Piedmont Publishing Company, which is licensee of standard broadcast station WSJS at Winston-Salem, is authorized to use the frequency 44,100 kilocycles for this FM station.

FM AUTHORIZATION

Pursuant to preliminary announcement of January 12, the FCC has adopted rules to permit FM programs to be relayed from the main studio to the transmitter by means of low-power transmitters employing highly directive antenna.

The term "STL" designates this new "studio-transmitter link," which is provided to meet the requests of FM broadcasters for such service. Under the rules as adopted, this class of station is limited to licensees of high

frequency broadcast stations. Only one such station, in a fixed location, will be licensed to a single FM broadcaster. Frequency modulation must be employed, and experimentation tending to develop this type of relay service is required.

Twenty-three frequencies above 330,000 are allocated for "STL" experimental use.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be heard before the Commission in broadcast and television cases during the week beginning Monday, March 17. They are subject to change.

Wednesday, March 19

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., 1420 kc., 250 watts, unlimited.

Thursday, March 20

Television

To Be Held in Room A, Interstate Commerce Commission Building, 12th St. and Constitution Ave., Washington, D. C.

For the purpose of considering the various engineering standards suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all pertinent problems related to the standardization and commercialization of television broadcasting.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

April 21

Consolidated Hearing

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation; 1370 kc., 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license; 1370 kc., 100 watts, unlimited time.

May 1

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary); 890 kc., 1 KW night, 5 KW LS, unlimited.

May 19

WAGA—Liberty Broadcasting Corporation, Atlanta, Ga.—C. P., 590 kc., 1 KW night, 5 KW day, DA night, unlimited. Present assignment: 1450 kc., 500 watts night, 1 KW day, unlimited.

March 24

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., 1370 kc., 250 watts, unlimited.

April 10

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., 1500 kc. (1490 kc. when Havana Treaty is effective), 250 watts, unlimited.

Consolidated Hearing

- WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.
- WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.
- WTNJ—WOAX, Inc., Trenton, N. J.—C. P., **1230 kc.**, 1 KW night, 1 KW day, unlimited, DA day and night.
- NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA day and night.

April 16

- WNAX—South Dakota Broadcasting Corp. (Transferor) and Iowa Broadcasting Co. (Transferee), Yankton, S. Dak.—Transfer of control of Station WNAX; **570 kc.**, 1 KW night, 5 KW day, unlimited.

Consolidated Hearing

- KOWH—World Publishing Company, Omaha, Nebr.—C. P., **890 kc.**, 5 KW, unlimited, DA night.
- KUSD—University of South Dakota, Vermillion, S. Dak.—C. P., **660 kc.**, 500 watts day, daytime only.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Renewal of license, **890 kc.**, 500 watts night, 1 KW day, SH-KUSD.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted construction permit to increase power from 500 watts night, 1 KW day, to 5 KW; install new equipment, and install directional antenna for day and night use, for operation after March 29, 1941 (B1-P-2868).
- WSIX—WSIX, Inc., Nashville, Tenn.—Granted construction permit to install new transmitter, directional antenna for night use; increase power from 250 watts, unlimited time, to 1 KW night, 5 KW LS; change frequency from **1210 kc.** to **980 kc.** under NARBA; and move transmitter to Buena Vista Pike and Moorman Arm Road, Nashville, Tenn.; for operation after March 29, 1941; granted upon condition to compliance with certain engineering requirements (B3-P-3053).
- WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted construction permit to change frequency from **1010 kc.** to **1050 kc.** under NARBA; increase power from 1 KW night, 5 KW day, to 50 KW; install new transmitter equipment and directional antenna for both day and night use; for operation after March 29, 1941 (B1-P-2899).
- Midland Broadcasting Co., Kansas City, Mo.—Granted construction permit for new FM developmental broadcast station, subject to meeting such requirements, to operate on frequency **46500 kc.**, 1500 watts, special emission for frequency modulation (B4-PEX-35).
- Thomas J. Watson, Endicott, N. Y.—Granted amended application for construction permit for new standard broadcast station, subject to use of synchronous amplifiers to cover Endicott and Binghamton, which will meet engineering approval, to operate on **1420 kc.**, with 250 watts, unlimited time, exact transmitter site to be determined with Commission's approval (B1-P-1679).
- KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts (change frequency to **1490 kc.** under NARBA) (B3-P-3112).
- KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of license to modify the directional antenna for daytime use (B4-ML-1043).

- KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of license to increase nighttime power from 100 to 250 watts and change frequency from **1420 kc.** to **1210 kc.**, 250 watts day, unlimited time (B5-ML-1050).

DESIGNATED FOR HEARING

- Triple Cities Broadcasting Co., Inc., Binghamton, N. Y.—Designated for hearing application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B1-P-2990).
- Utica Observer-Dispatch, Inc., Utica, N. Y.—Designated for hearing application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B1-P-2702).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Designated for hearing application for modification of construction permit (B3-P-3000) to increase hours of operation from daytime to unlimited, using 500 watts at night; make changes in equipment and extend commencement and completion dates to 10 and 30 days after grant, respectively. Requests facilities of WTJS, Jackson, Tenn. (station operates on **1360 kc.**, 1 KW, daytime only) (B3-MP-1150).

MISCELLANEOUS

- KMLB—Liners Broadcasting Station, Inc., Monroe, La.—Passed motion to consolidate hearing on application of KMLB for construction permit to change frequency and increase power with application of KNOE, Inc., for a new station in Monroe.
- WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted in part motion to postpone hearing now scheduled for March 18 to May 19 on application for construction permit to change frequency from **1450 kc.** to **590 kc.**; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, unlimited time, using DA for night.
- WARM—Union Broadcasting Co., Scranton, Pa.—Granted in part motion for continuance of hearing now set for March 10 to March 24 in re application for license to cover construction permit for **1370 kc.**, 250 watts, unlimited time.
- KFRO—Voice of Longview, Longview, Tex.—Passed for one week petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license.
- Granite District Radio Broadcasting Co., Murray, Utah.—Granted motion for order to take depositions in re application for new station to operate on **1500 kc.**, 250 watts, unlimited time.
- WLAK—J. P. Marchant, D. J. Carey, Melvin Myer (Transferors), and The Tribune Co. (Transferee), Lakeland, Fla.—Granted joint motion to dismiss application of applicants to transfer control of Lake Region Broadcasting Co., licensee of Station WLAK, Lakeland, Fla.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Dismissed motion to continue hearing now scheduled for March 10 on applications of WCAM, WCAP and WTNJ for renewal of licenses, and applications for construction permits of Trent Broadcasting Corp. and WTNJ, as this hearing was continued by the Commission on March 4, 1941.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for March 12 on application for renewal of license and directed continuance to May 1, 1941.

Continued for one month the consolidated hearing now scheduled for March 10 on applications for renewal of license for WCAM, Camden, N. J., WCAP, Asbury Park, N. J., WTNJ, Trenton, N. J., and for construction permit of Trent Broadcasting Corp., Trenton, N. J., for new station, and WTNJ, Trenton, N. J., for change in operating assignment.

Upon consideration of objections filed to Commission Orders of February 4, 1941, the Commission determined that any application for renewal of license of WBOC, Salisbury, Md., which may be granted for the period beginning March 29, 1941, should specify the frequency **1230 kc.**

- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 11 p. m., CST, on March 4, 5, 6, 7 and 8, 1941, in order to broadcast Illinois State High School Elimination Basketball Tournament games only.

- W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio; Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period March 3, 1941, and ending in no event later than May 1, 1941.
- KOB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of construction permit (B5-P-2940) which authorized changes in equipment, for extension of commencement and completion dates to April 10 and June 9, 1941, respectively (B5-MP-1178).
- KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted modification of construction permit (B4-P-2499, which authorized a new station on **1210 kc.**, 100 watts, unlimited time), for approval of vertical antenna, transmitter and studio sites and installation of new transmitter (B4-MP-1167).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted license to cover construction permit (B1-P-2509) which authorized change of frequency to **1240 kc.**, hours of operation to unlimited, and installation of DA for day and night use (B1-L-1329). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-667).
- WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted license to cover construction permit (B1-P-2910) for changes in hours of operation from daytime to unlimited, using 1 KW day and night, and installation of DA for day and night use on **950 kc.** (B1-L-1335). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-687).
- WKH—United Broadcasting Co., Cleveland, Ohio.—Granted license to cover construction permit (B2-P-2670) for increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and installation of directional antenna for night use (Bz-L-1330). Also granted authority to determine operating power by direct measurement of antenna power (Bz-Z-670).
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted authority to make changes in automatic frequency control equipment (B4-F-177). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-682).
- KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-653).
- WJBO—O. E. Richardson & F. L. Adair, Hammond, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-686).
- KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-684).
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-690).
- KLMB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-683).
- WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted authority to determine operating power by direct measurement of antenna input on frequency **820 kc.** under NARBA (B3-Z-683).
- WHLA—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on frequency **1290 kc.** under NARBA (B1-Z-681).
- KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to determine operating power by direct measurement of antenna input on frequency **1340 kc.** under NARBA (B4-Z-691).
- WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power on frequency **1170 kc.**, and under NARBA **1210 kc.** (Bz-Z-685).
- W75NY—Metropolitan Television, Inc., New York City.—Granted modification of construction permit for new FM station, for approval of transmitter, changes in antenna, and change in population from 11,010,372 to 11,814,746 (B1-MPH-7).
- KGIIB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted construction permit to move formerly licensed RCA 1-D 1 KW transmitter from Fronting on Kapiolani Blvd. to Kapiolani Blvd, Honolulu, for use as an auxiliary (B-P-3089).
- KGHB—Echo Park Evangelistic Assn., Portable-Mobile, area of Los Angeles.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KFSG; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts (B5-PRY,235).
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit for increase in power from 10 to 50 KW and changes in equipment, for extension of completion date from March 8 to May 7, 1941 (B5-MP-1179).
- W3XMC—McNary and Chambers, Washington, D. C.—Granted special temporary authority to operate high frequency experimental broadcast station on **42600 kc.**, 100 watts power, special emission for frequency modulation, with transmitter located at 2701 14th St., Washington, D. C., for a period ending not later than May 1, 1941.
- W3XMC—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station KHDIW on **2790 kc.**, on March 6, 1941, in order to conduct tests, and from 10 p. m. to 11 p. m. PST, on March 7, 1941, in order to relay broadcast Seattle Blackout to Radio Station KIRO.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 p. m. to 10 p. m. EST March 10, 17 and 24, 1941, in order to broadcast Brooklyn Jewish Center Forum only.
- WCOP—Massachusetts Broadcasting Co., Boston, Mass.—Granted special temporary authority to operate from 6:15 p. m. to 6:30 p. m. EST on March 9, 16, 23, and 30, 1941, in order to broadcast the American Legion Auxiliary program only.

APPLICATIONS FILED AT FCC

550 Kilocycles

- NEW—Fort Smith Newspaper Publishing Co., Fort Smith, Ark.—Construction permit for a new broadcast station to be operated on **550 kc.**, 1 KW, unlimited time, directional antenna for day and night use, Class III.

580 Kilocycles

- NEW—Martha M. Russell, d/b as Russell Plantation, Russelltown, Tex.—Construction permit for a new broadcast station to be operated on **580 kc.**, 1 KW, and unlimited hours, Class III-B.

610 Kilocycles

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2997) to use old RCA transmitter as auxiliary.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

680 Kilocycles

- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to increase power from 5 to 50 KW, install new transmitter, make changes in directional antenna for day and night use, and change location of transmitter from Andover to Burlington, Mass.

710 Kilocycles

- NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit for a new standard broadcast station to be operated on **940 kc.**, 500 watts, unlimited time, Class III-B. Amended re stock ownership and to request **710 kc.**, 5 KW, Class II, new transmitter, installation of directional antenna for night use, and to specify transmitter site.

780 Kilocycles

- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Transfer of control of corporation from R. E. McDonald and Barbara McDonald to Midnight Sun Broadcasting Co., 332 shares of common stock.

900 Kilocycles

- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit to install directional antenna for night use, and requesting **930 kc.** under NARBA.
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority to determine operating power by direct method, on **930 kc.** under NARBA.

1120 Kilocycles

- KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power, on **1150 kc.** under NARBA.

1140 Kilocycles

- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to install new transmitter and directional antenna for night use, increase power from 25 to 50 KW, change hours from simultaneous day, share WAPI night, to unlimited. Amended to request **1170 kc.** under NARBA and make changes in antenna system.

1160 Kilocycles

- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1160 kc.** to **1140 kc.**; increase power from 5 to 50 KW; change hours from simultaneous day, share WOWO night, to unlimited; and move transmitter from Liberty, W. Va., to St. Clairsville, Ohio. Amended to request **1170 kc.** under NARBA, and antenna changes.

1200 Kilocycles

- WITH—The Maryland Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-2792) as modified, for a new standard broadcast station and to change location of studio.
- WITH—The Maryland Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct method.

1230 Kilocycles

- NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1200 kc.** (**1230 kc.** NARBA), 250 watts, unlimited time. Amended: transmitter and studio sites to be determined, Norfolk, Va.
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Authority to determine operating power by direct measurement of antenna power.
- WFBM—WFBM, Inc., Indianapolis, Ind.—Relinquishment of control of licensee corporation by H. M. Bitner, of 1012½ shares common.

1250 Kilocycles

- WNEW—WODAAM Corp., New York, N. Y.—Modification of construction permit (B1-P-2687) for authority to install directional antenna for day and night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night, requesting **1280 kc.** under NARBA and extension of completion date from 6-1-41 to 180 days after grant, and make changes in directional antenna.
- WKST—WKST, Inc., New Castle, Pa.—Modification of construction permit (B2-P-2809) to install directional antenna for night use, change hours from daytime to unlimited using 1 KW power day and night; requesting changes in directional antenna system and requesting **1280 kc.** under NARBA.

1280 Kilocycles

- WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to install automatic frequency control equipment, on **1310 kc.** under NARBA.

1310 Kilocycles

- KRJF—Star Printing Co., Miles City, Mont.—Transfer of control of corporation from Sarah M. Scanlan, executrix of the estate of Joseph D. Scanlan, deceased, to Sarah M. Scanlan (403 shares).

1340 Kilocycles

- KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified, which authorized a new station, requesting changes in directional antenna, extension of commencement and completion dates from 3-7-41 and 9-7-41 to one day after date of grant and 180 days thereafter, respectively, and **1370 kc.** under NARBA.

1370 Kilocycles

- KEVR—KVL, Inc., Seattle, Wash.—Construction permit to change frequency from **1370 kc.** to **1420 kc.**, make changes in equipment, and increase power from 100 watts to 250 watts day, 100 watts night, and change hours of operation from share—KRKO to unlimited time. Amended to request **1090 kc.** under NARBA, 250 watts day and night, changes in equipment, install new antenna, change name to Evergreen Broadcasting Corp., move studio and transmitter.
- KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Modification of construction permit (B5-P-2027) for new transmitter, antenna, increase in power, and move of transmitter, requesting changes in antenna and extension of commencement date to 30 days after grant and completion date to 90 days thereafter. Amended to request **1400 kc.** under NARBA.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1370 kc.** to **1260 kc.** under NARBA, increase power from 250 watts to 1 KW night, 5 KW day, and move transmitter.
- KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to install automatic frequency control equipment on **1400 kc.** under NARBA.
- KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.
- WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement of antenna power on **600 kc.** under NARBA.
- WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Voluntary assignment of license from Tom M. Bryan to Ralph A. Horton.
- NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited hours, Class IV. Amended to specify transmitter site and make antenna changes.

1380 Kilocycles

- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power on **1410 kc.** under NARBA.

1400 Kilocycles

- WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—License to use WARD's transmitter at 583 Meserole St., Brooklyn, N. Y.
- WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—License to use WARD's transmitter at 583 Meserole St., Brooklyn, N. Y.

1420 Kilocycles

- KNET—John C. Welch, Wm. M. Keller, and Bonner Frizzell, d/b as The Palestine Broadcasting Assn., Palestine, Tex.—Authority to install automatic frequency control equipment, on **1450 kc.** under NARBA.
- WHLN—Blanfox Radio Co., Inc., Harlan, Ky.—Modification of construction permit (B2-P-2885) which authorized construction of a new broadcast station for approval of transmitter site and antenna.
- KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Construction permit to change frequency from **1420 kc.** to **1430 kc.** (**1460 kc.** under NARBA), increase power from 250 watts to 1 KW, install new transmitter, and changes in antenna.

1450 Kilocycles

- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment, changes in directional antenna (for use night and day), change frequency and power from **1450 kc.**, 1 KW night, 5 KW day, to **730 kc.**, 10 KW day and night, and move transmitter from

Cuyahoga Hts. to Dover, Ohio. Amended to request **1220 kc.** under NARBA, 50 KW, changes in equipment and directional antenna, and move transmitter to Strongsville Village, Ohio.

1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Authority to install automatic frequency control equipment on **1520 kc.** under NARBA.

1500 Kilocycles

KAWM—A. W. Mills, Gallup, N. Mex.—Construction permit to install new transmitter and make changes in antenna.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Construction permit to install new transmitter, increase power from 100 watts to 250 watts, and request **1490 kc.** under NARBA.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Construction permit to install new transmitter, new antenna system, change in frequency from **1500 kc.** to **1600 kc.** under NARBA, increase power from 250 watts to 5 KW, move transmitter from Woodside (L. I.) to New York, N. Y.

1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Construction permit to increase power from 1 to 5 KW, using directional antenna day and night, install new transmitter, and changes in directional antenna. Amended to request **1550 kc.** under NARBA and to make changes in directional antenna to be used night only.

1550 Kilocycles

KPMC—Pioneer Mercantile Co., Bakersfield, Calif.—Construction permit to change frequency from **1550 kc.** to **1560 kc.** (Class I-B), increase power from 1 to 10 KW, install new transmitter and new antenna, and change location of transmitter.

FM APPLICATIONS

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PH-26) to change coverage from 7,000 to 7,585 square miles, population from 2,604,104 to 2,612,000, make changes in antenna and move studio.

NEW—United Broadcasting Co., Cleveland, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **48500 kc.**, coverage 8,420 square miles, population 1,314,595.

MISCELLANEOUS APPLICATIONS

NEW—Muzak Corp., New York, N. Y.—Construction permit for a new developmental broadcast station to be operated on **117000 kc.** or some channel not now allocated for some purpose, 1000 watts and special emission for frequency modulation. Amended re corporate structure.

FEDERAL TRADE COMMISSION ACTION

No complaints were issued by the Commission during the past week.

STIPULATIONS

Following stipulations have been entered into during the past week by the Commission.

Asphalt Grave Vault Co., Frederick Ave. at Willard St., Baltimore, has entered into a stipulation to cease certain representations in the sale of burial vaults.

Under its stipulation, the respondent corporation agrees to cease using the words "Asphalt Grave Vault" or other words of similar meaning to describe its vaults when they are composed in whole or in part of, or contain ingredients other than, asphalt, and to desist from employing the phrase "Asphalt Concrete Grave Vault" or words of similar import to designate its vaults when in fact the binding agent for the aggregates in such vaults consists of Portland cement, or when such binding agent does not consist of asphalt. The respondent further stipulates that it will cease using the word "asphalt" or similar words in any manner to mislead buyers into believing that the binding agent of the vaults consists of asphalt or that such vaults are made of a mastic composed of asphalt and aggregates.

Further representations which the respondent agrees to discontinue are statements tending to convey the impression that its vaults are indestructible or will afford everlasting protection. The respondent also stipulates that it will cease representing that, at the time of interment, its vaults are waterproof or airtight or that they will remain impervious to water, moisture or dampness, unless such are the facts. (3044)

Consolidated Royal Chemical Corporation, 544 South Wells St., and Benson & Dall, Inc., an advertising agency, 327 South LaSalle St., both of Chicago, entered into stipulations in which they agree to cease disseminating advertisements which contain certain representations concerning "Zymole Trokeys," a medicated lozenge sold by the Consolidated corporation.

Each respondent agrees to cease advertising that "Zymole Trokeys" will go twice as far as cough syrup at half the cost; that it constitutes a new way to relief, and that the syrupy solution obtained by melting this product in water will be beneficial to children suffering from croup. (02742-02749)

Burke Edwards, 4733 Bethesda Ave., Bethesda, Md., has entered into a stipulation in which he agrees to cease representing that "Berkeley Springs Mineral Water" is beneficial in the treatment of, or is indicated as a treatment for, arthritis, diabetes, skin diseases or rheumatism, or constitutes a competent remedy for any of such maladies, diseases or ailments. (3046)

Duplan Silk Corporation, 498 Seventh Ave., New York, entered into a stipulation in which it agrees that in the sale of a fabric made from or containing rayon, it will cease using the names "Toujours," "Toot Sweet" or "Evergrand" or other names, fanciful or otherwise, in referring to such fabric, without disclosure of the fact that such product is made of or contains rayon, as the case may be. Such disclosure, according to the stipulation, is to be made clearly and unequivocally in all printed matter and sales representations. The respondent corporation further stipulates that it will desist from employing the term "Reg. U. S. Pat. Off." or any other term of similar meaning in connection with a purported trade name or mark which has not been registered as such in the United States Patent Office. (3047)

Hamilton Ross Factories, Inc., 666 Lake Shore Drive, Chicago, stipulated it will cease certain representations in the sale of blankets.

The respondent agrees to desist from quoting fictitious and excessive prices as the customary or regular prices or values of blankets or other merchandise; to cease employing the words "Silky Rayon" or similar words to describe its blanket binding or other fabrics or merchandise made of cotton, and to discontinue the use of the words "Wooly" or wool or other similar words to designate blankets or other products which are composed of or contain fibers other than wool.

According to the stipulation, none of its provisions shall be construed as authorizing the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (3043)

McDonald's Hatchery—Raymond McDonald and Roy McDonald, trading as McDonald's Hatchery, 2830 Evans Ave., Fort Worth, Texas, have entered into a stipulation in which they agree to cease advertising that the flocks of baby chicks which they sell are inspected by the United States Department of Agriculture, and

are inspected or mated by a disinterested judge of the American Poultry Association.

The stipulation recites that the United States Department of Agriculture has not actually inspected the respondents' flocks of chicks although such inspections have been made by an official State agency recognized by the Department of Agriculture as cooperating with the National Poultry Plan. According to the stipulation, the A.P.A. judge who mates the flocks is Roy McDonald, of the respondent copartnership, and therefore not a disinterested party. (02750)

Pettinella Advertising Company—Ferdinand Pettinella, who conducts an advertising agency under the name Pettinella Advertising Co., 15 Sheridan Square, New York, has entered into a stipulation to cease certain representations in the advertisement of the medicinal preparations "Fernet Vittone" and "Acqua Fiuggi" on behalf of E. Fucini & Co., Inc., New York. The respondent Pettinella agrees to desist from disseminating advertisements which represent that Fernet Vittone is a tonic, unless expressly limited to its effect as a gastric tonic; that everyone requires a tonic, stomachic and digestive; that Fernet Vittone is a competent treatment for intestinal disturbances or has any effects beyond those of a laxative, stomachic and gastric tonic, and that Acqua Fiuggi is an effective remedy for gallstones, kidney troubles, gout, calculus of the bladder, defective blood circulation or excessive uric acid. (02748)

Thymo Borine Laboratory, 810 Plankinton Ave., Milwaukee, has entered into a stipulation in which it agrees to cease advertising that "Thymo Borine," sold for use as a mouth wash, deodorant and antiseptic, purifies the breath, mitigates inflammation of the mouth resulting from artificial teeth, and stops perspiration odors or foot odors; that the preparation is a competent treatment for itching scalp or itching skin due to skin bites, poisons or hives; that it is effective in treating athlete's foot, and that it is an effective germicide when used as gargle. (02747)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coal Carburetor Co., New Brunswick, N. J., and Thornton W. Price, its president, has been ordered to cease and desist from misleading representations in the sale of "Coal Carburetor," a device designed for facilitating the combustion of coal and gases in furnaces.

The Commission order directs the respondent to cease representing that its Coal Carburetor equipment has been endorsed or recommended by the United States Government or any of its branches, or that its use has been advocated by the United States Bureau of Mines, or that it has been recommended by any public health authority or other recognized group organized for the preservation of health.

The respondent also is directed to cease advertising that its equipment is the most efficient means known for producing heat from coal or that such efficiency has been established by comparative tests with other equipment and devices designed for the same general purpose, unless the truth of such representation shall have been actually established by such tests. (4070)

General Motors Corporation, Detroit, and its sales subsidiary, General Motors Sales Corporation, have been ordered to cease and desist from misleading representations of prices in the sale of automobiles.

Commission findings are that prices featured by the respondent corporations, and five dissolved General Motors subsidiaries, in various advertisements published between 1934 and 1939 were not in fact the prices of the various cars illustrated or described.

The findings relate the following instances, among others, as being typical of the respondents' advertising practices during the period from 1934 to 1939:

An advertisement illustrated a completely equipped 1936 Oldsmobile car and conspicuously displayed a price of \$675 unqualified

by any other language on the face of the advertisement. The public was charged \$901.50 for this car at the place of manufacture, the price having been built up as follows: List price of car illustrated, \$820; standard accessories, \$37.50; factory handling charge, \$3; Federal taxes, \$22.25; delivery and handling charge (including advertising), \$17.25; and transportation, \$1.50.

Another advertisement illustrated a Chevrolet Standard Sedan with a price of \$465 in large type and nearby in small, inconspicuous type the words "and up" followed in yet smaller lettering with the statements: "List price of new Standard Roadster at Flint, Michigan, \$465.00. With bumpers, spare tire and tire lock the list price is \$20.00 additional." However, the car illustrated actually cost purchasers at Flint \$605.40 and the roadster described in the fine print would have cost \$518.50 instead of \$465, which was its "list price" at Flint without delivery, handling, conditioning, spare tire and other items.

A widely published advertisement of an Oldsmobile appearing in 1939 featured the price of \$777 in large figures adjacent to the illustration accompanied by the words "and up" in smaller lettering. By means of an asterisk, this price was connected with another fine print legend which advised that this was the "Delivered Price at Lansing, Michigan." However, the car illustrated was not sold at Lansing for \$777 but for \$889, the actual selling price having been shown in very fine print inconspicuously placed below the rear wheel of the car pictured.

Commission findings are that the respondents' advertisements have led the public erroneously to believe that the cars illustrated or described can be purchased at the point of manufacture for the price featured in the advertisement and at points distant for the featured price plus transportation charges.

DETAILS OF THE CEASE AND DESIST ORDER

The Commission order directs the General Motors Corporation and General Motors Sales Corporation to cease and desist from representing as the price of any automobile in any advertisement promoting retail sales, any price other than the true retail price at the place designated for sale of the car. According to the order, such retail price is to include all charges for any equipment or accessories illustrated or described in the advertisement or necessary for the operation of the car, or customarily included as standard equipment. This price, according to the order, is also to include charges for advertising, delivery, handling, or similar items, except transportation charges where the advertised car is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser.

The order further directs the respondents to cease using a designated price in any advertisement illustrating an automobile offered for sale at retail, unless the true retail price of the illustrated car is set out in juxtaposition thereto in words and figures equal in size and conspicuousness to the terms designating the price of any other automobile referred to in the advertisement.

The order further prohibits the respondents from advertising automobiles for sale at a designated retail price, unless such price includes all federal, State and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for such taxes; and directs the respondents to cease advertising or representing an automobile as being for sale at retail at a designated price unless such car is in fact made available and sold to the public, at the point specified, for the price stated, or at a point distant therefrom for the price stated plus transportation charges thereto. (3173)

Husco Manufacturing Company—Ivan D. Hussey, trading under the name Husco Manufacturing Co., and under other names, 85 Broad St., S. W., Atlanta, has been ordered to cease and desist from using lottery methods in the sale of hosiery, knives, fountain pens and other merchandise. The respondent is also in business under the names The Hussey Manufacturing and Distributing Co., The Hussey Distributing Co., Hussey Co., Hussey Manufacturing Co., and Terry Products Co.

The Commission order directs the respondent to cease and desist from selling and distributing such products so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise

to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order further directs the respondent to discontinue using the words "manufacturer" or "manufacturing" as part of any trade name used by him unless and until he shall operate a factory in which such merchandise is wholly manufactured. (4386)

Rabhor Corporation, 1450 Broadway, New York, has been ordered to cease and desist from misrepresentations in the sale of men's robes, jackets, lounge suits and other wearing apparel.

Commission findings are that the respondent, in advertising literature and other printed matter, has represented that its garments are made entirely of silk, when in fact they have consisted of various combinations and mixtures of cotton, rayon, silk and fibers other than silk, a portion of them having been manufactured from a material composed of 70 per cent cotton and 30 per cent silk.

The Commission order directs the respondent to cease using the word "silk" or other words descriptive of silk to designate any fabric or product not composed wholly of silk; provided, that such terms may be used as descriptive of the silk content of fabrics or products composed in part of silk and in part of other fibers if, in immediate connection, there is also employed conspicuous lettering truthfully designating each constituent fiber or material.

The order further directs the respondent to cease employing the unqualified term "satin" or other similar term indicative of silk to describe any fabric or product not composed entirely of silk; provided that when such term is used truthfully to designate the type of weave, construction, or finish, it shall be qualified by employing in immediate connection therewith other words of equal conspicuousness accurately naming the fibers or materials from which such products are made.

The respondent also is ordered to cease advertising, offering for sale or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing, by use of the word "rayon", the fact that such fabrics or products are composed of rayon. According to the order, when such fabrics or products are composed in part of rayon and in part of other fabrics or materials, such fabrics or materials shall be designated in immediate conjunction with the word "rayon" in letters of at least

equal conspicuousness which shall truthfully describe each constituent fiber or material. (3619)

Schutter Candy Co., 1013 North Cicero Ave., Chicago, has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

The order directs the respondent to desist from selling or distributing any merchandise so packed and assembled that sales to the public may be made by means of a lottery; from supplying others with lottery devices which may be used in selling or distributing the respondent's merchandise to the public by means of a game of chance, and from supplying others with packages or assortments of candy which may be used to conduct a lottery or gift enterprise in the sale to the public of the candy contained in such packages or assortments.

The respondent is further ordered to cease supplying to others for sale to the public assortments of candy, whether contained in one or more than one package, composed of different colored pieces of candy of uniform size and shape individually wrapped in opaque wrappers, and larger pieces of candy or other merchandise, which larger pieces or other merchandise may be given as prizes to the purchasers procuring pieces of candy of a particular color. (3636)

FTC CASE CLOSED

The Federal Trade Commission closed its case against Nu-Age Co., formerly of 309 Castle Building, Tulsa, Okla., without prejudice to its right to resume proceedings, should the facts so warrant. The respondent corporation had been charged with violation of the Federal Trade Commission Act in the sale of a medicinal preparation, "Nu-Age," also described as "Natural Mineral Extract."

According to information received by the Commission, the respondent corporation had discontinued the sale of its "Nu-Age" preparation and its license to engage in business had been cancelled by the State of Oklahoma.

The Commission also has dismissed without prejudice a complaint charging Interstate Ribbon and Carbon Corporation, 2202-2210 Superior Ave., East Cleveland, Ohio, with the dissemination of misrepresentations in the sale of typewriter ribbons and carbon paper.

THE WEEK IN WASHINGTON

The broadcasters' conference committee met four hours with an ASCAP committee in New York on Thursday, and ASCAP agreed to attempt to work up proposals to submit to the broadcasters' committee (p. 255).

One Week Till Movin' Day (p. 257).

The FCC this week ordered a hearing to determine "whether or not joint control of newspapers and radio broadcasting stations tends to result in an impairment of radio service under the standard of 'public interest, convenience and necessity'" (p. 255).

The NAB Board approved the committee revision of the agency contract form, a copy of which is included in this issue (p. 256).

Plans for the NAB's annual convention in St. Louis, May 12, are going forward (p. 260).

Requests for BMI tunes are running far ahead of those for ASCAP tunes, a survey shows (p. 260).

District 11 broadcasters re-elected Earl H. Gammons, WCCO, as Director (p. 265).

A new libel law for broadcasting in Oregon was approved March 14 (p. 265).

Ray C. Wakefield was confirmed as a new member of the FCC. The Commission amended its FM rules. The FCC warns stations against private negotiations with stations in neighboring countries in an effort to solve re-allocation problems. Chairman James Lawrence Fly said that the Commission was still meeting on the "monopoly report" (p. 266).

The latest unit volume report is included with this issue (p. 290).

Broadcasters, ASCAP Meet

A conference committee appointed by the NAB Board of Directors met with an ASCAP committee on Thursday, March 20, for a general discussion of all points in the current controversy.

The meeting, held in a New York hotel, was suggested by the broadcasters after a meeting of their committee

Wednesday afternoon. The joint meeting lasted nearly four hours.

The broadcasters pointed out to the ASCAP committee that the best way to make progress was for ASCAP to submit proposals for the broadcasters' committee to study and pass out to the industry with its advice.

The ASCAP committee agreed to consider the matter and to attempt to work up proposals. There was no understanding as to how long it would take ASCAP to do this, and no date was fixed for the next joint meeting. When the proposals are received, the broadcasters' committee will meet to consider them. The industry will be kept advised of all developments.

The conference committee appointed by the NAB Board to meet with ASCAP was made up of the following:

Neville Miller, chairman
John Shepard, 3rd, Yankee Network
Walter Damm, WTMJ
Mark Ethridge, WHAS
Harold Hough, WBAP
John Elmer, WCBM
Sam Rosenbaum, WFIL
Edwin W. Craig, WSM
Paul Morency, WTIC
Theodore Streibert, MBS
William West, WTMV
Niles Trammell, NBC
John J. Gillin, Jr., WOW
Edward Klauber, CBS
Herbert Hollister, KANS

The NAB Board voted to extend the current associate membership campaign to April 12. Several amendments to the NAB By-Laws were considered. These will be discussed in a future edition of the NAB REPORTS.

The Board instructed the staff to draw up a strong resolution endorsing Daylight Saving on a nationwide basis in the interest of national defense.

Membership, convention plans and a public relations campaign also were discussed by the Board.

Newspaper Ownership Questioned

The FCC this week ordered a hearing to determine "whether or not joint control of newspapers and radio broadcasting stations tends to result in an impairment of

(Continued on page 256)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

NEWSPAPER OWNERSHIP QUESTIONED

(Continued from page 255)

radio service under the standard of 'public interest, convenience and necessity.'"

Through the hearing, the Commission said, it would "seek to obtain full and complete information for its guidance in passing upon applications for high frequency broadcast stations (FM) and for future acquisition of standard broadcast stations by newspapers."

The text of the Commission's statement:

In view of the increasing number of applications by newspapers to operate radio stations in the new high frequency (FM) broadcast service, the Federal Communications Commission today ordered public hearings and an investigation to determine what policy or rules, if any, should be promulgated in this connection.

Through such hearings and investigation, the Commission will seek to obtain full and complete information for its guidance in passing upon applications for high frequency broadcast stations (FM) and for future acquisition of standard broadcast stations by newspapers. Hearings will be conducted with the objective of determining whether or not joint control of newspapers and radio broadcasting stations tends to result in an impairment of radio service under the standard of "public interest, convenience and necessity." The hearings to be held on this issue will be of a broad, public character open to all applicants, prospective applicants, grantees, existing licensees, representatives of trade groups affected, and such other witnesses as the Commission may wish to call.

The question of newspaper ownership of radio stations has long been debated before the Commission and elsewhere and has been an issue in a number of specific cases presented to the Commission. The Commission has in the past denied licenses to newspapers where there was a well qualified applicant asking for the same facilities. In one case, for example—at Port Huron, Michigan—the Commission favored a non-newspaper applicant for a radio station because it would afford the community "a medium for the dissemination of news and information to the public which will be independent of and afford a degree of competition to other such media in the area."

In undertaking public hearings, the Commission does not imply that it is opposed to newspaper ownership of radio stations in general or in any particular situation. The purpose of the hearings and the investigation is to obtain for the Commission sufficient information so that it will have a rational basis for the determination of future cases. At this time, when the FM field is just beginning to open up, the opportunity is presented for an evaluation of policy without impairment to existing investments.

Commission records indicate that approximately one-fourth of all commercial FM applications are filed in behalf of newspaper interests. Of 94 applications received up to the present month, 27 were from concerns or persons in the newspaper business.

In the older field of standard broadcast, more than one-third of the existing stations are now identified with newspapers to a greater or lesser extent. At least 100 standard broadcast stations are owned by publishers with more than one newspaper and more than one radio station connection. In more than 90 localities the only radio outlet is in the hands of the only local newspaper.

Commissioners Case and Craven dissented.

The text of FCC Order No. 79:

WHEREAS, under the provisions of the Communications Act of 1934, as amended, the Federal Communications Commission is empowered and directed to grant licenses for radiobroadcast stations only after a determination that "public interest, convenience, or necessity" would be served thereby; and

WHEREAS, the question whether the granting of a license is in the "public interest, convenience, or necessity" where it results in common control of one or more radio stations and one or more newspapers has been presented to the Commission from time to time and has been the subject of debate before the Commission and elsewhere; and

WHEREAS, there are now pending before the Commission a large number of applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers; and

WHEREAS, the Commission desires at this time to obtain full and complete information for the guidance of the Commission in passing upon applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers; and

WHEREAS, the Commission deems it advisable at this time, when the public service of frequency modulation is in its early stages, to consider the adoption of a policy with respect to joint control of radio stations and newspapers, such policy to be applied by the Commission in passing upon high frequency broadcast applications (FM) coming before it and to guide and inform future applicants; and

WHEREAS, the Commission deems it advisable at the same time that it undertake consideration of the question of joint control of newspapers and radio with respect to applications for high frequency broadcast stations (FM) to consider the adoption of a policy to be applied by it in passing upon applications for the future acquisition of standard broadcast stations by newspapers;

NOW, THEREFORE, IT IS HEREBY ORDERED That the Federal Communications Commission undertake an immediate investigation to determine what statement of policy or rules, if any, should be issued concerning applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers and that public hearings with respect thereto be held at such times and such places as the Commission may direct, and that such investigation and public hearings shall also include consideration of statements of policy or rules, if any, which should be issued concerning future acquisition of standard broadcast stations by newspapers.

IT IS FURTHER ORDERED That in those few cases in which the Commission has heretofore granted applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers, the construction permits to be issued shall contain the condition that no construction of the facilities authorized therein shall be undertaken or continued until after the Commission shall have completed the aforesaid investigation and shall have taken action upon the basis thereof; Provided, however, that, upon a showing that the public interest, convenience or necessity will be served thereby, construction at an earlier date may be authorized.

BY THE COMMISSION.

T. J. SLOWIE,
Secretary.

Sales

AGENCY CONTRACT FORM

On Tuesday the NAB Board of Directors voted approval of the NAB Committee's revision of the agency
(Continued on page 259)

ONE WEEK TO MOVIN' DAY

NETWORK SHOWS

According to Bill Hedges' March 13 bulletin to all NBC stations, the Red and Blue networks will carry a special Movin' Day program, 7:15-7:30 p. m., Friday, March 28. He urged every station to take "this outstanding broadcast."

A. Opfinger, MBS's program service manager, has scheduled Mutual's coast-to-coast show for 9:15-9:30 p. m. same night. E. K. Jett, FCC chief engineer, will explain the advantages of reallocation. Fulton Lewis, Jr., 7:00-7:15 p. m., same night, will also plug the move.

According to Columbia's Washington office, CBS is thinking in terms of two programs. The initial show, providing for local cut-ins, is set for Thursday, March 27, 10:15-10:45 p. m. The other show, for which the exact hour was unknown at press time, would probably be broadcast on Friday, just prior to Movin' Day.

BEARD DISPLAYS CRYSTAL

Jay P. Beard, owner, KBTM, Jonesboro, Ark., has his station in readiness for change-over. Daytimes the new crystal is on display in the front window of the city's leading jewelry store.

The subject of frequency changes is now a topic of general conversation throughout the United States and territories. Under the impetus of next week's big push, the success of the educational and promotional campaign will be assured.

Looking over the data sheets with information for the brochure, to be mailed agencies and stations next week, is an inspiration for any man in the broadcasting business. Everybody "has done his duty" and then some. That will be apparent when the brochure, "56 Days", reaches you.

If six state members of the Governors' Movin' Day Proclamation committee are fortunate and are able to secure the desired documents, the industry will have received unusual support those first in command of the home front.

The cities in which Mayoralty proclamations have been issued will be listed in the brochure. Their number will be a surprise.

Below are Governors whose proclamations have been received during the last week, together with the names of broadcasters who acted as industry representative in securing them. Total this week is eleven from states and one from Puerto Rico.

ARIZONA—Gov. Sidney P. Osborn
Arranged by Dick Lewis, KTAR, Phoenix
GEORGIA—Gov. Eugene Talmadge
Arranged by Leonard Reinsch, WSB, Atlanta
ILLINOIS—Gov. Dwight H. Green
Arranged by Leslie C. Johnson, WHBF, Rock Island
MAINE—Gov. Sumner Sewall
Arranged by George F. Kelley, Jr., WCSH, Portland

MARYLAND—Gov. Herbert R. O'Connor
Arranged by John Elmer, WCBM, Baltimore
MISSOURI—Gov. Forrest C. Donnell
Arranged by Merle S. Jones, KMOX, St. Louis
NEVADA—Gov. E. P. Carville
Arranged by W. D. Warren, KOH, Reno
NEW MEXICO—Gov. John E. Miles
Arranged by Ivan R. Head, KVSF, Santa Fe
NEW YORK—Gov. Herbert H. Lehman
Arranged by Harold E. Smith, WOKO, Albany
PUERTO RICO—Gov. Guy J. Swope
Arranged by John A. Zerbe, WKAQ, San Juan
TEXAS—Gov. W. Lee O'Daniel
Arranged by Harold Hough, WBAP, Fort Worth
VERMONT—Gov. William H. Wills
Arranged by Charles P. Hasbrook, WCAX, Burlington

RADIO GUIDE

All editions of *Radio Guide* which hit the newsstands on Wednesday, March 19 carry the first installment of the reallocation story. The second installment will appear in the following issue. This issue will also contain a complete log with the new frequencies. *Radio Guide* reaching readers on Wednesday, April 2, will contain another log with stations listed by frequencies.

This week's issue has prominently displayed on the front cover "Prepare for Radio's Moving Day, page 37."

Martin Lewis, executive editor, says, "I hope you like it." To which we reply, on behalf of the industry, "We certainly do, Mr. Lewis, your assistance is appreciated by all of us."

RCA-S.E.P. PAGE

The Saturday Evening Post for delivery Wednesday, March 26, is scheduled to have a page on the subject of reallocation.

It was prepared under the direction of Dave Finn, RCA advertising manager, along last December and necessarily held for release until the FCC reallocation order came through.

"CIRCUS" PUBLICITY

Many broadcasters with an eye to showmanship are using huge moving vans, sometimes with equally large trailers, as cruising bulletin boards to advertise the moving of their kilocycles. Since the moving van is particularly appropriate to the present promotion, the stunt is being well received.

ARIZONA STATIONS ACTIVE

The story of Radio Movin' Day Proclamation by Governor Sidney P. Osborn of Arizona has received widespread publicity in the state and southwest. In Phoenix Mayor Reed Shupe is also issuing a proclamation.

"All Arizona stations will follow NAB suggestions in publicizing event," wired Dick Lewis, KTAR, state chairman of the Governor's Movin' Day Proclamation Committee.

GOVERNORS' LEAGUE STANDINGS

District	Standing	States in	States out
No. 2	1.000	New York	
No. 4	1.000	Maryland North Carolina South Carolina Virginia West Virginia	
No. 5	1.000	Alabama Florida Georgia Puerto Rico	
No. 6	1.000	Arkansas Louisiana Mississippi Tennessee	
No. 7	1.000	Kentucky Ohio	
No. 8	1.000	Indiana Michigan	
No. 10	1.000	Iowa Missouri Nebraska	
No. 11	1.000	Minnesota North Dakota South Dakota	
No. 12	1.000	Kansas Oklahoma	
No. 13	1.000	Texas	
No. 15	1.000	California Nevada	
No. 16	1.000	Arizona California New Mexico	
No. 17	1.000	Oregon Washington	
No. 1 . . . . .	.833	Connecticut Maine Massachusetts New Hampshire Vermont	Rhode Island
No. 14 . . . . .	.800	Colorado Idaho Utah Wyoming	Montana
No. 9 . . . . .	.500	Illinois	Wisconsin
No. 3 . . . . .	.000		Delaware New Jersey Pennsylvania

Some "out" states have proclamations in negotiation.

RAYTHEON STATION GUIDE

Three-colored window posters promoting reallocation have been mailed to dealers handling Raytheon tubes. The company is also distributing vest-pocket station guides listing present frequencies with the corresponding new dial location.

MAINE PROCLAIMS TUESDAY

The Radio Movin' Day Proclamation for Maine will be issued on Tuesday, March 25, by Governor Sumner Sewall. It will be made public during the Governor's press conference according to George F. Kelley, Jr., WCSH, who engineered the proclamation on behalf of Maine's broadcasters.

TUNG-SOL WINDOWS

Thousands of set owners are going to be "stopped" by the four-colored easel window display that Tung-Sol has made available to dealers. Extending the full length of the center panel is a scantily clad drum major asking you to "Keep in tune."

PUERTO RICO PROCLAIMS

The Honorable Guy J. Swope, Governor of Puerto Rico, has joined with the chief executives of the states in issuing a proclamation and thus cooperating with the broadcasting industry.

Yesterday's air mail brought the news from John A. Zerbe, vice president and general manager of Station WKAQ, that Governor Swope would issue the proclamation on Monday, March 24. Mr. Zerbe's station at 620 does not change frequency.

MARKET REPORTERS HELP

All market newsmen have been bulletined by the U. S. Department of Agriculture to help in spreading reallocation information among listeners. Scores of programs will carry tag lines telling listeners where the market news reporter will be found on the dial on and after March 29. Printed market reports will also contain the new frequencies of stations carrying the market news programs.

SPECIAL SECTION IN DETROIT

The Detroit News will issue a special Movin' Day section. Among participating advertisers are: WJBK, WJR, WJLB, WWJ and WXYZ, Detroit; WCAR, Pontica; WEXL, Royal Oak; and CKLW, Windsor, Ont.

N. Y. CHILDREN INFORMED

Top ranking educators, generally, have proved to be sympathetic to NAB's suggestion that they assist in publicizing reallocation. Here's an interesting paragraph quoted from a letter by Max U. Bildersee, associated supervisor of radio education, New York State:

"I am happy to tell you that within a few days a letter will go forward to the City, Village and District Superintendents of Schools, telling them of the change in broadcast frequencies and suggesting that they transmit this

information to the principals and teachers in the schools of the State." That IS cooperation.

SCRANTON PROMOTIONS

To impress the new wave length of station WGBI, Scranton, Pa., on the youngsters, George D. Coleman, commercial manager, arranged for a broadcast in front of the studio building. Ten thousand (10,000) youngsters came and received a ruler carrying the station's new frequency and a CBS map.

During another promotion, he gave a new \$5 bill to the first 100 persons that presented a \$1 bill having the last three figures of the serial number identical with the new frequency, 910.

The station sent letters to 200 school principals; and 30,000 letters were sent out by United Churches. Re-allocation news was contained in 33,000 copies of church bulletins.

TWO SPECIAL SECTIONS

Two special Movin' Day sections will be produced in Hartford, Conn., by the *Courant* and the *Times*. The former will be published on Sunday, March 23, and the latter on the following Wednesday. They are expected to run from 12 to 16 pages, and will be complete with art and appropriate copy. Managers and department heads of WTIC, WDRC, WTHT and WNBC are contributing stories. Out of town advertising on the part of WTIC will include eight state newspapers and several in Massachusetts.

NOTES

J. B. Plumley, WSNJ, Bridgeton, N. J., announces a proclamation by the city's mayor. . . . Grays Harbor Public Utility District has distributed 10,000 stuffers for Harry R. Spence, KXRO, Aberdeen, Wash. . . . 30,000 special cards will be inserted in department store April statements to Peoria housewives on behalf of WMBD and 100 car and bus cards have been placed. . . . Manager Wilt Gunzendorfer, KSRO, Santa Rosa, Calif., launched Movin' Day early in March with a quarter-hour show which resulted in publication in all local papers. . . .

Joe Maland, vice president, WHO, Des Moines, sent photostat copies of Governor Wilson's proclamation to all radio stations in Iowa. . . . Mayor Reed Shupe, of Phoenix, Ariz., has issued a proclamation.

A total of 90,000 stuffers were mailed to customers of Duke Power Company from the main office in Charlotte, N. C., according to Earle J. Gluck, general manager, WSOC, who is working closely with A. E. Joscelyn, manager, WBT.

Emerson S. Smith, program director, KDYL, Salt Lake City, brought Governor Herbert B. Maw to the studio and transcribed his Movin' Day proclamation. Afterwards copies of the recording were sent to every Utah station involved in change-over.

From Major Edney Ridge, WBIG, Greensboro, N. C., comes a platter with two interpretations of the Movin' Day theme, one by the station's octette and the other by its hillbilly band.

SALES

(Continued from page 256)

contract form. The recommended form is included in this issue, and an extra copy is supplied herewith.

Renewal of discussions with the AAAA Time Buyers' Committee followed 4 A's request for certain changes in the contract form recommended by NAB January 9. Following several meetings of sub-committees of both groups, a joint meeting of both full committees, and a meeting of staff members and attorneys, final poll of the NAB Committee resulted in this recommended form for agency business which meets the Board's approval.

The changes embodied in the revision were of minor character or to clarified agreed intent. The 4 A's, it is said, still object to the new form in three principal respects: (1) Station's right to substitute commercially sponsored programs of public importance. They contend that only political or governmental programs should be substituted on a sponsored basis, and that all other programs of public importance should be substituted on a sustaining basis. (2) No reference in the contract to the services of a regular staff announcer. NAB thinks this should be handled in each case on the face of the contract. (3) Station's obligation to reimburse agency for non-cancellable talent costs *only* when station itself has contracted for the talent. The NAB Committee unanimously favored these provisions as drafted in the new form, and deemed further meetings would be un-availing because of their firm conviction on these points.

Stations are again reminded that the recommended form is supplied merely as an indication of the preponderant practice of a majority of broadcasters, and one that will be acceptable to most agencies. Some stations, it is believed, will vary certain of the recommended provisions to conform to their established policies. Other arrangements will naturally be made in terms on the face of the contract in individual deals. Inasmuch as the NAB Committee believes a certain amount of "rubber-stamping" and bargaining for terms in individual cases to be inevitable, it feels that it has brought out a form that meets as nearly as possible the agency practice and wishes, and that most agencies will use it substantially as recommended.

For local business direct with advertisers, stations will want to consider using the January 9 form. That form calls for payment by the twentieth of the month, but in many cases stations will prefer to make appropriate change to provide for payment at an earlier date. Stations which have not as yet printed that form should

consider the advisability of striking out the word "agency" wherever it appears on the back and substituting the word "advertiser," and also striking all references to agency and commissions on the face. Those which have already printed it can continue to use it on local advertiser business by striking out the reference to agency commissions. The Committee believes it desirable for stations to use two forms, one for agency business and one for business direct with the advertiser.

The NAB-AAAA Conference Committee stands discharged, with the understanding that the sub-committee on the Invoice Form will confer with the Accounting Committee. That committee is in process of ironing out details in the invoice for further discussion with the AAAA Fiscal Committee. Release of the form is expected within the next month.

NAB Convention

Promotion Exhibit Question Box No. 1

Question: Are all entries to be on standard size panels?

Answer: Yes; all entries must be on standard size panels, 28 x 44 inches.

Question: Can they be used vertically or horizontally?

Answer: Yes; both arrangements are acceptable.

Question: Are there any rules in regard to the treatment of the panels within the standard size shape?

Answer: No. Use any color scheme, arrangement, or device that you like.

Question: Will many of the smaller stations enter this exhibit?

Answer: Yes. Because of the standard size panels, and the seven classifications of entries, many small stations will enter in at least one classification.

The closing date for entries is May 3. Shipment is to be made to the New Jefferson Hotel, St. Louis, c/o NAB Promotion Exhibit Committee.

HOTEL RESERVATIONS

The advance reservations for rooms at the St. Louis hotels during the convention far exceed the record of any previous convention. In other words, a bumper attendance is indicated. The convention opens Monday, May 12. That is just seven weeks away. Those who have not already arranged for rooms at St. Louis are urged to get their requests in promptly. There are plenty of rooms available in the various hotels and still a considerable number at the Jefferson.

Address communications direct to the hotel at which accommodations are desired or to the Housing Committee, Ray Dady, KWK, Chase Hotel, St. Louis, Chairman.

GOLF TOURNAMENT

The NAB Golf Tournament with the *Broadcasting Magazine* trophy has aroused considerable interest. It will be held this year on Monday afternoon, May 12, so those who plan to enter must remember to bring along their golf togs and clubs.

CONVENTION PROGRAM

The program is rapidly taking shape and promises to be one of the most interesting and constructive ever offered at an NAB convention. It will include topics that vitally concern every broadcaster. No one can afford to miss this Nineteenth Annual Convention at St. Louis, May 12 to 15, inclusive. Make your plans now.

BMI

BMI WINS IN OPEN MARKET

Requests for BMI tunes are running far ahead of those for ASCAP tunes not only on BMI stations but on those stations having both BMI and ASCAP licenses. This preference for BMI hits is not confined to the United States but has been strikingly apparent in Canada where, aside from the war songs, 85% of the requests currently received for popular tunes are for BMI numbers.

Sheet music sales in Canada as well as those in the United States are reflecting this preference. For example, printings and sales in Canada of *I Hear A Rhapsody* are double that of ASCAP's best seller. Foreign publishers and foreign societies have noted this preference and are, at the present time, negotiating with BMI for exclusive rights in their respective territories. A deal has been consummated with Campbell, Connelly & Co., Ltd., one of the three leading British publishers and the house issuing *There'll Always Be An England*, calling for exclusive rights in the British Isles and guaranteeing five publications a month. There is also spirited bidding going on for BMI's Australian rights.

Programs devoted to the performance of request numbers and operating throughout the night report that there has been no slackening of interest where the music has been chosen principally from that licensed by BMI. Outstanding testimony is furnished by the program entitled, *Dawn Patrol*, operating out of Philadelphia and Washington on BMI stations. This program has established listening posts at many restaurants, taverns, and points

(Continued on page 263)

RADIO STATION
ADDRESS
CITY

(AGENCY'S ORDER NO.....)

.....
(Place and Date)

AGREEMENT between called "agency" and

called "station" to broadcast radio programs of as specified below:
(Advertiser)

NAME OF PROGRAM:

PRODUCT:

.....
Length of Broadcast Hour Days Times Per Week Total No. Times

COMMENCEMENT DATE

EXPIRATION DATE

PROGRAM MATERIAL ARRANGEMENTS

ADDITIONAL INSTRUCTIONS

BASE RATE (before discounts): \$.....

CHARGES	Net Station Time	Talent	Line Service	Other Charges	Total
Each Broadcast:	\$.....	\$.....	\$.....	\$.....	\$.....
	\$.....	\$.....	\$.....	\$.....	\$.....
For Broadcasts:	\$.....	\$.....	\$.....	\$.....	\$.....

LESS AGENCY COMMISSION (% of Net Station Time Charge):

The conditions on the reverse side are part of this contract.

.....
(Station)

.....
(Agency)

BY.....

BY.....

(OVER)

Conditions of Contract

(Recommended by NAB, March 21, 1941)

1. PAYMENT

(a) Agency agrees to pay station and station agrees to hold agency solely liable for payment, for broadcasting covered by this contract unless otherwise expressly agreed writing.

Agency agrees to pay for such broadcasting at the office of station or its representative authorized to collect on or before the twentieth day of the month following that in which broadcasting is done; provided, however, that if the postmark date on the invoice envelope is later than the seventh day of the month, agency shall not be deemed in default if it makes payment on or before the last day of that month. In all cases date of payment is material and unless otherwise stipulated the postmark date on the envelope properly addressed to station or to its representative authorized to collect shall be considered the date when payment was made.

(c) Station's invoices for such broadcasting shall be rendered not less often than monthly and shall be in accordance with station's log.

(d) Affidavits of performance shall be furnished by station on request of agency.

(e) Station reserves the right to cancel this contract forthwith at any time in the event of default or material violation by agency of any of the provisions of this contract or in the event that agency's credit shall become impaired. Upon such cancellation charges in respect of all broadcasting done hereunder and unpaid shall become immediately due and payable. Such cancellation shall not prejudice any other right of station against agency.

2. TERMINATION

This contract may be terminated by either party by giving the other fourteen (14) days' prior written notice; provided that no such notice shall be effective until twenty-eight (28) days after start of broadcast service hereunder. If agency so terminates this contract it will pay station according to station's rate card on which this contract is based for the lesser number of periods, for all services previously rendered by station. If station so terminates this contract, agency will then either agree with station on a satisfactory substitute day or time for continuance of broadcasts covered by this contract at the card rates on which this contract is based for such substitute time, or, if no such agreement can be reached agency will pay station according to the rates specified herein, for all services previously rendered by station; that is, the agency shall have the benefit of the same discounts which the agency would have earned had it been allowed to complete the contract. In the event of termination hereunder neither party shall be liable to the other party otherwise than as specified in this paragraph, and in paragraph 7 hereof.

3. INABILITY TO BROADCAST

Should any broadcast hereunder be omitted or interrupted by reason of labor disputes, or failure or impairment of facilities arising from any cause, or by reason of any cause beyond station's control, station shall not be liable to agency except to the extent of allowing in such case either (1) a pro rata reduction in the time charges hereunder, or (2) if an interruption occurs during the commercial announcement portion of any broadcast a credit to agency in the same proportion to the total station time charge which the omitted commercial portion bears to the total commercial portion of the broadcast, it being mutually agreed that station shall credit agency on whichever basis is more favorable to agency. In the event of such omission station will upon agency's request make a suitable courtesy announcement as to such omission. Such omission or interruption shall not affect rates of discount; that is, the agency shall have the benefit of the same discounts which the agency would have earned had it been allowed to complete the contract.

4. SUBSTITUTION OF PROGRAMS OF PUBLIC IMPORTANCE

Station shall have the right to cancel any broadcast covered by this contract in order to broadcast any event which it deems to be of public importance; it is understood that a commercial program will not be substituted unless deemed by station to be of the utmost public importance at the time. In such case, station shall notify agency as far in advance as possible, and agency and station shall agree on a satisfactory substitute day or time for the broadcast, or, if no such agreement can be reached, the broadcast shall be considered as cancelled without affecting this contract except that in each such case station shall allow agency a pro rata reduction in the time charges of the station hereunder. If the talent to have been used on the cancelled program was to be furnished by station, agency shall not be liable for any non-cancellable cost of such talent; it is mutually agreed that in no case shall station be liable for cost of any talent for which station itself does not contract. Such cancellation shall not affect rates of discount; that is, the agency shall have the benefit of the same discounts which the agency would have earned had it been allowed to complete the contract. In the event of such cancellation or substitution, station shall upon agency's request make a suitable courtesy announcement as to such cancellation or substitution and as to any substitute time agreed upon.

5. RATES

(a) It is agreed that the rates named in this contract are the lowest rates and that the discounts named are the maximum discounts made by station at the date of execution of this contract for like services and that if at any time during the life of this contract station reduces its rates or increases its discounts for like services, this contract shall be completed from the effective date of such reduction in rates or increase in discounts at such reduced rates or increased discounts.

(b) If this contract is continued beyond the time specified herein, the additional broadcasts shall be considered part of this contract and the same rate shall apply until any lower rate prevailing at the time this contract is made shall have been earned; and then such lower rate shall apply to the whole contract. This provision shall not, however, cover a service rendered by station later than one year from the date of the first broadcast.

(c) In the event of revision of station rates or discounts, this contract may be extended at the rates and discounts herein shown without penalty of short rate or discounts on previous broadcasts hereunder, for a period of not more than fifty-two (52) weeks from the effective date of such revision; provided, however, that such extension is executed not later than thirty (30) days after the effective date of such revision.

(d) In the event agency contracts with station for additional time for the current advertiser hereunder the rates and discounts shown on the rate card on which this contract is based shall apply to such additional time for a period of fifty-two (52) weeks from the effective date of any revision of rates or discounts.

(e) All broadcasts placed by agency under this contract for the current advertiser within one year from the date of the first broadcast hereunder may be combined to earn frequency discounts, provided, however, that announcements cannot be so combined with five (5) minute or longer programs.

(f) Any rate will be furnished agency upon its written request.

(g) Agency agrees that it will not rebate to its client any part of the commission allowed by station.

6. PROGRAMS

(a) Agency undertakes to deliver to station seven days in advance of each broadcast, agency's program material which shall be satisfactory to station both as to talent and program content. If in the opinion of station program material furnished by agency is in any way objectionable, station may refuse to broadcast such material and such refusal shall not prejudice any other right of the parties under this contract.

(b) If agency fails so to furnish program material or talent, station shall promptly notify agency. If after giving such notice station fails to receive such program material or talent in time for broadcast, station shall have the right to announce the name, address and business of the advertiser, produce a creditable program and make the specified station time charge and a reasonable talent charge to agency.

(c) Agency program material shall comply with the Broadcast Code of the National Association of Broadcasters.

7. INDEMNITY

(a) Any litigation against agency or advertiser, or the employees of either, brought to enforce the rights of any third party alleged to have been violated by broadcasting matter described herein as station material will be defended by and at the expense of station. Any litigation against station or its employees brought to enforce the rights of any third party alleged to have been violated by broadcasting matter described herein as agency material will be defended by and at the expense of agency.

(b) The indemnitor (party hereto on whom duty of defense is imposed hereunder) shall have full and complete control of such litigation and may settle, compromise and adjust the same. The indemnitor shall be responsible for the payment of any judgment for damages and costs rendered in such litigation against the indemnitee(s) and shall indemnify and hold the indemnitee(s) harmless from loss or damage caused by or arising out of any such judgment.

(c) Subparagraphs (a) and (b) hereof shall be effective only in the event that (1) within fifteen days after the initial summons or process is served upon the indemnitee, written notice thereof is given to the indemnitor and within ten days thereafter a written request to defend such litigation is mailed or delivered to indemnitor and (2) from time to time during the pendency of such litigation and after the duty of defense has been assumed by the indemnitor, the indemnitee, upon request, shall disclose to the indemnitor all relevant facts in the possession or under the control of the indemnitee by making available to the indemnitor for consultation and as witnesses at their customary places of business all employees and other persons under the control of the indemnitee having possession of such facts and making available to the indemnitor all relevant documentary material in the possession or under the control of the indemnitee.

(d) Station material consists of (1) all material used in programs furnished by station except material furnished by agency in connection with such programs, and (2) copyrighted musical compositions performed in non-dramatic form which station is licensed by Broadcast Music, Inc., at the time of broadcast to perform publicly for profit. Agency material is everything broadcast hereunder excepting station material. Station approval of agency material for broadcasting shall not affect agency's indemnity obligations under this contract.

(e) Notwithstanding the indemnitor shall have assumed the defense of any litigation hereunder, the indemnitee, upon relieving the indemnitor in writing of its obligations hereunder with respect to such litigation, shall have the right, if it shall so elect, thereafter to conduct the same at its expense by its own counsel. The indemnitor upon request shall keep the indemnitee fully advised with respect thereto and confer with the indemnitee or its counsel.

(f) Station agrees upon request of agency to furnish the names of copyright licensing organizations which on the effective date of this contract have licensed station to perform publicly for profit their respective musical compositions; and until agency receives notice from the station to the contrary agency shall have the right to rely thereon with respect to this and any future broadcasting contracts between station and agency.

(g) The provisions of this paragraph shall survive any cancellation or termination of this contract.

8. GENERAL

This contract is made subject to all Federal, State and Municipal laws and regulations now or hereafter in force, is not assignable without the consent of station, and constitutes the entire understanding between the parties. Waiver of any provision hereof in any instance shall not constitute a general waiver of any right hereunder.

(OVER)

(Continued from page 260)

where men gather together throughout the night. Despite the fact that these listeners hear ASCAP tunes at the motion picture houses, the *Dawn Patrol* seldom receives a request for one.

Every BMI song has been judged not according to its value in a Broadway production or a Hollywood movie, but according to the number of people who would be interested in it. This standard, BMI officials feel, was reflected almost immediately in the response of the listening audience. In the coin boxes and in those new inventions where the patron is permitted to name a tune for performance, the current score stands about eight to two in favor of BMI. BMI's top eight headed by *I Hear a Rhapsody* and *You Walk By* are the current favorites.

BMI HEADS FOR NEW YEAR

Carl Haverlin, BMI's Station Relations Director, reports that renewal licenses from BMI stations have been coming in during the past week at a greatly increased rate. A large majority of all stations have already sent in their renewals and Mr. Haverlin hopes to get the rest of the renewals cleared up within the coming week or ten days.

On March 14th the Eleventh District meeting at Minneapolis adopted a resolution expressing unanimous sup-

port for BMI and pledging those present to renewal of their licenses.

BMI BATS HIGH FOR WEEK

The popularity record for the week proves that BMI music holds the commanding lead which it has been building up for the past several months. *Billboard* shows that nine of the most popular records in the coin machine list are published or licensed by BMI and again nine of the ten best selling retail records are also in the BMI catalogue. Both *Billboard* and *Variety* agree in giving BMI thirteen of the fifteen sheet music best sellers.

The efforts made by BMI to stimulate program diversification show results in the *Billboard* list of radio plugs. Out of the twenty leading songs for this week twelve were BMI publications and eight were in the catalogues of affiliated publishers.

Julius P. Witmark, Jr., BMI's Sales Manager, reports that *You Walk By* has now been added to the list of the BMI songs which have gone over the one-hundred-thousand mark in sheet music sales.

MARKS SETS RECORD FOR NETWORK PERFORMANCE

A new high record for the number of individual compositions performed on any one evening over the major networks was set last Friday night, March 14, by the Edward B. Marks Music Corporation. No less than 32 songs, running all the way from hot swing to "long-hair" classics and from the Latinest of Latin to the most American rhythms, were included in the programs broadcast over the chief stations. All of these numbers were licensed through BMI.

The most important commercial hours had a full quota of Marks tunes. Jimmy Dorsey on his *Twenty-Grand* program featured his inimitable arrangement of *Amapola* as recorded on the Decca disc, which is establishing a new high. On the same program Mary Small performed *Para Vigo Me Voy (Say Si Si)* in Spanish in truly Latin style.

The Philip Morris program, directed by Ray Bloch, featured a beautiful version of *Two Hearts That Pass in the Night*, the new Ernesto Lecuona tune, followed immediately by that classic of early rhythm, *Jazz Me Blues*. The same program ended with a brilliantly conceived medley of *Manhattan* and *Sentimental Me*, two of the best songs ever written by Rodgers and Hart.

The Alka Seltzer program had *Ida, Sweet As Apple Cider*; Frank Black played *Para Vigo Me Voy* on his Cities' Service program; the Phillips hour had Abe Lyman playing an old waltz that has not been heard much of late, *Kentucky Dream*; the Camel program from Hollywood listed a brand new song *Why Cry Baby*, as well as the familiar *El Rancho Grande*; and various other commercial and sustaining programs were enhanced by such other

BMI FEATURE TUNES

March 24-31

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. FRIENDLY TAVERN POLKA
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. G'BYE NOW
11. LOAFING ON A LAZY DAY
12. ALL I DESIRE
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. STONE'S THROW FROM HEAVEN, A
17. WITH A TWIST OF THE WRIST
18. WHERE'S THE CAPTAIN'S HAT

In preparation—what promises to be 1941's biggest song hit—*My Sister and I*

standard and popular successes as *There'll Be Some Changes Made Today*, *Yours*, *For Want of a Star* (another new Lecouna song based on his celebrated *La Comparsa*), *Blues My Naughty Sweetie Gives to Me*, *Song of the Islands*, *Mama Inez*, *Ballin' the Jack*, *It Was Wonderful Then*, *Let's Dance* (Benny Goodman's theme), *Salud*, *Dinero y Amor*, *Shim-Me-Sha-Wabble*, *The Peanut Vendor*, *Everybody Works But Father*, *My One Romance*, *My Shawl*, *Story of a Horn*, *Tishomingo Blues*, and several others.

This broad representation of Marks music on the air was by no means unusual. While there may not be as many as 32 different Marks copyrights broadcast over the major networks every night, there are usually from 20 to 30 and these are performed anywhere from one to six times. As a result, the Marks catalogue is booming in sales and in general all-around popularity.

LONGFELLOW MUSIC BY MERRIMAN

BMI has recently published in its standard catalogue a musical setting by its own Dana Merriman of Henry Wadsworth Longfellow's poem, *The Legend of the Crossbill*. Orchestrations and mixed chorus arrangements made by Mr. Merriman himself will be released within a few days.

In 1934 Mr. Merriman, as an NBC conductor, had to build some programs which, although not of sacred music, should nevertheless be suitable to the Lenten Season. He remembered *The Legend of the Crossbill*, and included it on a program as a vocal solo with orchestral accompaniment, and then went home to write the music. The poem concerns the story of a little bird who pecked at the nails of the Cross and stained the feathers of its throat with blood so that all its winged descendants carry the red mark to this day.

Mr. Merriman has just received a letter from the poet's grandson, Henry Wadsworth Longfellow Dana, telling him he has received the new BMI song just in time for inclusion in a bibliography of *Longfellow Music*.

SEARS' SWEET SWING

Sweet Swing and Jerry Sears are synonymous. This active young conductor of orchestras for radio transcriptions will always be identified with the swinging of the classics no matter how many other interesting things he does in music. It all began when George Marlo, BMI's Professional Manager, heard some transcription recordings with an unusual combination for dance music, string quartette, harp, and bass, which Jerry had arranged for World Broadcasting System, Inc. Mr. Marlo thought they would make good material for regular dance orchestras so Jerry did a series for BMI which have been heard from coast-to-coast during the past few months.

Some people like them very much and some people don't like them at all, but judging from the requests that come in from broadcasting studios they are growing in popularity. Particularly the old timers like *I Dreamt I Dwelt In Marble Halls*, *Loch Lomond*, and *My Heart At Thy Sweet Voice*.

Coming to BMI was like starting over again for Jerry. His abbreviated business career began and ended with Brentano's which is in the same building with BMI. It was all due to the fact that a musician needs too much sleep. Jerry played professionally during the time he was employed as a salesman at Brentano's and after he was threatened several times with being fired, he decided it was better to work by night than by day and devoted himself to his orchestra.

Jerry Sears might be termed a serious musician who has gone "modern." By combining the best in musical idiom with the best of the popular classics, he has developed a unique style of music. His clever modernizations of classical and traditional selections are strikingly original, with an insistent rhythm that captivates your ears and sets your feet to dancing.

One of the youngest radio conductors, Jerry has an enviable background of training and experience. He attended Cornell University, where he majored in philosophy, but at the same time he took all the music courses at the Ithaca Conservatory, studying piano under Leon Sampaix. It finally got to the point where his activities as piano accompanist for glee clubs, and arranger and conductor of college orchestras, made such demands that he hardly had time for his college courses.

After graduation, convinced that he was definitely interested in a musical career, he was engaged by Cass Hagan's orchestra at the Park Central in New York, as saxophonist and arranger. In this same band were Lennie Hayton, pianist, and Red Nichols, trumpeter. Subsequently he spent several years conducting, composing, and arranging for Paramount Pictures and for Publix Corporation.

He has been arranger for Paul Ash at the New York and Brooklyn Paramount theaters, for Phil Baker, and for Ray Noble; pianist and arranger for Nathaniel Shilkret, and for Roger Wolfe Kahn's Pennsylvania Orchestra when it was signed for the first NBC Lucky Strike series. For more than five years he was a regular conductor for NBC.

Just recently, Jerry assembled a new band of thirteen pieces, all carefully selected musicians of proven ability. Frankie Signorelli, his pianist, was formerly with Paul Whiteman and has played for the famous Memphis Five and other well-known groups. Paul Ricci, his first saxophonist, formerly a member of the Andre Kostalanetz orchestra, is now in demand by all the top-flight orchestras. The other members are equally outstanding.

District Meetings

DISTRICT 11 MEETING

The Broadcasters of Minnesota, North Dakota and South Dakota met at Minneapolis on Friday, March 14. A full outline of the music situation was given by Carl Haverlin and a discussion in which nearly all present participated followed.

The following resolution was unanimously adopted:

"We urge the continued support of Broadcast Music, Inc., by the broadcasting industry and to that end we call upon all stations to renew their BMI licenses that it may be continued on an effective and a permanent basis."

Earl H. Gammons, WCCO, was re-elected Director. Following the general business session the sales managers held a meeting at which practical problems in the sales field were discussed. The following were in attendance:

Lloyd R. Amoo, KRMC; John W. Boler, KVOX; W. C. Bridges, WMFG; Carl J. Burkland, WCCO; Donn Clayton, NCBS; A. A. Fahy, KABR; F. E. Fitzsimonds, KFYZ; Earl H. Gammons, WCCO; Edward Hoffman, WMIN; Joseph Henkin, KSOO; George R. Hahn, KSOO-KELO; Morton Henkin, KSOO-KELO; C. F. Hagman, WTCN; Ken Hance, KSTP; Stan Haigh, WLWL; Phil Hoffman, WNAX; Emmett J. Heerbt, Jr., WCCO; Stanley Hubbard, KSTP; Ray Jenkins, KSTP; Barney Lavin, WDAY; Dalton LeMasurier, KDAL; Harry Linder, KWLM; John F. Meagher, KYSM; Burton Paulu, WLB; E. C. Reineke, WDAY; Otto Rupp, KFAM; Fred Schilplin, KFAM; Frederick C. Chilplin, KFAM; Edward P. Shurick, WLWL; Wallace E. Stone, WDGY; Robert Tincher, WNAX; Warner C. Tidemann, KATE; Lee L. Whiting, WTCN; M. H. White, KWNO; Bert Wick, KDLR; and Milton M. Blink, Standard Radio.

DISTRICT 15 SALES MANAGERS MEET

Wilt Gunzendorfer, KSRO, recently re-elected chairman of the Sales Managers Division of the 15th District of the NAB, presided at a sales managers meeting at San Francisco, March 1.

Problems peculiar to sales managers and salesmen were discussed. Among the subjects were:

- Sales Managers, Salesmen and their Problems
- Sales Ideas
- Rates—Rate Structure
- Promotion and Merchandising Activities
- The Commercial Code of the NAB

Howard Lane, KFBK, NAB District 15 Director, outlined the purposes of the newly created NAB Department of Broadcast Advertising.

Members from Northern California who participated in the meeting were:

Ralph Brunton, KJBS; Charles A. Whitmore, KTKC; Philip G. Lasky, KROW; Harold H. Meyer, KYA; Keith B. Collins, KMJ; Leo O. Ricketts, KFBK; William Beasom, KSRO; Lilian Holmes, KYA; Bill Shea, NBC; Walter G. Tolleson, NBC; Jack Reese, KROY; George F. Barringer, KHUB; Eddie Calden, KHUB; D. E. Lundy, KROY; Roger R. Hunt, KROY; Howard N. Martineau, KHUB; Frank Nicholson, KFBK; David H. Sandeberg, McClatchy; W. B. Ryan, KGO-KPO; Joe Comelli, KSRO; Dan Weldon, KSRO; Henry Root, KYA; H. J. Tyler, KSFO; Carl Nielsen, KYA; Ed Franklin, KJBS; Lou Simon, KYA; John Brunton, KQW; C. L. McCarthy, KQW; Clyde Coombs, KARM; F. W. Morse, KLS; Wilt Gunzendorfer, KSRO; Howard Lane, KFBK; Art Westlund, KRE; P. D. Allen, KLX; S. H. Patterson, KSAN.

NEW YORK SALES MANAGERS

Charles F. Phillips, commercial manager of WFBL, Syracuse, and chairman of the Second District Sales Managers Committee (all stations in the State of New York) advises that a sales managers meeting will be held in Syracuse on Wednesday, March 26. All stations in the District are urged to have their sales manager on hand. This will be an important meeting.

CORRECTION

Owing to a typographical error, the NAB REPORTS, page 121, listed the new frequency of Station WPID, Petersburg, Virginia, under the reallocation as 790 kc. This should have been 1240 kc.

ALUMINUM DISCS

Manufacturers of aluminum discs have attempted in a series of discussions with the Office of Production Management to secure a priority rating and some assurance that their aluminum requirements will be safeguarded. While NAB has followed these discussions closely it has taken no active part.

It appears at the present writing that there is little possibility that the appeal of the manufacturers will be favorably considered and that the supply of aluminum for disc purposes may be seriously curtailed.

In view of this situation which has as yet produced no serious effect upon stations using these discs, it seems advisable to caution in an attempt to conserve the supply on hand. Such conservation may be accomplished by use of other material for reference recording. It has also been suggested that station operators carefully inspect their supply of used discs to determine if some of these cannot be returned to manufacturers for reprocessing. We are advised that it requires approximately two months to assure reprocessing and, therefore, prompt action is necessary. The return of used discs and the judicious use of the present supply coupled with the substitution of other methods where possible will contribute to a solution of this problem.

The Engineering Committee at the direction of the Board will look into the matter of the price to be allowed by manufacturers for returned discs and subsequent advice regarding this matter will be given.

Legislation

OREGON LIBEL LAW

Oregon Senate Bill No. 340 relating to the broadcasting of defamatory matter passed both branches and was approved March 14. We print the Act:

AN ACT relating to the broadcast of defamatory matter over the facilities of radio and television broadcasting stations, and defining the liability therefor.

Be It Enacted by the People of the State of Oregon:

Section 1. The owner, licensee or operator of a radio station or television broadcasting station, and the agents or employees of any such owner, 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 or television broadcast, by one other than such owner, licensee or operator, or agent or employee thereof, unless it shall be alleged and proved by the complaining party, that such owner, licensee, operator, agent or employee, has failed to exercise due care to prevent the publication or utterance of such statement in such broadcast.

FEDERAL LEGISLATION

H. R. 3997 (SACKS, D-Pa.) COPYRIGHT—To amend the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, as amended, and for other purposes. Referred to Committee on Patents.

H. R. 4016 (O'BRIEN, R-N. Y.) COPYRIGHT—To reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Referred to Committee on Patents.

STATE LEGISLATION

ARIZONA:

H. 144 (PIELPS) FARM PRODUCTS—FALSE ADVERTISEMENT—To prohibit the false advertisement of agricultural commodities sold for human consumption. Referred to Committees on Judiciary, Agric. & Irrig., County and County Aff.

ILLINOIS:

H. 360 (CROWLEY) MUSICAL COPYRIGHT SOCIETIES—Makes it unlawful for authors, composers, etc., of any copyrighted vocal or instrumental musical composition to form a combination, society, firm, partnership, etc., either within or without the state, when one of the objects of such combination is the determination and the fixation of license fees and other exactions and the amounts thereof required, by such combination for itself or its members. Referred to Committee on Judiciary.

MARYLAND:

H. 591 (DEMPSEY) FOOD, DRUG AND COSMETIC—Food and Drug Law. To repeal Secs. 189-200 of Art. 43 of the Annotated Code (1939 Ed.), and to enact Secs. 189-200-0 in lieu thereof to provide a Uniform Food, Drug and Cosmetic Act. Referred to Committee on Hygiene.

H. 737 (HOUCK) SPORTS—ADVERTISING—To add Secs. 291A to Art. 27a the Annotated Code (1939 Ed.), providing for dissemination, publication and transmission by newspaper, radio, etc., of news pertaining to any sport, sporting event, contest or contingency. Referred to Committee on Judiciary.

MISSOURI:

H. 447 (LIBRACI) PROPAGANDA—Regulating and dealing with propaganda inciting race nationality, color or religious hatred.

NEVADA:

A. 273 (JONES) MONOPOLIES—Creates an anti-monopoly board to effectuate the true intent of the Federal Copyright Laws. Referred to Committee on Judiciary.

OHIO:

H. 616 (RADCLIFF) TRADE RESTRAINT—MUSICAL COMPOSITIONS—To outlaw combinations fixing prices for public performance rights of vocal or instrumental musical compositions. Referred to Committee on Judiciary.

PENNSYLVANIA:

H. 792 (TAYLOR) RACIAL HATRED—To add Secs. 418, 419, 420, 421, 422 and 423 of the Penal Code of 1939, P. L. 872, by making unlawful acts designated to incite racial or religious hatred, and imposing penalties. Referred to Committee on Judiciary Special.

VERMONT:

H. 248 (General Committee) ELECTRICAL INTERFERENCE—To amend section 3678 of the Public Laws relating to radio interference.

WISCONSIN:

A. 527 (SCHRITZ) COPYRIGHTED MUSIC—An Act to create 177.01, sections 2A, 2B and 2C and to amend 177.01, section 7 of the statutes relating to copyrighted music. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

WAKEFIELD CONFIRMED

Ray C. Wakefield was confirmed on Monday by the Senate as a member of the FCC for a term of seven years beginning July 1, 1940. Mr. Wakefield succeeds the late Thad H. Brown as a member of the Commission.

FM RULES AMENDED

The FCC has amended the rules governing high frequency broadcast (FM) stations in order to stimulate development in this new service by relaxing the requirements with respect to the areas to be served. This action was taken upon suggestions by the industry that such relaxations, essentially of a temporary character, are needed to meet existing conditions.

With respect to cities having large basic trade areas, such as Washington, Houston, St. Louis and Kansas City, the new rules permit stations to be authorized on a temporary basis to serve less than the basic trade area but at least the metropolitan district of the city in question. Such authorizations will not be granted in the absence of a special showing that there is a need for relaxing the basic requirement in the particular case. Such grants will be subject to the condition that the Commission may in the future require the licensee to serve the entire basic trade area. In determining to make such a requirement in the future the Commission will take into consideration such matters as the availability or shortage of frequencies in the particular city, the number and qualifications of applicants who are willing to serve the entire basic trade area, the competitive effect of continuing the authorizations for a smaller service area upon stations serving or willing to serve the entire basic trade area, the distribution of receiving sets within the basic trade area, and other pertinent factors.

The Commission made available three of the frequencies presently allocated for cities having a population less than 25,000 for assignment also to stations in cities having a greater population located in and adjacent to metropolitan districts having a population greater than 1,000,000.

In addition, the Commission indicated that, although under Section 3.226(b) of the Rules eleven channels are available for any particular basic trade area, it would reserve, in making present assignments, three such channels for communities outside the principal city of the basic trade area.

NOTICE TO FM STATIONS

Supplementing its announcement of February 26 concerning provisions for experimental high frequency (FM) broadcast stations to expedite commercial operation, the FCC now offers further aid to FM broadcasters in their transition period by prescribing:

A person holding a construction permit for a commercial high frequency broadcast station may be permitted to operate on a temporary basis with equipment delivering a less effective signal

than that required to render service to the entire area specified under the rules applicable to such station, provided, the applicant demonstrates that he has made a bona fide effort to comply with the terms of his construction permit. Such showing must include photostatic copy of acknowledgement of order for transmitter and promised delivery date.

REALLOCATION

The FCC issued the following statement about reallocation:

Information has reached the Federal Communications Commission that in certain instances private representatives of radio stations in the United States have been attempting to deal directly with the owners of radio stations in some of the neighboring countries, notably Canada, Cuba and Mexico, or with government officials in these countries, on matters having to do with the allocation of radio frequencies, and specifically involving proposed changes in the frequencies of certain broadcasting stations either in the United States or in the other countries mentioned.

Such a procedure in many instances might jeopardize any international negotiations which might be in progress, and might bring prejudicial results in the case of certain international treaties to which the United States is a party. Such action could cause serious embarrassment to this government.

Any proposed negotiation between broadcast stations in this country and those in foreign countries should be through the medium of prescribed government jurisdiction. All such cases should be presented first to the Federal Communications Commission which in turn will recommend appropriate action through diplomatic channels if required.

This notice is in no way intended to affect any negotiations concerning the exchange of programs as between the various countries which are being carried on in the normal conduct of program contract arrangements.

FCC has issued the following notice to all standard broadcast stations regarding the March 29 changes:

On January 31, 1941, in connection with its publication of the frequency assignments effective March 29, 1941, the Commission issued a notice to all standard broadcast station licensees authorizing tests on the new frequencies and setting forth the procedure required of licensees employing directional antennas. Detailed steps were outlined to be followed by such stations. It was specified that data on the radiation field together with the frequency check should be supplied to the Commission for approval upon completion and prior to March 29, 1941.

Licensees of stations employing directional antennas are advised that, due to the general delay in submitting the required data, renewals of licenses for the period beginning 3:00 a.m., March 29, 1941, specifying the regularly authorized operating power, can be assured only in cases where the necessary performance data is submitted by March 21, 1941. In the case of any licensee which does not submit the required data by that date, temporary authorization only may be granted and the Commission will specify such power as it deems appropriate in each case to prevent interference to other stations.

FLY DISCUSSES NETWORK REPORT

At a press conference early this week, Chairman James Lawrence Fly of the FCC stated that the Commission last week met twice on the network "monopoly" report and two meetings are scheduled for this week. He refused to hazard a guess as to when the report would be completed by the Commission and released. He reiterated that it would be a brand new report, although it would take into consideration information furnished by the

Committee report and the Law Department of the Commission. In answering a specific question, Mr. Fly said he expected a "unanimous" report. He stressed the point that the Commission is writing its own report.

Chairman Fly said he was hopeful that the television hearing, beginning on March 20, would only last for a couple of days. He expressed the opinion that industry representatives would not waste any time. Mr. Fly told the newsmen that he sees progress in the television situation with the attitude of the industry as a whole tending toward an agreement. Of course, he said, there will be those "not wishing to give in on certain fundamental things."

Mr. Fly said that it is not yet clear how color television would be dealt with. He said that eventually there will be color television, but there is a question of how it will be provided for at the beginning.

The FCC today announced adoption of orders (B-127), dismissing the applications of Chilton Radio Corporation and V.O. Stamps, both applicants for a new station in Dallas, Texas.

The applicants applied for a permit to use frequency 1370 kilocycles, 100 watts, unlimited time. A consolidated hearing was held in the matter. Thereafter, applicant Stamps died, whereupon the Chilton Corp. applied for a dismissal of the Stamps application, and petitioned the Commission to reconsider and grant its application.

On January 1, 1941, the Commission authorized the Chilton Radio Corp. to amend its application to specify another frequency than originally requested. An amendment was filed, and the application of Chilton Radio Corp. has been removed from the hearing docket, and the petition to reconsider and grant is dismissed.

BIBLE SCHOOL APPLICATION

Public interest, convenience, and necessity will not be served by granting the application of God's Bible School and College, Cincinnati, Ohio, for a construction permit looking to establishment by that institution of a new international broadcast station to serve Latin America, according to a proposed decision of the FCC.

In Proposed Findings of Fact and Conclusions (B-132) based upon a hearing August 13, 14, and 26, 1940, the Commission points out that while the chief frequency requested—21610 kilocycles—is available, its characteristics do not permit rendition of a satisfactory program service to South America except during the daytime at certain seasons of the year. Also, by reason of the differences in direction of the zones of Mexico and Central and South America, it would be necessary to utilize two antennas, instead of the one proposed, in order to render adequate service. Moreover, no comprehensive inquiry was undertaken by the applicant with a view to determining the types of programs which would be acceptable to the potential audiences.

Therefore, the Commission concludes:

1. The applicant does not propose to provide adequate technical facilities to carry forward the proposed service.
2. The applicant has failed to show that the technical operation of the proposed station would be conducted by qualified persons.
3. The proposed programs were not predicated upon a comprehensive survey designed to determine whether such programs would be acceptable to the areas to be served, nor has the applicant shown that it has the necessary program sources available to render an international service in the public interest.
4. Public interest, convenience, and necessity will not be served by the grant of this application.

applicant proposed to operate three hours a day on 11710 kilocycles and unlimited time on 21610 kilocycles with A3 emission and power of 60 kilowatts.

DEFENSE LISTENING POSTS

Establishment of special national defense "listening posts" to record, translate, transcribe and analyze foreign short-wave broadcasts is being undertaken by the FCC in cooperation with the Defense Communications Board.

A 24-hour watch for subversive and other pertinent radio propaganda from abroad is being set up at primary monitoring stations strategically located throughout the United States and its possessions.

A picked force of 350 technicians, translators, clerks, propaganda analysts and other experts will work in eight-hour shifts to keep abreast of all overseas emissions which may involve propaganda intended for persons in this country or neighboring countries. Such continuous listening is necessitated by the difference in time and propagation characteristics of international broadcasts. The listeners and analysts will pay particular attention to voice broadcasts, including newscasts, speeches, announcements and playlets, as well as some musical programs.

After being recorded in the field, all this material will be coordinated and studied at Washington. The extent of the work involved is indicated by the fact that it requires an average of seven hours of translation and transcription to fully process one hour of recorded material. It will be necessary to record and analyze matter of which 75 per cent will be in languages other than English.

This necessary step to deal with vital national defense problems developed by radio is taken on recommendation of the Defense Communications Board, as approved by the President and the Bureau of the Budget. It has a high degree of cooperation from other Government agencies, who want to be correctly informed on the extent and character of foreign broadcasts reaching this country. Broadcasters and private propaganda analysis organizations are cooperating in this patriotic endeavor to keep the Government fully informed on the situation in the air.

BROADCAST MEASUREMENTS

During the month of February, experts of the FCC measured 718 broadcasting stations, leaving 166 stations not measured.

Of this number 662 stations showed a maximum deviation within 0-10 cycles; 48 stations a maximum deviation within 11-25 cycles; 5 stations a maximum deviation within 26-50 cycles; and 3 stations a maximum deviation over 50 cycles. No stations showed a maximum deviation over 20 cycles.

890 STATIONS

The Federal Communications Commission issued operating licenses to one station and granted seven permits for the construction of new stations during the month of February, 1941. A comparative table by months follows:

	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1
Operating	771	775	779	783	791	799	806	810	816	825	831	835	836
Construction	51	48	47	53	56	58	57	54	52	51	51	46	54
	822	823	826	836	847	857	863	864	868	876	882	881	890

MUSICAL PITCH BROADCAST

The standard frequency radio service of the National Bureau of Standards, Department of Commerce, which has been conducted on a reduced basis since last November when fire destroyed the Bureau broadcasting station WWV has been extended by the resumption of the standard musical pitch and of seconds intervals. Barring unforeseen developments due to the current use of temporary equipment, it is pointed out, the service will henceforth be on the air continuously day and night. The radio frequency is, as formerly, 5,000 kilocycles per second.

The standard musical pitch carried by the broadcast is the frequency 440 cycles per second, corresponding to A above middle C. In addition there is a pulse every second, heard as a faint tick, when listening to the 440 cycles. The pulse lasts 0.005 second, and provides an accurate time interval for purposes of physical measurements.

The 440-cycle tone is interrupted every five minutes for one minute in order to give the station announcement and to provide an interval for the checking of radio measurements based on the standard radio frequency. The announcement is the station call letters (WWV) in telegraphic code (dots and dashes).

The accuracy of the 5-megacycle frequency, and of the 440-cycle standard pitch as transmitted, is better than a part in 10,000,000. Transmission effects in the medium (Doppler effect, etc.) may result in slight fluctuations in the 440-cycle frequency as received at a particular place; the average frequency received is however as accurate as that transmitted. The time interval marked by the pulse every second is accurate to 0.000 01 second. The 1-minute, 4-minute, and 5-minute intervals marked by the beginning and ending of the announcement periods are accurate to a part in 10,000,000. The beginnings of the announcement periods are so synchronized with the basic time service of the U. S. Naval Observatory that they mark accurately the hour and the successive 5-minute periods; this adjustment does not have the extreme accuracy of the time intervals, but is within a small fraction of a second.

The broadcast is from a 1-kilowatt transmitter. It is most useful for moderate distances in the daytime and long distances at night. For reception in locations reasonably free from interference, it is receivable in the summer at all distances up to about 500 miles from Washington in the middle of the day. The distance range increases after about 4 P.M. (EST) until at night the broadcast is receivable throughout the United States (i.e., the 5-Mc carrier frequency; the 440-cycle tone is sometimes not receivable at night beyond about 1300 miles). Sometimes at night it may be difficult to receive either the 5 Mc or the 440 cycles at distances between about 50 and 500 miles, while it is easy to receive them beyond 500 miles. In the autumn the daytime distance range will increase, rising to about 1000 miles in the winter.

The service from the temporary transmitter will continue for some months. As rapidly as possible the Bureau will establish a new station to provide more fully than in the past, standard frequencies reliably receivable at all times throughout the country. These will be transmitted on more adequate power, and several radio carrier frequencies will be used, in order to provide more certain coverage of all distances and times.

FROM THE FCC MAIL BAG

The Federal Communications Commission is in receipt of a letter from a certain organization complaining of "dissemination by publications and broadcasters of alleged false and misleading information designed to eliminate the use of horses and mules." Since the Commission does not have authority to proceed against program sponsors in such a connection, it has referred the communication to the Federal Trade Commission which, because of allegedly false advertising claims involved, may have jurisdiction if there is interstate involvement.

The varied nature of mail received by the Commission is exemplified in other recent communications:

The basketball team of a particular university wants to converse over an amateur station in connection with a scheduled trip to Hawaii. It is informed that there is nothing to prevent this, providing the rules and regulations concerning amateur operation are observed, particularly that section which prohibits an amateur from engaging in any direct or indirect commercial transmission.

A radio station announcer complains of long hours and low wages. His letter has been transmitted to the Wage and Hour Division of the Department of Labor.

The Commission has had to write numerous letters advising

that, since it serves largely as a licensing authority, it is not in a position to furnish information concerning opportunities in the broadcast field, recommend radio schools or courses, help in the preparation of radio scripts or programs, or furnish copies of broadcast schedules.

A Californian is informed that the Commission has not allocated special radio frequencies for the exclusive use of any group of amateurs or for any amateur "network." Any licensed amateur radio operator may use any frequency assigned to the amateur service in accordance with the terms of his license and the Commission's rules governing such use.

Frequently, the Commission has to reply to individuals seeking special statistical data that, while every effort is made to furnish data where practicable, the stress of routine work makes it impossible to do specific research for private persons. It points out, however, that reports and other public information filed with the Commission may be examined in the Public Reference Room in its Washington Offices.

A Brooklyn, N. Y., resident asks about requirements for "dental workers" in Commission employ. The Commission refers the application to the United States Civil Service Commission, from whence it draws its personnel.

A licensed radio operator does not know whether to sign the program log with his name in full as it appears on his license or with his favorite shorter version. He is probably relieved to learn that there is no prescribed form other than "the person having actual knowledge of the facts required shall sign the log when starting duty and again when going off duty."

The Commission cannot make public distribution of frequency radio spectrum charts. However, a frequency allocation table is contained in the "General Rules Governing Standard Broadcast Stations" (Part 2 of the Commission's Rules and Regulations), which is sold by the Superintendent of Documents, Government Printing Office, Washington, for 10 cents a copy.

Incidentally, a new printed general information pamphlet, "Radio—A Public Primer," is being supplied individually upon request.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, March 24. They are subject to change.

Monday, March 24

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., 1370 kc., 250 watts, unlimited.

Thursday, March 27

NEW—Worcester Broadcasting, Inc., Worcester, Mass.—C. P., 1200 kc., 250 watts, unlimited (using two 100-watt amplifier stations).

Friday, March 28

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Modification of license, 1340 kc., 500 watts night, 1 KW day, unlimited. Present assignment: 1340 kc., 250 watts night, 1 KW day, unlimited.

NEW—J. C. Kaynor, Ellensburg, Wash.—C. P., 1310 kc., 250 watts, unlimited.

FUTURE HEARINGS

During the past week the Commission has announced the following future dates for broadcast hearings. They are subject to change.

April 3

To Be Heard Before Commissioner Paul A. Walker, Place of
Hearing to Be Later Designated

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

WDLP—Panama City Broadcasting Company, Panama City, Fla.—

In the Matter of Revocation of License of Station.
Consolidated Hearing

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—C. P., 1210 kc., 250 watts, unlimited.

NEW—Van Curler Broadcasting Corp., Schenectady, N. Y.—C. P., 1210 kc., 250 watts, unlimited.

April 14

To Be Heard Before Commissioner Paul A. Walker,
in Ocala, Florida

WTMC—Ocala Broadcasting Company, Inc., Ocala, Fla.—In the Matter of Revocation of License of Station.

April 17

To Be Heard Before Commissioner Paul A. Walker,
in Panama City, Florida

WDLP—Panama City Broadcasting Company, Panama City, Fla.—In the Matter of Revocation of License of Station.

April 18

NEW—J. Leslie Doss, Bessemer, Ala.—C. P., 1370 kc., 250 watts, unlimited.

April 22

NEW—Camden Broadcasting Co., Camden, N. J.—C. P., 800 kc., 500 watts, daytime.

April 28

WRDO—WRDO, Inc., Augusta, Maine.—Renewal of license, 1370 kc., 100 watts, unlimited.

April 29

NEW—The Outlet Company, Providence, R. I.—C. P., 44300 kc., 16,370 square miles, unlimited.

June 30

NEW—KNOE, Inc., Monroe, La.—C. P., 1420 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Gordon Gray, Winston-Salem, N. C.—Granted construction permit for new high frequency broadcast (FM) station to operate on frequency 44100 kc.; 69,400 square miles; population, 4,346,000 (B3-PH-76).

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted modification of (FM) construction permit to specify new transmitter, new antenna, change in population and location of main studio at 1440 Broadway, New York City (B1-MPH-8).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted construction permit to authorize construction provided for in expired permit (B4-P-2537) as modified, for changes in equipment, changes in antenna system, increase in power from 100 watts night, 250 watts day to 250 watts day and night on 1210 kc., and change transmitter location to 48th and Vine Streets, Lincoln (B4-P-3087).

Natchez Broadcasting Co., Natchez, Miss.—Granted construction permit for new standard broadcast station to operate on 1490 (NARBA) kc., 250 watts, unlimited time (B3-P-2999).

KRKO—Everett Broadcasting Co., Everett, Wash.—Construction permit for 1370 kc., 100 watts night, 250 watts day, issued

to Lee E. Mudgett, cancelled, and new permit issued to present licensee, The Everett Broadcasting Co. (B5-AP-33).

APPLICATION DENIED

W1XG—General Television Corp., Boston, Mass.—Denied request for extension of special temporary authority to operate visual and aural transmitters at the location of Brookline Ave. and Park Drive, for a period of one month from March 20.

DESIGNATED FOR HEARING

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Designated for hearing application to increase power from 250 watts to 1 KW night, 5 KW day; change frequency from 1370 to 1260 kc. (NARBA), install directional antenna for night use and move transmitter to Windmer Ave. and Conshohocken Ave. Philadelphia (B2-P-3115). To be heard with pending Trenton applications.

KDRO—Drohlich Brothers, Sedalia, Mo.—Designated for hearing application for construction permit to change frequency from 1500 to 800 kc. (under NARBA), increase power from 250 watts to 1 KW, and time of operation from unlimited to daytime only, make changes in antenna, and install new transmitting equipment (B4-P-3035).

James F. Hopkins, Inc., Detroit, Mich.—Designated for hearing application for new FM broadcast station to operate on 46500 kc., 2.130 square miles (B2-PH-1).

Natchez Radio Corp., Natchez, Miss.—Designated for hearing application for construction permit to operate on 1370 kc., 250 watts, unlimited time (B3-P-3064).

MISCELLANEOUS

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 7 p. m., March 19, from 9:45 a. m. to 12 noon, March 20, and from 4 p. m. to 7 p. m. March 20, from 9:45 a. m. to 12 noon, and from 4 p. m. to 6 p. m. March 21, from 4 p. m. to 6 p. m. PST, March 22, 1941, in order to broadcast basketball games only.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied special temporary authority to operate on 1390 kc. from 6 to 7 a. m., 12 to 3 p. m., and 8 to 12 midnight CST, for the period March 30, 1941, to not later than April 28, 1941, in order to broadcast programs described in letter dated February 19, 1941, pending action on application for unlimited time operation.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Denied special temporary authority to operate with power of 2½ KW night, on 790 kc. for the period March 29, 1941, to not later than April 27, 1941, in order to render better nighttime service.

Stephen R. Rintoul, Stamford, Conn.—Granted petition for reconsideration and grant without hearing of application for construction permit for new standard broadcast station to operate on 1370 kc., 250 watts, unlimited time, subject to condition that in any authorization to operate after March 29, 1941, the Commission may specify the frequency 1400 kc. instead of 1370 kc., and subject further that permittee shall within two months after effective date of order, file with the Commission an application for modification of construction permit specifying exact transmitter location and antenna system; or if such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor. Hearing heretofore scheduled, cancelled (B1-P-2789).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Continued to March 31, 1941, the oral argument now scheduled for March 13, 1941, in re renewal of license.

Piedmont Publishing Co., Winston-Salem, N. C.—Designated for hearing application for construction permit for new high frequency broadcast station to operate on the frequency 46700 kc., with a coverage of 4,600 square miles (B3-P-53).

Columbus Broadcasting Co., Inc., area of Columbus, Ga., Portable-Mobile.—Granted construction permit for new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., 50 watts; to be used with applicant's standard broadcast station WRBL (B3-PRY-237).

KEJM—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile, area of Sioux City, Ia.—Granted license to cover construction permit (B4-PRE-375) to make changes in equipment and decrease power in relay station to 1.2 watts (B4-LRE-343).

WEPA—Edwin H. Armstrong, Portable-Mobile, area of New York City.—Granted modification of construction permit (B1-PRE-277), which authorized a new Special Relay Broadcast Station, to specify new Group "I" frequencies of 156750, 158400, 159300, 161100 kc. in accordance with new rules, requesting extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B1-MPRE-49).

W49BN—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted modification of construction permit for new high frequency broadcast station for approval of transmitter and antenna (B1-MPH-4).

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted construction permit to move transmitter from 17th Ave. and Lincoln St., Denver, Colo., to 1501 E. Hampden Ave., near Denver, Colo. (B5-PHB-285).

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted license to cover construction permit to install new equipment, change frequency to 42500 kc., increase power to 1000 watts, and change type of emission for non-commercial educational broadcast station (B2-LED-4).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of construction permit to change equipment, frequencies and increase power, for extension of completion date from April 6, 1941, to May 6, 1941 (B1-MPIB-20).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of construction permit to change equipment, frequencies and increase power, for extension of completion date from April 6, 1941, to May 6, 1941 (B1-MPIB-21).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State-Lake Bldg., Chicago; Link Transmitter Type No. 50-UTX with 100 watts for visual, Link Transmitter Type No. 25-UBX, 25 watts aural; temporary steel tower to be used on roof, in order to conduct tests from March 20 to not later than April 18, 1941, in accordance with construction permit.

KCRC—Enid Radiophone Co., Enid, Okla.—Granted authority to install automatic frequency control equipment on 1390 kc. under NARBA (B3-F-190).

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted authority to install automatic frequency control equipment on 1080 kc. under NARBA (B4-F-181).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of construction permit for increase in power and new equipment, for new transmitter (requesting 1150 kc. under NARBA) (B3-MP-1189).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit for changes in equipment, for extension of completion date from April 22, 1941, to October 22, 1941 (B2-MP-1192).

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted license to use WARD's transmitter at 583 Meserole Street, Brooklyn, N. Y. (B1-L-1348).

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Granted license to use WARD's transmitter at 583 Meserole Street, Brooklyn, N. Y. (B1-L-1349).

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted authority to determine operating power by direct measurement of antenna power on 1400 kc. under NARBA (B3-Z-705).

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna power on 1150 kc. under NARBA (B5-Z-708).

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted authority to determine operating power by direct measurement of antenna power on 1150 kc., 1480 kc. under NARBA (B5-Z-695).

WALA—Pape Broadcasting Co., Mobile, Ala.—Granted authority to determine operating power by direct measurement of antenna input on 1410 kc. under NARBA (B3-Z-707).

WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Granted authority to determine operating power by direct measurement of antenna input on 1490 kc. under NARBA (B4-Z-704).

- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted construction permit to make changes in directional antenna and change frequency from 1350 kc. to 1380 kc. under NARBA (B1-P-3105).
- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted modification of construction permit (B3-P-2969 which authorized increase in power to 1 KW night, 5 KW LS, and installation of new transmitter), for change in frequency from 1410 kc. to 1440 kc. under NARBA. No authority to operate hereunder will be granted prior to March 29.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-669).
- Piedmont Publishing Co. (area of Winston-Salem, N. C.), Portable-Mobile.—Granted construction permit for new relay broadcast station (portable-mobile), frequencies 30820, 33740, 35820, 37980 kc., 2 watts power, A3 emission, to be used with applicant's standard broadcast station WSJS (B3-PRE-387). Also granted license to cover above construction permit (B3-LRE-342).
- KRLM—Roy Miller (area of Sacramento, Calif.), Portable-Mobile.—Granted construction permit to change frequencies, increase power, and make changes in equipment from 30820, 33740, 35820, 37980 kc., 10 watts power, to 1622, 2058, 2150, 2790 kc., 50 watts power, for relay broadcast station KRLM (B5-PRY-232).
- WBKY—University of Kentucky, Beattyville, Ky.—Granted license to cover construction permit for new non-commercial educational broadcast station, 42900 kc., 100 watts, A3 emission (B2-LED-5).
- W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted modification of construction permit for new television broadcast station, to extend completion date from February 13, 1941, to April 13, 1941 (B1-MPVB-33).
- W10XKT—Allen B. DuMont Labs., Inc., Portable (area of New York City).—Granted license to cover construction permit for new television station, 258000-270000 kc., 50 watts; granted on an experimental basis only conditionally (B1-LVB-23).
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to install automatic frequency control equipment on 1440 kc. under NARBA (B3-F-188).
- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-674).
- KOIL—Central States Broadcast Co., Omaha, Nebr.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-689).
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted authority to determine operating power by direct measurement of antenna input on 1240 kc. under NARBA (B5-Z-697).
- West Publishers, Inc., Houston, Tex.—Granted petition for leave to amend application for new station to specify directional antenna for nighttime that will conform to requirements of Havana Treaty, or in alternative to request another assignment than 610 kc., 1 KW, unlimited time, DA night. Hearing scheduled for March 24 cancelled.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted modification of construction permit which authorized move of transmitter and installation of new antenna, for extension of completion date from March 16, 1941, to May 1, 1941 (B2-MP-1187).
- WLAG—LaGrange Broadcasting Co., LaGrange, Ga.—Granted modification of construction permit for new station for authority to install new transmitter, 1240 kc. under NARBA, 250 watts, unlimited time, subject to the limitation that no authority effective prior to March 29, 1941, will be issued to operate on the terms and conditions specified therein (B3-MP-1183).
- KMYR—F. W. Meyer, Denver, Colo.—Granted modification of construction permit for new station for frequency 1340 kc. under NARBA, changes in antenna, change transmitter site locally, and extend completion date from April 28, 1941, to 180 days after grant (B5-MP-1199).
- WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit for new station for installation of new transmitter, extension of commencement date 30 days after grant and completion date 90 days thereafter (B1-MP-1188).
- WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit for new equipment, for changes in antenna system and move of transmitter from 1¼ miles west by southwest of Newton Square, on Bishops Hollow Road, Pa., to near Church and Pamona Roads, Cinnaminson and Moorestown Township, N. J., and extend commencement date to 30 days after grant and completion date 180 days thereafter (B2-MP-1164).
- WNAC—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit which authorized increase in power, changes in equipment, and installation of directional antenna, for extension of commencement date from September 24, 1940, to March 29, 1941, and completion date from March 24, 1941, to June 29, 1941 (B1-MP-1184).
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted license to cover construction permit for change in hours of operation, installation of directional antenna for night use and move transmitter (B4-L-1343). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-702).
- WMBG—Havens & Martin, Richmond, Va.—Granted motion to dismiss petition for rehearing filed by WMBG directed against action of the Commission November 19, 1940, granting without hearing the application of Pinellas Broadcasting Co. (WSTP), St. Petersburg, Fla., for construction permit to change frequency from 1370 to 1350 kc., increase power from 250 watts unlimited time, to 500 watts night 1 KW day, unlimited time, install new transmitter and make changes in antenna (B3-P-2933).
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Dismissed without prejudice motion to consolidate hearing on application of KMLB for construction permit to change frequency, etc., with application of KNOE, Inc., for a new station in Monroe, La.
- KNOE, Inc., Monroe, La.—Granted motion for continuance to June 30 of hearing now scheduled for March 31, in re application for new station to operate on 1420 kc., 250 watts, unlimited time.
- KFRO—Voice of Longview, Longview, Texas.—Dismissed without prejudice petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license to increase night power to 500 watts on present assignment, 1340 kc.
- J. Leslie Doss, Bessemer, Ala.—Granted motion to take depositions in Bessemer, Ala., in re application for new station to operate on 1370 kc., 250 watts, unlimited time.
- J. Leslie Doss, Bessemer, Ala.—Granted motions to take depositions at Tuscaloosa and Decatur, Ala., in re above application.
- J. Leslie Doss, Bessemer, Ala.—Granted motion for continuance of hearing now scheduled for April 11 to April 18.
- Butler Broadcasting Corp., Hamilton, Ohio.—Granted motion for indefinite continuance of hearing now scheduled for March 19, pending action on petition to reconsider and grant application for new station to operate on 1420 kc., 250 watts, unlimited time.
- WNYC—Municipal Broadcasting System of City of New York.—Passed for one week petition for intervention in hearing on application of Camden Broadcasting Co. for a new station in Camden, N. J.
- WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410, which authorized a new station to operate on 1420 kc., 250 watts, unlimited hours), for change in frequency from 1420 to 1450 under NARBA. No authority to operate hereunder will be granted prior to March 29.
- WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted modification of construction permit (B2-P-2251, which authorized a new station on 1500 kc., 100 watts night, 250 watts day, unlimited hours), for change in frequency from 1500 to 1490 kc. under NARBA. No authority to operate hereunder will be granted prior to March 29.
- WRLC—R. G. LeTourneau, Toccoa, Ga.—Granted modification of construction permit which authorized a new station to operate on 1420 kc., 250 watts, unlimited hours, for change in frequency from 1420 to 1450 kc. in accordance with NARBA. No authority to operate hereunder will be granted prior to March 29.
- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Texas.—Granted modification of construction permit (B3-P-2230, which authorized a new transmitter and increase in power

- to 1 KW), for change in frequency from 1330 to 1360 kc. under NARBA. No authority to operate hereunder will be granted prior to March 29.
- WABC—Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit (B1-F-2975, which authorized a new auxiliary transmitter with 5 KW power for emergency use only, located at Little Pea Island, New Rochelle, N. Y.), for change in frequency from 860 to 880 kc. under NARBA. No authority to operate hereunder will be granted prior to March 29.
- W2XMN—Edwin H. Armstrong, N. of Alpine, N. J.—Granted special temporary authority to operate FM experimental station on 117430 kc., with 40 KW power, using special emission for frequency modulation with a maximum band width not to exceed 200 kc., for a period of 60 days in order to conduct tests, subject to condition that no interference is caused to other stations on same or adjacent channels.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of basketball games on March 14, 15, and 17, 1941, in order to broadcast said games on sustaining basis only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of the Modesto Evening Junior College Forum on March 18, to the conclusion of the Modesto Symphony Orchestra program on March 25, and to the conclusion of the Modesto Evening Junior College Forum on April 1, 1941, in order to broadcast said programs only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 11 p. m., CST, March 12, 13, 14, 15, 17, and 18, 1941, in order to broadcast basketball games only.
- KRLH—Clarence Scharbauer, Midland, Tex.—Granted modification of construction permit which authorized increase in power from 100 to 250 watts, installation of new vertical radiator, changes in transmitting equipment, and move of transmitter and studio, for change in frequency from 1420 to 1450 kc. in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.
- WWNY—The Brockway Co., Watertown, N. Y.—Granted modification of construction permit for new station to operate on 1270 kc., 500 watts, daytime only, for change in frequency to 1300 kc. in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.
- Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted special temporary authority to operate relay broadcast station WCTO on frequency 2758 kc., licensed to WGTM, Inc., on March 15, 1941, in order to relay broadcast special events pickup near Southern Pine, N. C., to radio station WRAL.
- WBOS—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority to operate International Broadcast Station WBOS with a power of 50 KW using two WL-895R tubes in lieu of tubes specified in construction permit application File No. B1-P1B-23, pending the filing and action on an application for license to cover construction, for the period March 13, 1941 to not later than April 11, 1941.
- WBRV—American-Republican, Inc., Waterbury, Conn.—Granted authority to make changes in automatic frequency control equipment on 1590 kc. under NARBA (B1-F-186).
- WGY—General Electric Co., Schenectady, N. Y.—Granted authority to install automatic frequency control on 810 kc. under NARBA (main transmitter) (B1-F-182). Same for auxiliary transmitter (B1-P-184).
- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted authority to install automatic frequency control equipment on 1190 kc. under NARBA (B4-F-179).
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted authority to install automatic frequency control equipment (auxiliary transmitter) (B3-F-185).
- WMC—Memphis Publishing Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW power for the period March 13, 1941 to not later than March 28, 1941, pending reallocation and to overcome interference caused to WMC by Station CMBC.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 2 a. m. to 3 a. m., EST, on March 25, 1941, in order to broadcast the Newark News Radio Club DX program only.
- WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Metropolitan Opera programs on Saturdays to be received from International Broadcast Station WWBI and WRCA over WNEL for a period not to exceed thirty days.
- WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted special temporary authority to operate from 9:15 p. m., EST, to conclusion of President's speech before White House Correspondence Assn. on March 15, 1941, in order to broadcast said speech only.
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9:15 p. m., EST, to conclusion of President's speech before White House Correspondence Assn. on March 15, 1941, in order to broadcast said speech only.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted special temporary authority to operate from 8:15 p. m., CST, to the conclusion of the Women's National A. A. U. Tournament on March 28, 1941, in order to broadcast said program only, using 500 watts only.
- WOI—Iowa State College of Agriculture & Mechanical Arts, Ames, Iowa—Granted special temporary authority to operate from 8:15 p. m. to 10:30 p. m., CST, on March 18, 21 and 22, 1941, in order to broadcast National Basketball Championship tournament games only.
- WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted modification of construction permit which authorized equipment changes, antenna changes, increase in power from 100 watts to 250 watts, and move transmitter, for change in frequency from 1370 kc. to 1400 kc., in accordance with the NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.
- KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Adopted order setting aside action taken March 11, 1941, granting application for modification of license to change frequency to 1210 kc. and power to 250 watts, unlimited time, and granted the frequency assignment of 1240 kc. instead of 1210 kc., said modification to become effective March 29, 1941 (B5-ML-1050).

APPLICATIONS FILED AT FCC

600 Kilocycles

- WCAO—The Monumental Radio Co., Baltimore, Md.—Transfer of control of corporation from Lewis M. Milbourne and Clarence W. Miles (voting trustees) to Lewis M. Milbourne, L. Waters Milbourne and Clarence W. Miles (voting trustees).

780 Kilocycles

- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Authority to determine operating power by direct measurement of antenna power, 790 kc. under NARBA.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Authority to install automatic frequency control equipment for auxiliary transmitter on 790 kc. under NARBA.

900 Kilocycles

- KSEI—Radio Service Corp., Pocatello, Idaho.—Authority to determine operating power by direct measurement of antenna power on 930 kc. under NARBA.

920 Kilocycles

- WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) as modified for installation of directional antenna for night use, increase in power from 1 KW to 1 KW night, 5 KW day, installation new transmitter, change in hours, and move transmitter, further requesting changes in directional antenna, requesting 950 kc. under NARBA, extension of completion date from 9-9-41 to 180 days after grant.

930 Kilocycles

- WELI—City Broadcasting Corp., New Haven, Conn.—Modification of construction permit (B1-ML-868) which authorized increase in power and change in directional antenna for night use, requesting changes in directional antenna and 960 kc. under NARBA and extension of commencement and com-

pletion dates from 2-17-41 and 8-17-41 to 1 day after grant and 180 days thereafter, respectively.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for extension of required date of completion from 4-5-41 to 5-5-41.

1200 Kilocycles

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, a partnership, Bloomington, Ill.—Voluntary assignment of license to Arthur Malcolm McGregor, Dorothy Charlotte McGregor and Hugh L. Gately, d/b as Radio Station WJBC.

1220 Kilocycles

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new transmitter, change frequency from 1220 kc. to 1370 kc., change hours of operation from daytime to unlimited, using 250 watts power. Amended to install new transmitter, request 1 KW power, daytime hours of operation, and 1220 kc. under NARBA.

1230 Kilocycles

NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new broadcast station to be operated on 1200 kc. (1230 kc. under NARBA), 250 watts, unlimited time. Amended to give studio and transmitter sites.

1260 Kilocycles

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Modification of construction permit (B4-P-2568) which authorized installation of new transmitter, increase in power, and directional antenna for day and night use, requesting change in type of transmitter, changes in directional antenna, 1270 kc. under NARBA, and extend date of completion from 5-17-41 to 180 days after date of grant.

1280 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of construction permit (B3-P-2641) to install directional antenna for night use, move transmitter and increase power, requesting 1310 kc. under NARBA, changes in directional antenna system, and extension of completion date from 6-30-41 to 180 days after grant.

1310 Kilocycles

KAND—Navarro Broadcasting Assn., J. C. West, Pres., Corsicana, Tex.—Construction permit to make equipment changes and increase power from 100 watts to 250 watts on 1310 kc., 1340 kc. under NARBA.

1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Construction permit to use formerly licensed W.E. 310-B, 250-watt transmitter as auxiliary and install new crystal oscillator for 1330 kc. (1360 kc. under NARBA).

1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from 1350 kc. to 680 kc., increase power from 1 KW night, 5 KW day, to 50 KW, install new equipment and directional antenna for day and night use, and move transmitter. Amended to change requested location of transmitter and make changes in directional antenna for day and night use.

KBWD—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth, and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Modification of construction permit (B3-P-2672) for a new station, requesting approval of antenna, installation of new transmitter, approval of studio site and transmitter site, requesting 1380 kc. under NARBA.

1360 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio, make antenna changes, in-

stall new transmitter, and increase power from 250 watts to 1 KW, Class III-A station, and install directional antenna for day and night use. Amended to request 1390 kc. under NARBA, make changes in directional antenna, and install new transmitter.

1370 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Modification of construction permit (B3-P-2933) which authorized new transmitter, changes in antenna, change in frequency and increase in power, requesting change in type of transmitter, 1380 kc. under NARBA, extension of commencement and completion dates to 30 days after date of grant and 90 days thereafter.

1410 Kilocycles

NEW—A. M. Burton, Nashville, Tenn.—Construction permit for a new broadcast station to be operated on 1380 kc., 1 KW, unlimited hours, directional antenna for day and night use. Amended: Requesting 1410 kc. under NARBA and changes in directional antenna.

1420 Kilocycles

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Modification of construction permit (B2-P-2700) for new transmitter increase in power, requesting new antenna system, new transmitter, 1450 kc. under NARBA, and move transmitter, extend commencement date to 30 days after grant and completion date to 180 days thereafter.

1440 Kilocycles

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Authority to determine operating power by direct measurement of antenna power on 1470 kc. under NARBA.

1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for increase in power, move transmitter and new equipment, further requesting changes in equipment, increase power from 5 to 10 KW, frequency from 1550 to 1560 kc. under NARBA, extend commencement and completion dates from 8-5-40 and 2-5-41 to 30 days after grant and 180 days thereafter respectively. Amended: Re directional antenna.

FM APPLICATIONS

NEW—WHEC, Inc., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc.; population, 551,374; coverage, 2,318 square miles.

NEW—King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on 47300 kc.; population, 2,564,008; coverage, 6,900 square miles.

NEW—The Yankee Network, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44700 kc.; population, 11,298,250; coverage, 8,500 square miles. Amended: To change location of studio.

TELEVISION APPLICATION

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40) which authorized a new television broadcast station, requesting extension of commencement and completion dates to 6-1-41 and 1-1-42 respectively.

MISCELLANEOUS APPLICATIONS

KALW—Board of Education of The San Francisco Unified School District, San Francisco, Calif.—Modification of construction permit (B5-PED-14) as modified, for a new non-commercial educational broadcast station, requesting extension of completion date from 4-14-41 to 5-14-41.

NEW—The KANS Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 2 watts power, emission A3.

WMEJ—The Metropolis Co., Portable-Mobile.—License to cover construction permit (B3-PRV-219) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against them.

Sisco-Hamilton Company—A complaint has been issued charging Sisco-Hamilton Co., 514 South Loomis St., Chicago, with the use of lottery methods in the sale of candy.

The respondent, according to the complaint, sells to dealers assortments of candy so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when the merchandise is sold to the consuming public. Push card devices are used, the complaint alleges.

Charging that the respondent's practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondent 20 days for filing answer. (4471)

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Almklov's Pharmacy—Four Cooperstown, N. D., individuals, trading as Almklov's Pharmacy, have entered into a stipulation to cease certain representations in the sale of "X.E.M. Salve" and "Almklov's Scalp and Hair Tonic." The individual respondents are Norman A. Hoel, Mrs. Wm. G. Cook, C. W. Almklov, and Sigurd Almklov.

Under their stipulation the respondents agree to cease disseminating advertisements which represent that X.E.M. Salve is a remedy or cure for eczema, barber's itch, refractory cases of ringworm, athlete's foot, psoriasis, dandruff, or any itching skin affections or eruption, or that this preparation will remove the cause of these diseases or conditions or has therapeutic value in their treatment in excess of affording symptomatic relief of itching and irritation.

The respondents further agree to desist from advertising that Almklov's Scalp and Hair Tonic extirpates dandruff, cures itching scalp, keeps the hair from falling out, or penetrates the skin to extirpate the bacilli. (02752)

J. H. Schenck & Son, Inc., Philadelphia, distributor of "Dr. Schenck's Mandrake Pills," has entered into a stipulation in which it agrees to cease disseminating advertisements which fail to reveal that the pills should not be used when abdominal pain or other appendicitis symptoms are present, and that frequent or continued use may result in dependence on laxatives. The stipulation provides that such advertisements need contain only a statement that the preparation should be used only as directed on the label, if and when the label either contains a warning of the consequences that may result from use of the product under certain conditions or directs attention to a similar caution statement in the accompanying labeling. (02751)

Smith Laboratory, Inc., 619 Lee Building, Kansas City, Mo., stipulated that it will cease advertising pharmaceutical products for feminine hygiene designated "Colagyn Hygienic Vaginal Jelly" and "O. M. 41 Hygienic Vaginal Jelly" as being dependable, reliable, or unfailing contraceptives. The respondent also agrees to cease representing that these products constitute a competent remedy for certain diseases of women. (3048)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Maize-Products Co., producer of glucose or corn syrup unmixed, one of the principal products used in manufacturing candy, has been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act. The respondent company has its headquarters at 100 East 42nd St., New York, and a corn refining plant at Roby, Ind.

Commission findings are that the respondent, after increasing the price of its corn syrup, has discriminated by selling it to some purchasers at the former and lower price while concurrently selling syrup of like grade and quality to other purchasers at the new and higher price, the differences between the lower and higher prices varying from five to 55 cents a hundredweight.

According to findings, the respondent also has discriminated by selling and delivering to purchasers syrup of like grade and quality in several types and sizes of containers at prices per hundredweight which increase over the tank car price per hundredweight according to the size and type of container. Such increases over the tank car price, the findings continue, vary from 10 cents per hundredweight in the case of tank wagons, to \$1.08 per hundredweight in five-gallon kegs.

Further findings are that the respondent's discriminations increase the costs of the disfavored purchaser over the costs of the favored purchaser directly as the amount of the discrimination between them and as the syrup content of the candy which they manufacture increases; that the discriminations substantially lessen competition between the favored and disfavored purchasers, and that they tend to create monopoly in such favored purchasers, and to injure, destroy and prevent competition with them.

The Commission order directs that the respondent cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality, either directly or indirectly, in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at a different price than to other purchasers, where the effect may be to violate the Robinson-Patman Act. (3805)

Beeman's Laboratory, Incorporated, 70 Central Ave., S. W., Atlanta, and two of its officers and a director, have been ordered to cease and desist from disseminating certain misleading advertisements concerning their preparation "BQR," advertised as a cold remedy. The respondent officers are E. A. Rush and Mrs. J. F. Rush, and the respondent director is H. C. Allen.

Commission findings are that the respondent's product is a laxative with mild analgesic properties and has no curative action on the underlying factors that cause colds.

Under the Commission order, the respondent is directed to cease disseminating advertisements which represent that BQR is a cure or remedy for colds; will prevent colds or cold infection; has any curative value in connection with the underlying factors which cause colds; or has any therapeutic value in the treatment of colds in excess of that furnished by a laxative and a mild analgesic. (4451)

Drug Profits, Inc.—J. H. Camp, trading as J. H. Camp and Drug Profits, Inc., Ravenswood, W. Va., has been ordered to cease and desist from certain misrepresentations in the sale of the medicinal preparations "Phalene" and "Burtone."

The order directs the respondent to cease disseminating advertisements which represent that Phalene is a liver tonic; has any value in preventing premature aging, or has any value for removing poisons from the system in excess of that afforded by an ordinary laxative. The order also directs the respondent to desist from representing that Phalene has any therapeutic value in treating sick headache, nauseated stomach, loss of appetite, aching muscles and joints, restless sleep, tired rundown condition, indigestion, or acid conditions, in excess of causing a laxative action by the intestines and thus affording temporary relief when such conditions are due to or symptomatic of constipation.

Under the order, the respondent is further directed to cease

representing that Burtone will correct faulty habits of elimination, produce free organic action of the liver or lower bowel or free the body of toxic poisons, or that this preparation has any therapeutic value in the treatment of bilious attacks, stomach nausea, headaches, indigestion, stomach gas, or sick, tired-out feeling, in excess of affording temporary relief when such conditions are due to constipation. (4446)

Health Ray Manufacturing Co., Inc., Deep River, Conn., has been ordered to cease and desist from disseminating misleading advertisements of its "Twin-Arc Health Ray Sun Lamp."

Commission findings are that the respondent advertised, among other things, that ". . . 4 minutes with the New Twin-Arc Sun Lamp is equivalent to one hour of sunshine."

According to findings, the respondent's lamp does not emit sufficient angstrom units of ultraviolet rays to be classed as a sun lamp but instead is what is known as a therapeutic lamp. Its therapeutic value, according to findings, is limited to the possible destruction of bacteria when present on the surface of the skin.

The Commission order directs the respondent to cease disseminating advertisements which represent that its device is a sun lamp emitting ultraviolet rays comparable to those of natural sunlight, or having the same wave-lengths or an intensity equal to or greater than the ultraviolet rays of natural midsummer sunlight; that the device is suitable and safe for home use by laymen for treating diseases without the supervision of a competent physician; that its home use will help build strong bones and teeth, tone up the system, act as a tonic and stimulate the glands, and that its use constitutes a cure or remedy for athlete's foot and for acne, pimples, and surface skin eruptions, and will build up the bodily resistance or improve health.

The Commission order further prohibits the dissemination of advertisements which fail to reveal that the unsupervised use of the respondent's device by persons neither trained in its operation nor skilled in diagnosing and treating disease, may result in severe burns and other serious injury to health. (4408)

Lessing Hat Co., Inc., Third and Mercer Sts., New York, and Joseph Loring, its president, who also is in business at the same address under the name of Loring Hat Co., has been ordered to cease and desist from misrepresentations in the sale and distribution of hats and caps.

The order directs the respondents to cease representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the respondents from representing that hats or caps manufactured in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats or caps then the stamping must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (4245)

National Mineral Co., trading as Helene Curtis Industries, 2638 North Pulaski Rd., Chicago, has been ordered to cease and desist from certain misrepresentations in the sale of a cosmetic oil known as "Helene Curtis Duchess Machineless Oil Wave," and as "Helene Curtis Duchess Machineless Oil Solution," and of a cosmetic device designated "Helene Curtis Duchess Machineless Pads."

The order directs the respondent to cease and desist from dis-

seminating advertisements which represent that the cosmetic oil has properties effective in supplying nourishment or strength to the hair, or causing hair to grow; that this preparation will nourish or invigorate the hair roots or hair shaft, and that it is the original machineless oil wave, and to cease representing that the respondent manufactures this preparation, unless it controls a factory wherein the product is made.

Under the order, the respondent is further directed to cease advertising that the cosmetic pad product contains a thermostatic device or that it will control or regulate heat, or do more than indicate temperature changes. (4185)

Ruth Gowns, Inc., 498 Seventh Ave., New York, has been ordered to cease and desist from representing that its dresses and other wearing apparel for women are composed of fibers or materials other than those of which such products are actually composed.

The order further directs the respondent corporation to cease advertising, offering or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing such rayon content. According to the order, when such fabrics or products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, are to be set forth in immediate connection with each other in letters of at least equal size and shall truthfully designate each constituent fiber or material.

Commission findings are that the respondent's failure to disclose by tag or label the rayon content of its products tended to deceive buyers into believing that its products were silk. (4426)

Victoria Chemical Company—Four New Jersey corporations and one New York corporation engaged in the sale of medicinal products, and nine individual officers of the corporations, have been ordered to cease and desist from disseminating false advertisements of a medicinal preparation designated "Anti-Drink."

The respondents are: Victoria Chemical Co., and Schwarz Drug-gists, Inc., 887 Broad St., Newark, N. J.; Schwarz Drug Co., 565 Bloomfield Ave., Bloomfield, N. J.; Schwarz Drug Stores, Inc., 457 Clinton Ave., Newark; Hiram Schwarz, Inc., 158 Main St., White Plains, N. Y.; and Sarah Schwarz, Esther Schwarz, Joel J. Schwarz, Samuel Schwarz, Ira L. Schwarz, Sylvan Schwarz, Hiram Schwarz, Oscar Katz and Jacob Eisen, officers of the respondent companies.

Commission findings are that contrary to representations made or implied by the respondents in their advertisements, their preparation is not a cure, remedy or competent treatment for the liquor habit, and is not safe for use as it contains the drug tartar emetic in sufficient quantity to cause serious injury to health if used under conditions prescribed in the advertisements or under customary or usual conditions.

The Commission order directs the respondents to cease disseminating advertisements which represent that their preparation is a cure, remedy or a competent or effective treatment for alcoholism or the liquor habit; that its use will eradicate the desire for alcoholic stimulants, and that the preparation is harmless, or may be safely used, or which advertisements fail to reveal that use of the preparation may result in inflammation of the stomach and intestinal tract and disturbance of the heart and nervous system. (4403)

FTC CASE CLOSED

The Federal Trade Commission closed its case against Union Concession Company, 456 South State St., Chicago, without prejudice to its right to resume proceedings, should the facts so warrant. The respondent had been charged with the use of lottery methods in the sale of candy. According to information received by the Commission, the respondent corporation was dissolved on January 30, 1941.

December 1940 Broadcast Advertising Unit Report

Broadcast Advertising Unit Volume as reported by 220 stations and the three national networks for the month of December totaled 3,741,133 program units and 328,475 announcement units. There is an indicated increase in both announcement and program units from the month of November, although direct comparison does not exist between the December report and that of November, which included 203 stations and the major networks. Direct comparison does exist in the report for national networks. The December program unit total for national networks is 2,565,845. It represents an increase of 3.8% from the November total 2,452,390 program units.

The report is complete for national networks, including the business of the Columbia Broadcasting System, the Mutual Broadcasting System and the National Broadcasting Company. Regional, national, non-national network and local business are not complete for the entire industry; the figures represent the total of such business placed on the 220 stations reporting.

On the last page of this analysis, there appears a complete roster of the 220 stations reporting their December business. There is also included in the list eight additional stations which submitted reports for the month, but from which data were not received in time for inclusion in this tabulation.

One hundred and ninety-eight of the stations reporting December business were included in the November tabulation. Twelve stations reporting in November failed to report in December. Thirty stations reporting in December were not included in the November tabulation, but of the 30, ten had reported for October.

It is obvious that there is not a constant sample between the two months and, therefore, absolute comparison is not possible. There is in evidence a definite upswing in station cooperation and interest in the "Broadcast Advertising Unit Report." It is hoped now that increasing numbers of stations will cooperate in furnishing their basic data in the early months of 1941, so that a constant sample between months can be had and the task of projecting industry totals can be undertaken.

Indicated Trends

As mentioned above, there exists absolute comparison, November to December, for national network business. All of the national network accounts reported in both November and December were in the "General" advertising classification. The total for the month of December was 3.8% above that reported for November. December business in the Automotive classification was up 64%; in Building Materials up 84%; in Confections increased 10.5%; Financial increased 6%; Groceries rose 5.5%; Housing Equipment and Supplies increased 12%; Industrial up 14%; Insurance increased 15%; Jewelry and Silverware increased 25%; Medical rose 7.5%; Miscellaneous accounts rose 81% (largely from new business in Chamber of Commerce and Merchants Associations classification); Public Utility increased 26%; Publications was up slightly; Religion increased 27%; Tobacco increased 8%; Toilet Requisites rose 18%; and Transportation rose slightly. Those accounts which decreased from November to December are Political, which dropped from 178,230 units in November to zero for December, and Wearing Apparel, which decreased 18%.

Interpreting the above, it must be borne in mind that the December thirty-one-day month is compared with November, a thirty-day month. Also, allowance must be made for Sunday, Monday and Tuesday occurrence five times in December, as compared with Saturday and Sunday five-day occurrence in November.

Although direct comparison is not possible for station business other than national network, some trends are indicated. There is evidence of an increase in both program and announcement units in Retail advertising and a decline in both program and announcement units in General advertising. In the Retail classification, program units increased for all sources of business, but announcement units declined on regional networks and increased in national non-network (national spot) and local. In General advertising, all business sources declined except program units placed locally.

The most noted increases, November to December, in Retail advertising occurred in Automotive, Bakeries, Building Supplies and Contractors, Clothing Stores, Department Stores (up sharply—both program and announcement units), Educational, Furniture and Home Furnishings, Hotels and Restaurants, Jewelers, Mer-

chandise Chains (in both program and announcement units), Musical Instruments, Office Equipment, Radio, Real Estate, Stationers, and Beauty Shops (showing a shift from announcement to program units).

Retail classification losses were sustained in Boots and Shoes, Dairies, Drug Stores (down in program units, up in announcement units), Electric and Gas Appliances and Supplies, Grocer and Food Stores, Heating and Plumbing and Sporting Goods.

General advertising gains were found in Alcoholic Beverages; Amusement (program units increase, offset by a substantial loss in announcement units), Education, Financial, Industrial, Insurance, Public Utility, Publication, Religion, Radio, Tobacco, and Transportation.

General advertising losses were sustained in Agriculture, Automotive (off in program units, up slightly in announcement units), Building Materials (off in program units, up in announcement units), Grocers (off in both program and announcement units), Housing Equipment and Supplies, Medical, Miscellaneous, Political, Publications (off in program units, up slightly in announcement units), Sporting Goods, Toilet Requisites, Wearing Apparel (off in program units, off sharply in announcement units) and Watches (off sharply in program units and slightly in announcement units).

How to Use It

Capitalize on the indicated trends. In this report is excellent sales argument for selling time to advertisers in those classifications showing an up trend. Also, the signal is on those classifications which need special attention in sales service to hold your accounts, where the industry trend is off.

The positive check on your own situation is to analyze your own station's business against all stations of like classification as found in Table III, and also to compare your business with that placed in cities of the approximate size of that in which you operate, as found in Table IV.

The Legend

A program unit equals one minute of program time. An announcement unit is equal to one announcement, unless the time consumed is one and one-half minutes or longer, in which case the units are calculated to the nearest number of minutes.

Advertising business placed in radio is classified under two major headings—"Retail" and "General." Retail advertising is defined as the advertising placed by businesses which sell direct to consumers. General is that advertising placed by businesses which sell for resale and not direct to consumers.

In Retail advertising the analysis presented here classifies retail businesses according to their principal retail line. No attempt is made to classify according to specific product advertised. This classification is most useful to the broadcasting industry since advertising is placed by the individual retail store and such buying units as have similar business are grouped together.

In General advertising the classification is primarily an analysis of the products advertised by businesses engaged in selling to others for resale. The significance of this to the radio industry is that advertising campaigns are carried for individual products and in this analysis similar products are grouped together. Also included in the general classification are such service businesses as Financial, Insurance, Professional and Service, and Transportation which, because of their nature, could not properly be considered retail.

Future Reports

As stated in the "October 1940 Broadcast Advertising Unit Report," subsequent releases of the Unit Analysis will be given in summary form only in the NAB REPORTS. Complete detail will be furnished to those stations cooperating in this undertaking by submitting monthly business data.

TABLE I

BROADCAST ADVERTISING—220 STATIONS AND ALL NATIONAL NETWORKS

Source of Business	Retail		General		Total		TOTAL
	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	Pgm. Units	Ann. Units	
National Network.....	7,095	1,524	2,565,845	4,771	86,951	6,295	2,565,845
Regional Network.....	62,714	9,683		86,620	473,686	96,303	569,989
National Non-Network.....	449,799	191,785		34,092	614,651	225,877	840,528
Local.....							
TOTAL other than National Network....	519,608	202,992		125,483	1,175,288	328,475	1,503,763
GRAND TOTAL.....	519,608	202,992	3,221,525	125,483	3,741,133	328,475	4,069,608

TABLE II

BROADCAST ADVERTISING—220 STATIONS AND ALL NATIONAL NETWORKS
BY TYPE OF SPONSORING BUSINESS AND BY SOURCE OF BUSINESS

RETAIL ADVERTISING UNITS
December 1940

Type of Sponsoring Business	National Network		Regional Network		National Non-Network		Local		Total Other Than National Network		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.
Amusements.....			90	209		166		14,975	7,981	15,065	8,356	8,356
011 Theaters.....				5		84		4,672	4,761	7,079	4,761	4,761
019 Miscellaneous.....			90	204		82		7,896	3,309	7,986	3,309	3,309
Automotive.....			720	181	9,047	595		41,012	19,864	50,779	20,640	20,640
021 Aviation.....					60					60		60
022 Garages and Service Stations.....			720	32		77		8,244	5,247	9,024	5,356	5,356
024 Parts and Accessories.....				10	8,250	229		4,461	1,880	12,711	2,119	2,119
025 Passenger Cars.....				120		27		24,863	10,675	25,370	10,822	10,822
026 Tires and Tubes.....				16	170	109		2,097	1,630	2,267	1,755	1,755
027 Trucks.....								90	52	90	52	52
028 Tractors.....								1,170	207	1,170	207	207
029 Miscellaneous.....				3		153		87	173	87	329	329
Bakeries.....			240	64	315	112		11,160	4,899	11,715	5,075	5,075
039 Miscellaneous.....			240	64	315	112		11,160	4,899	11,715	5,075	5,075
Book Stores.....					30	3		905	392	935	395	395
049 Miscellaneous.....					30	3		905	392	935	395	395
Boots and Shoes.....			250	112	1,965	323		5,841	4,666	8,056	5,101	5,101
051 Men's.....								190	127	190	127	127
052 Men's and Women's.....								30	277	30	277	277
053 Women's.....						4		338	342	342	342	342
059 Miscellaneous.....			250	112	1,965	319		5,621	3,924	7,886	4,355	4,355
Building Supplies and Contractors.....			75	28	5	130		18,334	5,772	18,414	5,930	5,930
069 Miscellaneous.....			75	28	5	130		18,334	5,772	18,414	5,930	5,930
Clothing Stores.....			555	48	11,285	969		53,420	34,644	65,260	35,661	35,661
071 Men's.....					8,960	587		15,368	14,157	24,628	14,760	14,760
072 Men's and Women's.....			300	16	255			2,145	1,183	2,400	1,183	1,183
073 Women's.....						30		13,258	10,605	13,393	10,667	10,667
074 Credit Clothing.....			135	32		338		6,250	2,753	6,400	3,091	3,091
079 Miscellaneous.....			120		1,920	14		16,399	5,946	18,439	5,960	5,960
Dairies.....			120		104	105		4,107	1,476	4,331	1,581	1,581
099 Miscellaneous.....			120		104	105		4,107	1,476	4,331	1,581	1,581
Department and Dry Goods Stores.....			300	42	15,038	2,867		74,087	15,447	89,425	18,356	18,356
159 Miscellaneous.....			300	42	15,038	2,867		74,087	15,447	89,425	18,356	18,356
Drug Stores.....			150	11	1,170	367		12,634	4,719	13,954	5,097	5,097
169 Miscellaneous.....			150	11	1,170	367		12,634	4,719	13,954	5,097	5,097

TABLE III
STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)
BY TYPE OF SPONSORING BUSINESS AND BY CLASS OF STATION
RETAIL ADVERTISING UNITS
December 1940

Type of Sponsoring Business	Clear Channel Stations				Regional Stations				Local Stations				Totals			
	Unlimited		Part-Time		Unlimited		Limited & Day		Part-Time		Unlimited		Day		Pgm.	Ann.
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.		
Total Commercial Operating Stations.....	45	8	240	68	31	360	10	788								
Total Stations Reporting.....	33	6	90	17	2	71	0	220								
Type of Sponsoring Business																
Amusements.....	540	388	31	2,560	1,924	720	218	5,024	3,144	12	9,024	5,356	8,356			
011 Theaters.....	180	221	27	1,401	518	85	95	1,077	840	360	12,711	2,119	4,701			
019 Miscellaneous.....	360	167	4	9,358	4,356	2,242	1,346	108	12,340	4,433	25,370	10,822	7,986			
Automotive.....	2,300	614	18	24,758	7,596	3,152	1,875	234	20,184	10,240	63	50,779	20,640			
021 Aviation.....	720	29	5	2,560	1,924	720	218	24	5,024	3,144	12	9,024	5,356			
022 Garages and Service Stations.....	24	23	25	11,401	518	85	95	107	840	1,376	360	12,711	2,119			
024 Parts and Accessories.....	1,430	510	13	9,358	4,356	2,242	1,346	108	12,340	4,433	51	25,370	10,822			
025 Passenger Cars.....	135	52	1,037	624	105	186	893	90	980	893	2,267	1,755	52			
026 Fires and Tubes.....	27	27	390	111	780	96	207	780	96	1,170	207	1,170	207			
027 Trucks.....	15	15	12	63	30	30	236	60	60	236	87	329	87			
028 Tractors.....	660	222	330	1,557	187	632	390	69	5,828	2,591	4	11,715	5,075			
029 Miscellaneous.....	660	222	330	4,320	1,557	187	632	69	5,828	2,591	4	11,715	5,075			
Bakeries.....	30	30	110	156	12	12	225	2	795	225	935	395	935			
039 Miscellaneous.....	30	30	110	156	12	12	225	2	795	225	935	395	935			
Book Stores.....	1,210	140	108	4,070	2,129	809	394	96	1,907	2,234	8,056	5,101	5,101			
Boots and Shoes.....	051 Men's.....	112	75	5,339	2,371	547	453	36	11,743	2,950	4	18,414	5,930			
052 Men's and Women's.....	710	112	75	5,339	2,371	547	453	36	11,743	2,950	4	18,414	5,930			
053 Women's.....	5,570	829	210	33,758	14,382	3,348	3,732	362	21,649	15,937	75	65,260	35,661			
059 Miscellaneous.....	2,845	352	100	14,405	5,067	1,265	1,233	75	6,346	7,818	40	24,628	14,760			
Building Supplies and Contractors.....	071 Men's.....	13	78	610	553	255	123	33	1,535	383	2,400	1,183	1,183			
072 Men's and Women's.....	1,505	337	110	4,261	1,527	1,290	215	4,263	4,422	15	13,393	10,667	10,667			
073 Women's.....	585	127	10,085	3,079	1,149	738	39	2,935	1,853	6,400	3,091	3,091				
074 Credit Clothing.....	635	48	1,910	426	374	79	69	2,047	959	4,331	1,581	1,581				
079 Miscellaneous.....	48	48	1,910	426	374	79	69	2,047	959	4,331	1,581	1,581				
Dairies.....	7,260	845	315	37,341	8,593	17,879	1,238	106	26,005	7,418	89,425	18,356	18,356			
099 Miscellaneous.....	7,260	845	315	37,341	8,593	17,879	1,238	106	26,005	7,418	89,425	18,356	18,356			
Department and Dry Goods Stores.....	169	84	8,210	1,988	910	579	14	4,369	2,432	13,954	5,097	5,097				
159 Miscellaneous.....	169	84	8,210	1,988	910	579	14	4,369	2,432	13,954	5,097	5,097				
Drug Stores.....	25	160	345	2,659	1,377	2,305	73	25	615	436	5,949	2,080	2,080			
169 Miscellaneous.....	25	160	345	2,659	1,377	2,305	73	25	615	436	5,949	2,080	2,080			
Educational.....	135	45	5,084	1,843	1,174	711	103	3,884	2,139	10,277	4,856	4,856				
179 Miscellaneous.....	135	45	5,084	1,843	1,174	711	103	3,884	2,139	10,277	4,856	4,856				
Electric and Gas Appliances and Supply.....	4,149	1,080	287	30,142	6,650	6,779	1,710	335	22,876	6,544	16	64,876	16,622			
189 Miscellaneous.....	4,149	1,080	287	30,142	6,650	6,779	1,710	335	22,876	6,544	16	64,876	16,622			
Furniture and Home Furnishings.....	219	99	173	16,706	3,180	354	451	56	11,969	2,794	51	33,529	6,807			
219 Miscellaneous.....	219	99	173	16,706	3,180	354	451	56	11,969	2,794	51	33,529	6,807			
Grocers and Food Stores.....	221	3	8,450	271	120	20	20	11,390	407	11,375	701	701				
221 Chain.....	2,415	3	8,450	271	120	20	20	11,390	407	11,375	701	701				
222 Independent.....	2,045	96	173	8,256	2,909	214	431	56	11,579	2,387	51	22,154	6,106			
239 Miscellaneous.....	2,045	96	173	8,256	2,909	214	431	56	11,579	2,387	51	22,154	6,106			
Heating and Plumbing.....	175	175	2,552	2,259	205	207	124	2,825	1,626	4	5,582	4,396	4,396			
249 Miscellaneous.....	175	175	2,552	2,259	205	207	124	2,825	1,626	4	5,582	4,396	4,396			
Hotels and Restaurants.....	2,775	313	33	4,516	1,831	798	970	55	3,975	3,732	42	12,064	6,976			
259 Miscellaneous.....	2,775	313	33	4,516	1,831	798	970	55	3,975	3,732	42	12,064	6,976			
Jewelers.....	630	761	315	11,029	8,820	1,025	1,838	294	16,337	12,401	4	29,666	24,436			
279 Miscellaneous.....	630	761	315	11,029	8,820	1,025	1,838	294	16,337	12,401	4	29,666	24,436			
Merchandized Chains.....	1,530	96	909	483	225	238	18	1,215	655	3,879	1,540	1,540				
299 Miscellaneous.....	1,530	96	909	483	225	238	18	1,215	655	3,879	1,540	1,540				

Miscellaneous.....	1,740	723	65	98	24,746	7,643	6,084	1,289	1,170	335	24,933	9,621	52	58,738	19,761
301 Agriculture.....	30	54	---	18	1,411	332	610	121	---	---	1,640	394	---	3,691	919
302 Auctions.....	---	---	---	---	---	8	---	1	---	---	---	40	---	---	49
303 Beverages.....	105	153	---	---	8,088	2,612	1,127	340	90	120	7,075	2,550	---	16,465	5,775
304 Cleaners-Dyers-Laundries.....	---	25	---	---	---	209	260	11	120	---	455	537	---	885	772
305 Farm and Orchards (Produce).....	165	48	---	27	1,293	736	295	134	---	---	696	1,207	---	2,449	2,243
306 Florists-Nurseries.....	45	43	---	---	1,444	473	3,045	3	---	---	1,010	242	---	5,544	761
307 General Stores.....	75	100	---	1	1,444	293	---	206	---	---	562	284	48	1,079	963
308 Confectionery (Ice Cream, etc.).....	---	8	---	---	486	116	12	29	---	6	1,940	144	---	5,687	4,986
311 Shoe Repairing.....	75	223	65	52	3,102	2,034	505	194	---	27	2,105	2,456	---	5,045	510
312 Specialty Shops.....	---	18	---	---	2,940	168	---	29	---	---	3,255	1,482	---	17,250	2,476
315 Undertakers.....	---	51	---	---	3,560	662	230	201	960	---	---	---	---	---	---
349 Miscellaneous.....	1,245	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Musical Instruments.....	1,290	100	60	3	3,119	674	1,530	176	---	142	2,155	748	---	8,154	1,843
359 Miscellaneous.....	1,290	100	60	3	3,119	674	1,530	176	---	142	2,155	748	---	8,154	1,843
Office Equipment.....	95	55	---	---	180	725	---	18	---	13	595	993	---	870	1,804
369 Miscellaneous.....	95	55	---	---	180	725	---	18	---	13	595	993	---	870	1,804
Radio.....	---	43	---	---	1,352	822	352	327	---	6	830	1,047	---	2,534	2,245
409 Miscellaneous.....	---	43	---	---	1,352	822	352	327	---	6	830	1,047	---	2,534	2,245
Real Estate.....	20	33	---	---	1,135	399	435	77	---	34	930	104	---	2,520	653
419 Miscellaneous.....	20	33	---	---	1,135	399	435	77	---	34	930	104	---	2,520	653
Sporting Goods.....	30	---	---	---	440	720	60	43	---	7	444	385	---	974	1,155
439 Miscellaneous.....	30	---	---	---	440	720	60	43	---	7	444	385	---	974	1,155
Stationers.....	---	74	---	---	360	261	120	74	---	10	335	247	---	815	666
449 Miscellaneous.....	---	74	---	---	360	261	120	74	---	10	335	247	---	815	666
Toilet Goods and Beauty Shops.....	75	12	---	---	746	295	120	89	---	---	306	564	---	1,247	960
459 Miscellaneous.....	75	12	---	---	746	295	120	89	---	---	306	564	---	1,247	960
Totals.....	35,699	7,051	2,355	1,583	230,496	80,576	50,205	18,015	3,415	2,617	196,928	92,757	510	393,519,608	202,992

TABLE III—Continued
GENERAL ADVERTISING UNITS
December 1940

Type of Sponsoring Business	Clear Channel Stations				Regional Stations				Local Stations				Totals	
	Unlimited		Part-Time		Unlimited		Limited & Day		Unlimited		Day			Pgm. Ann.
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.		
Total Commercial Operating Stations.....	45		8		240	68	17		31	2	360	10	26	788
Total Stations Reporting.....	33		6		90	17			71	0	71	0	1	220
Agriculture.....														
501 Cattle Foods.....	4,225	382	945	276	9,375	912	1,004	439	45		1,745	325		17,339
502 Seeds.....	1,475	218	765	140	3,660	424	700	284	45		3,845	133		6,980
503 Farm Machinery.....	180	132		31	2,315	118		48			65	3		2,990
504 Nurseries.....					525	3								705
505 Live Stock.....	670	7	60	97	2,235	223	214	7			715	137		2,055
509 Miscellaneous.....	1,290	25	120	8	510	118	15	130			620	52		2,555
Alcoholic Beverages.....														
511 Beers.....	5,935	161	1,470	138	11,820	3,879	4,600	492	130	93	8,805	3,049		32,760
512 Wines.....	5,610	133	1,470	138	10,340	3,246	4,540	232			8,555	2,646		30,515
513 Liquors.....	325	26			1,480	620	60	260	130	34	2,500	403		6,454
519 Miscellaneous.....		2				13								2,245
Amusements.....														
529 Miscellaneous.....		9				65	300				15	22		315
Automotive.....														
531 Aviation.....	10,040	702	636	82	23,390	2,584	2,235	141	180	8	19,650	831		55,531
533 Gas and Oil.....	9,095	383	456	15	21,428	1,339	2,235	39	180		18,670	557		52,064
534 Parts and Accessories.....	60			12	60	45					120	73		240
535 Passenger Cars.....	735	312		46	685	1,097		62		8	230	113		1,650
536 Tires and Tubes.....					27	62						56		27
537 Trucks.....					310									390
538 Tractors.....			180		800						30	31		1,010
539 Miscellaneous.....	150	7		9		41		1				1		1,150
Building Materials.....														
549 Miscellaneous.....	780	21	45	13	990	431	30	13			695	261		2,540
Confections.....														
559 Miscellaneous.....	6,380	1,524	130	201	4,045	1,971	180	164		113	1,305	366		12,040
Educational.....														
569 Miscellaneous.....	50				290	73	65					3		405
Financial.....														
571 Banks and Trust Companies.....	3,950	466	25	76	11,805	3,733	3,920	675	140	153	6,250	2,994		26,090
572 Real Estate and Home Financing.....	1,110	246		14	5,618	1,334	945	209		18	3,760	1,151		11,433
573 Stock and Bond Houses.....	730	131		13	950	311	240				1,175	170		3,095
579 Miscellaneous.....	1,200	27			260	27								380
Groceries.....														
581 Baking Products.....	57,538	6,346	9,265	538	400,641	15,595	8,654	1,745	2,310	273	33,232	10,123		211,040
582 Beverages.....	4,105	540	510	50	12,349	3,639	1,425	474		13	7,355	1,960		25,744
583 Coffee and Tea.....	4,345	621	1,030	12	8,270	1,148	1,740	9		5	640	194		16,025
584 Soft Drinks.....	1,260	456	300	26	10,761	1,643	15	675		25	11,627	3,446		23,856
589 Miscellaneous.....	150	42	90	12	1,155	133	285	242			2,237	728		3,917
585 Shortening.....	2,775	862	660	18	2,395	789			320		460	284		6,810
586 Cereals and Breakfast Foods.....	6,433	411	780	29	6,900	435	1,020	38	660	53	980	55		16,933
587 Condiments.....	1,420	158	155	52	1,835	449	70	84	135		3,000	168		3,935
588 Dairy Products.....	1,740	603	330	109	5,878	2,117	300	4		62	2,470	877		10,718
591 Meats, Fish, Poultry.....	2,725	269	195	51	7,055	462	71			2	1,110	321		11,085
592 Laundry Soaps and Cleaners.....	17,140	568	1,880	41	20,175	1,378	1,515	60	660	80	3,685	293		45,065
593 Flour.....	7,065	216	2,020	42	9,822	628	855	25	525	7				21,802
594 Sugar.....	805	66	195		700	21						25		1,505
595 Disinfectants and Exterminators.....		6												351
599 Miscellaneous.....	7,005	1,478	410	126	13,041	3,368	849	63		26	1,680	1,219		22,985
Hotels and Resorts.....														
609 Miscellaneous.....						12								12
Housing Equipment and Supplies.....														
611 Air Conditioning.....	5,235	239	315	6	7,817	886	155	125			3,490	319		17,032
612 Automatic Heating.....					1,670		25	60			1,200	2		1,870
613 Automatic Refrigeration.....	105				75						615	18		310
614 Fixtures.....					195	1								795
615 Fuel.....	1,335	101			2,400	438		26			690	108		4,425
616 Furniture and Furnishings.....	2,565	7	315	6	2,247	302	170	25			780	133		6,077
617 Heaters and Stoves.....	1,035	107			900	72	14				780	34		2,715
629 Miscellaneous.....	195	24			45	83					425	34		665

TABLE IV

STATION BROADCAST ADVERTISING (OTHER THAN NATIONAL NETWORK)
 BY TYPE OF SPONSORING BUSINESS AND BY STATION METROPOLITAN DISTRICT OR CITY POPULATION
 RETAIL ADVERTISING UNITS
 December 1940

Total Commercial Operating Stations	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals	
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.		
Total Stations Reporting	52	60	21	93	44	106	58	104	160	111	21	788	220							
Type of Sponsoring Business																				
Amusements	60	29	600	719	1,051	3,297	1,232	1,010	541	1,823	2,247	1,008	15,065	8,356						
011 Theaters	60	14	30	265	347	1,382	777	740	357	1,085	1,055	701	7,079	4,761						
019 Miscellaneous		15	570	454	704	1,875	475	270	184	1,145	1,142	307	7,986	3,895						
Automotive	810	239	3,197	680	1,903	3,285	2,272	2,079	1,725	3,311	4,211	3,650	50,779	20,64						
021 Aviation																				
022 Garages and Service Stations																				
024 Parts and Accessories	360	107	75		216	509	921	449	241	4,365	680	1,298	9,024	5,356						
025 Passenger Cars	450	96	3,062	560	1,293	2,043	904	1,080	1,304	4,740	2,870	1,688	12,711	2,119						
026 Tires and Tubes			60		138	361	262	525	29	615	390	1,269	25,370	10,822						
027 Trucks							3			30	60	16	2,267	1,755						
028 Tractors																				
029 Miscellaneous					8	149	28													
Bakeries	60	55	360	348	167	5,320	1,035	150	289	3,213	480	699	11,715	5,075						
039 Miscellaneous	60	55	360	348	167	5,320	1,035	150	289	3,213	480	699	11,715	5,075						
Book Stores																				
049 Miscellaneous																				
Books and Shoes	645	229	1,095	148	438	1,167	32	250	348	1,310	1,810	714	8,056	3,101						
051 Men's					30	54	32													
052 Men's and Women's						51	118		28											
053 Women's																				
059 Miscellaneous																				
Building Supplies and Contractors																				
069 Miscellaneous																				
Clothing Stores	2,190	1,312	7,290	1,145	4,711	18,356	7,082	2,185	3,483	4,976	5,822	11,720	3,826	65,260						
071 Men's	715	584	3,395	356	2,795	9,200	2,467	3,082	1,274	1,380	3,092	1,184	1,374	14,760						
072 Men's and Women's					67	150	88	60	199	380	451	120	105	2,400						
073 Women's						980	479	1,892	1,658	775	1,736	1,832	1,950	13,393						
074 Credit Clothing	765	717	1,445	36	225	1,975	854	60	644	315	659	2,400	3,091	10,667						
079 Miscellaneous	240	11	1,865	244	684	3,225	1,781	240	629	615	793	397	2,965	18,439						
Dairies																				
099 Miscellaneous																				
Department and Dry Goods Stores	810		10,195	1,106	2,375	21,467	3,509	5,980	1,299	9,335	3,276	15,510	3,319	7,339						
159 Miscellaneous	810		10,195	1,106	2,375	21,467	3,509	5,980	1,299	9,335	3,276	15,510	3,319	7,339						
Drug Stores																				
169 Miscellaneous																				
Educational	2,205	17	640	15	30	74	869	132	163	685	276	300	115	135						
179 Miscellaneous	2,205	17	640	15	30	74	869	132	163	685	276	300	115	135						
Electric and Gas Appliances & Supply																				
189 Miscellaneous																				
Furniture and Home Furnishings	1,530	285	6,555	935	1,695	13,870	3,644	2,940	1,189	8,190	2,821	8,904	2,037	3,847						
219 Miscellaneous	1,530	285	6,555	935	1,695	13,870	3,644	2,940	1,189	8,190	2,821	8,904	2,037	3,847						
Grocers and Food Stores	435	93	2,085	188	428	7,597	628	2,000	132	3,235	861	1,963	1,386	4,939						
221 Chain	195		2,085		428	7,597	628	2,000	132	3,235	861	1,963	1,386	4,939						
222 Independent																				
239 Miscellaneous																				
Heating and Plumbing																				
249 Miscellaneous																				
Hotels and Restaurants	2,205	190	2,145	502	460	2,618	1,400	1,005	233	2,730	1,048	976	325	526						
259 Miscellaneous	2,205	190	2,145	502	460	2,618	1,400	1,005	233	2,730	1,048	976	325	526						
Jewelers	60	118	3,430	1,489	2,357	8,411	4,302	4,445	2,705	4,885	4,166	4,980	3,088	1,090						
279 Miscellaneous	60	118	3,430	1,489	2,357	8,411	4,302	4,445	2,705	4,885	4,166	4,980	3,088	1,090						
Merchandise Chains	30	36	345	166	109	1,684	447	20	25	175	362	106	5	52						
299 Miscellaneous	30	36	345	166	109	1,684	447	20	25	175	362	106	5	52						

Miscellaneous.....	120	222	2,680	488	8,640	1,978	13,998	3,056	7,973	2,731	2,825	1,246	7,612	3,634	6,454	3,187	8,436	3,249	58,738	19,761
301 Agriculture.....																			386	8,919
302 Auctions.....										87	40	94	1,110	142	306	194	1,350		21	8,691
303 Beverages.....		2	1,490	194	2,035	896	5,569	1,148	2,103	704	1,385	462	1,650	908	1,664	903	569		558	16,465
304 Cleaners-Dyers-Laundries.....			150	14	120	41	100	121		113	60	25	405	186		49		223		5,775
305 Farms and Orchards (Produce).....		25	240	87	75	144	565	312	222	277	100	115	415	288	589	463	253		332	835
306 Florists-Nurseries.....					60	60	513	75	495	233		27	405	68	526	217	3,525		51	2,449
307 General Stores.....		62	15		390	194	35	99	140	124	30	22	322	112		88	87		262	5,544
308 Confectionery (Ice Cream, etc.).....	60				360	14	1	55	60	47		60		43	65	29	12		58	1,079
311 Shoe Repairing.....		4	195			324	1,875	897	543	779	60	412	1,610	1,094	904	679	395		628	4,986
312 Specialty Shops.....		41	150	132	150	56	1,260	44	1,470	48	145	5	495	1,197	555	59	550		56	5,045
315 Undertakers.....			75	45	495	249	4,035	289	2,100	310	1,005	14	1,200	587	1,845	506	1,685		419	17,250
349 Miscellaneous.....	60	88	365	14	4,955	249	4,035	289	2,100	310	1,005	14	1,200	587	1,845	506	1,685		419	17,250
Musical Instruments.....	750	52	2,145	50	480	298	1,495	273	1,144	344		78	1,015	290	990	167	135		291	8,154
359 Miscellaneous.....	750	52	2,145	50	480	298	1,495	273	1,144	344		78	1,015	290	990	167	135		291	8,154
Office Equipment.....		13	45	21	45	76	75	244	25	284	10	194	500	239	115	619	55		114	1,804
369 Miscellaneous.....		13	45	21	45	76	75	244	25	284	10	194	500	239	115	619	55		114	1,804
Radio.....		6	120	25	690	104	600	502	807	768	35	66		467	90	134	282		173	2,534
409 Miscellaneous.....		6	120	25	690	104	600	502	807	768	35	66		467	90	134	282		173	2,534
Real Estate.....		40	680	100	75	23	540	170	45	184		16	330	9		10	850		101	2,520
419 Miscellaneous.....		40	680	100	75	23	540	170	45	184		16	330	9		10	850		101	2,520
Sporting Goods.....		40	680	100	75	23	540	170	45	184		16	330	9		10	850		101	2,520
439 Miscellaneous.....		40	680	100	75	23	540	170	45	184		16	330	9		10	850		101	2,520
Stationers.....		1		41		91	205	178	285	154		2	25	72		82	300		83	974
449 Miscellaneous.....		1		41		91	205	178	285	154		2	25	72		82	300		83	974
Toilet Goods and Beauty Shops.....		120	26	215	61	61	122	164	227	91	55	72	105	106	269	217	134		223	1,247
459 Miscellaneous.....		120	26	215	61	61	122	164	227	91	55	72	105	106	269	217	134		223	1,247
Totals.....	11,910	3,065	46,557	9,089	63,205	19,836	14,508	33,806	67,778	32,474	22,829	15,923	72,851	33,265	74,678	29,687	45,175		25,827	519,608
																				202,992

TABLE IV—Continued
GENERAL ADVERTISING UNITS

December 1940

	2,500,000 and over		1,000,000 to 2,500,000		500,000 to 1,000,000		250,000 to 500,000		100,000 to 250,000		50,000 to 100,000		25,000 to 50,000		10,000 to 25,000		Less than 10,000		Totals
	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	Pgm.	Ann.	
Total Commercial Operating Stations.....	52		60		93		106		58		104		111		160		111		788
Total Stations Reporting.....	13		21		44		32		16		27		23		23		21		220
Type of Sponsoring Business																			
Agriculture.....	780	113	325	67	960	279	3,270	383	1,730	244	1,520	354	1,909	211	5,605	603	17,339	2,334	
501 Cattle Foods.....	660	74	180	30	615	160	1,580	136	1,060	170	1,335	62	835	112	1,485	352	6,990	1,169	
502 Seeds.....		31			7		132	48	90	48	330	18	65	2	2,250	56	2,900	329	
503 Farm Machinery.....							1								195	3	705	6	
504 Nurseries.....															130	26	205	26	
505 Live Stock.....			145		60	32	1,395	114	85	14	365	104	879	71	935	136	3,894	471	
509 Miscellaneous.....	120	8			37		150	50	495	12	690	170			740	56	2,555	333	
Alcoholic Beverages.....	1,550	301	5,345	207	3,680	1,745	5,425	1,145	1,470	872	4,635	1,909	2,295	258	1,900	546	32,760	7,812	
511 Beers.....	575	28	5,325	135	3,550	1,440	5,035	944	1,440	852	4,440	1,757	2,295	258	1,840	510	30,515	6,454	
512 Wines.....	975	273	20	72	130	303	390	201	30	20	195	139			60	36	2,245	1,343	
513 Liquors.....																		15	
519 Miscellaneous.....																			
Amusements.....	27				16	315	11	30				12							96
529 Miscellaneous.....	27				16	315	11	30				12							96
Automotive.....	1,890	87	5,155	461	18,186	1,058	5,998	920	3,792	374	7,523	331	2,150	374	3,505	179	55,531	4,348	
531 Aviation.....																			
533 Gas and Oil.....	1,560	54	4,960	242	17,696	453	5,168	504	3,705	190	7,293	182	1,640	300	3,505	28	52,064	2,333	
534 Parts and Accessories.....			39	23		12		15	60			52	120				169	169	
535 Passenger Cars.....			195	175	490	574		373	27		230	31					21	1,638	
536 Tires and Tubes.....																			
537 Trucks.....																			
538 Tractors.....	180																		
539 Miscellaneous.....	150			5		19		28		2									
Building Materials.....	210	2		16	90	354	60	6	360	118	195	50	1,175	96		26	2,540	739	
549 Miscellaneous.....	210	2		16	90	354	60	6	360	118	195	50	1,175	96		26	2,540	739	
Confections.....	730	492	1,680	395	3,220	668	1,010	731	1,910	483	345	343	390	35	210	126	12,040	4,339	
559 Miscellaneous.....	730	492	1,680	395	3,220	668	1,010	731	1,910	483	345	343	390	35	210	126	12,040	4,339	
Educational.....			80																
569 Miscellaneous.....			80																
Financial.....	1,250	173	1,895	516	9,188	1,113	3,515	1,110	1,790	726	3,455	1,262	1,387	1,079	485	353	26,090	8,997	
571 Banks and Trust Companies.....	310	79	630	112	4,553	772	1,665	328	1,300	434	1,450	395	205	340	78	11,433	2,972	8,097	
572 Real Estate and Home Financing.....			310	90	645	72	360	145	130	38	795	71	245	18	145	5	3,095	625	
573 Stock and Bond Houses.....			120	27															
579 Miscellaneous.....	940	94	835	287	3,990	780	1,490	637	360	254	980	796	937	719		270	11,182	4,446	
Groceries.....	9,035	2,167	19,900	3,160	43,697	7,234	33,427	3,956	17,684	3,463	25,352	3,334	10,787	2,582	13,143	3,701	211,040	34,620	
581 Baking Products.....	455			102	6,354	758	2,765	1,163	3,040	425	3,000	558	2,090	614	2,665	939	25,744	6,676	
582 Beverages.....			478		81	496	2,390	104	1,440	357	510	174	160	106	2,040	124	16,025	1,989	
583 Coffee and Tea.....			1,495		3,040	496	2,390	104	1,440	357	510	174	160	106	2,040	124	16,025	1,989	
584 Soft Drinks.....			1,020		5,745	1,668	3,587	729	1,246	710	4,130	625	3,845	372	1,458	885	23,856	6,271	
589 Miscellaneous.....			480		630	546	120	92	390	9	1,787	133	2	2	135	13	3,917	1,157	
585 Shortening.....			55		160	553	765	337	810	414	663	148					6,810	1,913	
586 Cereals and Breakfast Foods.....			23		1,815	126	2,445	122	663	50	2,175	66	780	17	1,050	185	16,933	968	
587 Condiments.....			180		940	319	600	13	130	39	65	85	65				3,030	864	
588 Dairy Products.....			501		706	333	2,020	136	390	136	1,860	407	1,308	445	645	70	10,718	2,932	
591 Meats, Fish, Poultry.....			2,815		3,340	240	720	148	1,375	38	1,800	83	107	195	2	11,085	2,146		
592 Laundry Soaps and Cleansers.....			3,725		7,650	541	8,840	276	5,790	277	5,530	128	2,500	128	2,500	310	45,065	2,420	
593 Flour.....			1,620		1,517	198	4,200	7	2,605	278	2,665	303	700	168	1,520	406	21,802	1,501	
594 Sugar.....			165		390	41	390	124	45	27							660	351	
595 Disinfectants and Exterminators.....			805		3,731	1,169	4,525	705	1,455	734	1,785	475	299	10	540	504	22,985	6,280	
599 Miscellaneous.....	1,415	357	2,915	790	6,320	1,047	4,525	705	1,455	734	1,785	475	299	10	540	504	22,985	6,280	
Hotels and Resorts.....																			
609 Miscellaneous.....																			
Housing Equipment and Supplies.....	660	59	2,295	135	2,385	392	1,390	160	987	79	2,485	187	3,255	251	230	235	17,052	1,585	
611 Air Conditioning.....																			
612 Automatic Heating.....																			
613 Automatic Refrigeration.....																			
614 Fixtures.....			180		225	18													
615 Fuel.....																			
616 Furniture and Furnishings.....	210	40	540	64	630	175	870	83	375	7	900	114	885	214	120	208	4,425	673	
617 Heaters and Stoves.....	450		1,020	12	1,545	42	410	44	417				30	13	110	27	2,715	473	
629 Miscellaneous.....			555		60	42	360	4	195	65	930	15	780	24	110	27	665	141	

639	Industrial.....	120	12	270	2	195	62	150	11	---	7	155	7	90	3	30	32	1,010	136	
640	Miscellaneous.....	120	13	270	2	195	62	150	11	---	7	155	7	90	3	30	32	1,010	136	
641	Insurance.....	505	13	775	83	975	119	1,300	96	245	119	174	185	3,120	136	870	342	8,354	1,117	
642	Miscellaneous.....	505	13	775	83	975	119	1,300	96	245	119	174	185	3,120	136	870	342	8,354	1,117	
643	Jewelry and Silverware.....	---	---	150	---	---	---	---	---	---	---	---	---	---	---	---	---	150	---	
644	Miscellaneous.....	---	---	150	---	---	---	---	---	---	---	---	---	---	---	---	---	150	---	
645	Medical.....	6,994	2,698	9,450	4,348	13,745	5,040	7,805	3,812	5,155	2,284	8,140	1,816	4,325	1,101	4,090	1,480	66,259	23,624	
646	Miscellaneous.....	6,994	2,698	9,450	4,348	13,745	5,040	7,805	3,812	5,155	2,284	8,140	1,816	4,325	1,101	4,090	1,480	66,259	23,624	
647	Miscellaneous.....	1,925	97	5,135	111	3,632	297	1,905	161	1,175	35	1,395	245	760	284	1,195	290	21,132	2,651	
648	Cards and Stationery.....	8	21	425	---	1,170	106	79	39	140	22	60	245	650	265	---	78	650	208	
649	Cham. of Com. & Merch. Asso.....	---	9	425	---	1,170	106	79	39	140	22	60	245	650	265	---	134	2,245	820	
650	Pet Foods.....	48	58	1,405	64	450	64	460	26	65	---	---	---	30	18	75	---	3,650	292	
651	Photograph Records.....	1,035	9	1,695	20	1,470	48	780	74	780	---	---	---	---	1	240	78	7,215	214	
652	Veterinary and Animal Medicine.....	65	85	1,555	13	542	---	140	74	65	13	1,335	---	80	---	880	---	750	205	
653	Miscellaneous.....	300	675	1,455	---	---	---	1,170	---	1,255	---	---	---	---	---	---	---	6,562	945	
654	Political.....	---	165	---	3	215	9	30	5	60	5	105	---	---	---	---	---	575	23	
655	Local.....	---	---	---	---	105	4	30	5	---	---	---	---	---	---	---	---	135	9	
656	State.....	---	---	---	---	30	1	---	---	---	---	---	---	---	---	---	---	0	---	
657	National.....	---	---	---	---	30	1	---	---	---	---	15	---	---	---	---	---	45	---	
658	Miscellaneous.....	165	1	---	3	80	4	---	---	60	5	90	---	---	---	---	---	395	13	
659	Professional and Service.....	110	330	965	692	4,220	1,523	3,466	953	180	987	2,400	536	2,429	350	2,235	414	24,209	3,712	
660	Opticians-Optometrists.....	110	330	965	692	4,220	1,523	3,466	953	180	987	2,400	536	2,429	350	2,235	414	24,209	3,712	
661	Chiropractors.....	51	51	240	513	2,605	1,085	1,001	739	120	981	1,230	370	2,259	165	2,045	310	11,974	2,014	
662	Dentists.....	---	---	175	103	250	32	395	32	250	26	240	420	140	81	190	76	4,910	688	
663	Physicians (Medical).....	---	---	420	10	1,095	477	2,070	81	60	30	195	105	1,635	45	45	49	1,380	235	
664	Hospitals.....	---	---	---	---	---	---	---	57	---	---	---	---	---	15	---	3	5,520	739	
665	Miscellaneous.....	---	---	130	66	270	10	---	44	---	---	---	---	60	5	270	1	810	88	
666	Public Utilities.....	390	870	2,430	843	4,665	408	2,985	696	2,865	287	2,400	536	2,429	350	2,235	414	24,209	3,712	
667	Electric Companies.....	270	41	2,430	475	1,785	118	1,045	363	1,495	124	495	370	2,259	165	2,045	310	11,974	2,014	
668	Gas Companies.....	---	---	---	43	2,565	62	475	250	1,120	18	1,215	92	140	81	190	76	4,910	688	
669	Electric and Gas Companies.....	120	3,720	---	275	1,655	4	690	26	100	---	---	---	---	---	---	---	6,130	323	
670	Telephone Companies.....	---	---	---	50	150	199	630	24	---	186	30	74	30	80	27	30	645	---	
671	Miscellaneous.....	---	---	---	---	---	---	145	---	---	9	210	---	---	4	---	1	810	88	
672	Publications.....	865	471	2,600	674	4,012	475	2,270	170	15	6	315	64	3,315	143	525	350	15,277	2,432	
673	Books.....	195	1	645	90	240	---	345	345	---	---	---	---	1,690	---	---	108	2,735	199	
674	Magazines.....	11	330	645	5	105	76	25	10	---	---	---	---	---	3	435	56	1,540	189	
675	Newspapers.....	150	555	1,565	553	3,667	395	1,885	160	---	6	315	42	1,435	140	90	160	9,662	1,963	
676	Miscellaneous.....	520	210	390	26	---	4	15	---	15	---	---	22	190	---	---	26	1,340	81	
677	Religion.....	2,880	7	6,015	21	17,665	21	6,165	35	5,460	10	12,275	22	10,510	8	6,060	15	73,230	139	
678	Miscellaneous.....	2,880	7	6,015	21	17,665	21	6,165	35	5,460	10	12,275	22	10,510	8	6,060	15	73,230	139	
679	Radio.....	930	72	1,335	46	60	60	1,875	230	682	30	---	104	430	26	---	---	5,497	707	
680	Sets.....	930	72	1,335	46	60	60	1,875	230	682	30	---	104	430	26	---	---	5,497	707	
681	Stations.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	3,922	581	
682	Tubes.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
683	Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
684	Sporting Goods.....	1,125	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
685	Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
686	Tobacco.....	440	414	4,235	244	3,420	217	2,309	148	2,295	140	2,345	96	1,680	523	---	206	19,975	2,645	
687	Cigars.....	180	46	1,035	117	540	117	675	59	660	39	1,610	22	---	---	---	---	3,485	589	
688	Cigarettes.....	215	278	2,240	73	1,395	3	1,035	50	660	65	1,610	22	---	---	---	---	9,135	967	
689	Tobacco.....	---	---	880	44	1,155	97	1,260	13	135	---	---	---	---	---	---	---	2,860	589	
690	Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
691	Toilet Requisites.....	1,924	343	4,625	1,301	4,561	897	2,165	491	1,150	329	1,455	67	465	83	705	344	19,825	4,410	
692	Antiseptics.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
693	Deodorants.....	36	36	685	359	15	22	240	145	330	78	---	---	---	---	---	---	1,265	567	
694	Perfumes-Cosmetics-Lotions.....	451	120	405	216	900	286	440	36	60	72	185	4	465	---	---	93	3,141	1,111	
695	Toilet Soaps.....	580	48	2,855	140	2,930	118	925	5	460	73	635	---	---	---	---	---	10,095	440	
696	Miscellaneous.....	923	139	980	586	716	411	645	305	300	106	615	63	---	---	---	251	5,189	2,214	
697	Transportation.....	1,695	58	390	594	676	1,005	690	657	155	151	235	275	279	450	349	346	4,919	3,795	
698	Airways.....	---	9	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
699	Bus Lines.....	---	---	---	135	6	84	540	153	60	27	175	59	75	110	26	26	856	594	
700	Railroads.....	---	---	---	10	15	211	---	107	705	40	---	31	---	72	50	30	1,885	560	
701	Steamships.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
702	Tours.....	---	---	---	10	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
703	Miscellaneous.....	75	49	375	439	655	698	15	384	20	84	60	178	204	268	299	290	1,703	2,590	
704	Wearing Apparel.....	1,275	63	1,665	58	795	239	345	43	810	23	100	24	70	137	285	53	5,870	724	
705	Men's Wear.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
706	Women's Wear.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
707	Miscellaneous.....	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
708	Watches.....	1,752	240	---	1,766	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
709	Miscellaneous.....	1,752	240	---	1,766	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
710	Totals.....	8,536	69,470	11,436	101,237	19,351	139,582	27,027	87,546	16,897	49,940	11,414	76,824	12,191	53,001	8,473	42,132	10,158	655,680	125,483

STATIONS COOPERATING

in the

BROADCAST ADVERTISING UNIT VOLUME REPORT—DECEMBER 1940

DISTRICT 1

CONNECTICUT

WICC—Bridgeport
 WDRC—Hartford
 WTHT—"
 WTIC—"
 WELI—New Haven

MAINE

WCOU—Lewiston
 WCSH—Portland

MASSACHUSETTS

WAAB—Boston
 WBZ—"
 WFEI—"
 WNAC—"
 WSAR—Fall River
 WOCB—near Hyannis
 WLAW—Lawrence
 WLLH—Lowell
 WBZA—Springfield
 WORC—Worcester

NEW HAMPSHIRE

RHODE ISLAND

WEAN—Providence

VERMONT

WCAX—Burlington

DISTRICT 2

NEW YORK

WABY—Albany
 WOKO—"
 WENY—Elmira
 WHCU—Ithaca
 WJTN—Jamestown
 WGNV—Newburgh
 WABC—New York City
 WEAH—"
 WINS—"
 WJZ—"
 WQXR—"
 WHDL—Olean
 WHAM—Rochester
 WHEC—"
 WHAZ—Troy
 WTRY—"
 WIBX—Utica
 WFAS—White Plains

DISTRICT 3

DELAWARE

NEW JERSEY

WSNJ—Bridgeton
 WCAM—Camden

PENNSYLVANIA

WHJB—Greensburg
 WHP—Harrisburg
 WJAC—Johnstown
 KYW—Philadelphia
 WCAU—"
 KDKA—Pittsburgh
 KQV—"
 WARM—Scranton
 WGBI—"
 WBAX—Wilkes-Barre

DISTRICT 4

DISTRICT OF COLUMBIA

WJSV—Washington
 WMAL—"
 WOL—"
 WRC—"

MARYLAND

WBAL—Baltimore
 WCBM—"
 WFBR—"

WTBO—Cumberland
 WBOC—Salisbury

NORTH CAROLINA

WWNC—Asheville
 WBT—Charlotte
 WBIG—Greensboro
 WGTC—Greenville
 WPTF—Raleigh
 WSTP—Salisbury
 WSJS—Winston-Salem

SOUTH CAROLINA

WIS—Columbia

VIRGINIA

WGH—Newport News
 WTAR—Norfolk
 WPID—Petersburg
 WRNL—Richmond

WEST VIRGINIA

WJLS—Beckley
 WMMN—Fairmont
 WSAZ—Huntington
 WPAR—Parkersburg
 WWVA—Wheeling

DISTRICT 5

ALABAMA

WSGN—Birmingham

FLORIDA

WDBO—Orlando

GEORGIA

WGPC—Albany
 WAGA—Atlanta
 WSB—"
 WRBL—Columbus
 WBML—Mason
 WMGA—Moultrie
 WSAV—Savannah
 WTOG—"

PUERTO RICO

DISTRICT 6

ARKANSAS

KFPW—Fort Smith
 KARK—Little Rock
 KUOA—Siloam

LOUISIANA

KTBS—Shreveport
 KWKH—"

MISSISSIPPI

TENNESSEE

WOPI—Bristol

DISTRICT 7

KENTUCKY

WLBK—Bowling Green
 WAVE—Louisville
 WHAS—"

OHIO

WAKR—Akron
 WJW—"
 WCKY—Cincinnati
 WLW—"
 WSAI—"
 WCLE—Cleveland
 WGAR—"
 WTAM—"
 WBNS—Columbus
 WCOL—"
 WHIO—Dayton
 WLOK—Lima
 WPAY—Portsmouth
 WSPD—Toledo
 WTOL—"

WFMJ—Youngstown
 WHIZ—Zanesville

DISTRICT 8

INDIANA

WGL—Fort Wayne
 WOWO—"
 WFBM—Indianapolis
 WIBC—"
 WIRE—"

MICHIGAN

WELL—Battle Creek
 WJR—Detroit
 WWJ—"
 WKZO—Kalamazoo
 WKBZ—Muskegon

DISTRICT 9

ILLINOIS

WBBM—Chicago
 WENR—"
 WLS—"
 WMAQ—"
 WCLS—Joliet
 WMBD—Peoria
 WTAD—Quincy
 WROK—Rockford
 WHBF—Rock Island
 WDZ—Tuscola

WISCONSIN

WCLO—Janesville
 WMAM—Marinette
 WEMP—Milwaukee
 WTMJ—"
 WRJN—Racine
 WHBL—Sheboygan
 WSAU—Wausau

DISTRICT 10

IOWA

WMT—Cedar Rapids
 KRNT—Des Moines
 KSO—"
 WHO—"
 WKBB—Dubuque
 KMA—Shenandoah

MISSOURI

KFRU—Columbia
 KMBC—Kansas City
 WDAF—"
 KMOX—St. Louis
 WIL—"

NEBRASKA

KGFV—Kearney
 KFAB—Lincoln
 KFOR—"
 KOIL—Omaha
 WOW—"

DISTRICT 11

MINNESOTA

WCCO—Minneapolis
 WTCN—"
 KFAM—St. Cloud
 KSTP—St. Paul

NORTH DAKOTA

SOUTH DAKOTA

KABR—Aberdeen
 WNAX—Yankton

DISTRICT 12

KANSAS

KGNO—Dodge City
 KCKN—Kansas City
 KSAL—Salina
 KFBI—Wichita

OKLAHOMA
KOCY—Oklahoma City
KTOK—"
KOME—Tulsa

DISTRICT 13

TEXAS
KGNC—Amarillo
KFDM—Beaumont
KRIC—"
KRIS—Corpus Christi
KAND—Corsicana
WFAA—Dallas
KFPL—Dublin
KGKO—Fort Worth
WBAP—"
KPRC—Houston
KPDN—Pampa
KPAC—Port Arthur
WOAI—San Antonio
KRGV—Weslaco

DISTRICT 14

COLORADO
KFEL—Denver
KOA—"
KIUP—Durango
IDAHO
KIDO—Boise
KRLC—Lewiston

MONTANA
KFBB—Great Falls
KGVO—Missoula
UTAH
KVNU—Logan
KDYL—Salt Lake City
KSL—"
WYOMING
KWYO—Sheridan

DISTRICT 15

CALIFORNIA
KHSL—Chico
KMJ—Fresno
KYOS—Merced
KROW—Oakland
KFBK—Sacramento
KROY—"
KGO—San Francisco
KJBS—"
KPO—"
KYA—"
KQW—San Jose
KWG—Stockton
KHUB—near Watsonville
HAWAII
KGMB—Honolulu
NEVADA
KOH—Reno

DISTRICT 16

ARIZONA
KOY—Phoenix
KYUM—Yuma
NEW MEXICO
KICA—Clovis
CALIFORNIA
KFOX—Long Beach
KECA—Los Angeles
KFI—"
KNX—"

DISTRICT 17

ALASKA
OREGON
KALE—Portland
KOIN—"
KWJJ—"
KRNK—Roseburg
WASHINGTON
KVOS—Bellingham
KIRO—Seattle
KJR—"
KOMO—"
KFPW—Spokane
KGA—"
KHQ—"
KVI—Tacoma
KUJ—Walla Walla
KIT—Yakima

THE WEEK IN WASHINGTON

The NAB Board of Directors adopted a ringing resolution against any legislative or administrative act impairing the right of broadcasters to have complete control of programs, business management, and operating policies. (p. 293).

BMI announced that its music will be made available without charge for use in National Defense programs. (p. 293).

Advance reservations for the NAB's St. Louis Convention, May 12-15, are the heaviest in history. (p. 295).

Broadcasters are urged to maintain their "Movin' Day" promotion well into April. (p. 296).

A federal judge in Minnesota upheld the Wage and Hour Divisions' method of computing overtime. *Editor and Publisher* condemned the attack on radio by the printing trade unions. (pp. 296-297).

The FCC held a three-day hearing on the status of television. (p. 298).

The FCC renewed a great majority of the domestic standard broadcast station licenses which automatically expired March 29. The Mexican Government approved with no charge, a list of frequency reallocations to Mexican stations, drafted at the international meeting here last January. Ray C. Wakefield, of California, was sworn in as a member of the FCC. (p. 300).

Broadcasters Insist Radio Must be Free

Neville Miller, president of the National Association of Broadcasters, this week made public the following

resolution adopted last week by the association's board of directors:

"Whereas the philosophy of American broadcasting as expressed in decisions of the Supreme Court of the United States and the applicable statutes, envisages control of programs, of business management and of policy in the broadcaster and not subject to the supervisory control of the government:

"Now therefore **BE IT RESOLVED**: That in order to preserve the freedom of radio in accordance with the pattern of democracy, the Board of Directors go on record as opposing any legislative or administrative action which directly or indirectly impairs the rights (which it believes to be guaranteed by statute) of broadcasters to have complete control of programs and program material, business management and operating policies, and further goes on record as being in favor of any legislative or administrative action which strengthens such rights.

"And be it further **RESOLVED**: That the President and Executive Committee be directed to take appropriate action to the end that such rights may be adequately protected."

BMI

EMI MUSIC AVAILABLE FOR NATIONAL DEFENSE

BMI has announced that its music will be made available without charge for use by public or private
(Continued on page 294)

You Can't Afford to Miss the NAB Convention

May 12, 13, 14, 15

New Jefferson Hotel

St. Louis



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

BMI

(Continued from page 293)

authorities sponsoring national defense drives over the air.

Use of the music, either by transcriptions or orchestra, is thus made available to all departments of the Government, to states and municipalities, and to sponsors who are contributing commercial time on the air to the cause of national defense.

Among the many patriotic songs, new and old, which are thus made available are: *American Festival March*, *American Guard March*, *Bugle Call Rag*, and *Marines' Hymn*.

The grant of free license also includes new arrangements of *Yankee Doodle*, *Columbia*, *the Gem of the Ocean*, *Battle Hymn of the Republic*, and many others.

NEW MOVIE TAKES BMI SONG AS FEATURE

Madame Will Drop Her Shawl has been adopted as the feature song in the new film called *South of Panama* in which Roger Pryor and Virginia Vale have the leads. The picture is the work of J. H. Richmond Productions, Inc., and is scheduled for release on April 15. BMI is putting a new edition of the song out with a title page identifying it with the motion picture. The music of the song was written by Herb Pine, trombonist in the *Hellzapoppin'* orchestra, and the words by Sam Brown, announcer for WMCA.

BMI GIVES TAVERNS A THEME SONG

Friendly Tavern Polka, just released by BMI puts every tavern man's ideal into song. It was written by two members of Horace Heidt's band, which introduced it and is featuring it with great success. The number has already been recorded by Horace Heidt (Columbia No. 36006). There are other recordings scheduled for future release by Frankie Masters, Teddie Powell, and Sammy Kaye.

"The taverns have certainly been friendly to BMI," says M. E. Tompkins, BMI Vice-President. "We are returning the compliment by promoting a song that ought to be worth a million dollars in good will to them. We

believe it is destined to be one of the top hits of 1941 and we hope the taverns will make it their theme song from coast to coast."

The words of the song are:

Music is playing, dancers are swaying; laughing away each care.
Down at the FRIENDLY TAVERN, ev'ry one's happy there.
Lights are all twinkling, glasses atinkling; romance is in the air.
Down at the FRIENDLY TAVERN, nothing else can compare.
There's where we'll find good cheer; meet the friends we hold so dear;
Round up the old quartet, and sing a song together.
Time to get started, gay and light hearted. No need to ask us where!
Down at the FRIENDLY TAVERN: ev'ry one's happy there!
So

Fill up your steins, boys.
We'll give a toast and then we'll drink 'em down.
At the FRIENDLY TAVERN they'll always buy a round,—
So come on:

Music is playing, dancers are swaying, laughing away each care.
Down at the FRIENDLY TAVERN, ev'ry one's happy there.
Time to get started, gay and light hearted. No need to ask us where.
Down at the FRIENDLY TAVERN, ev'ry one's happy there!

Frank De Vol, the composer, and Jerry Bowne, the author, are both members of Horace Heidt's Musical Knights and the *Friendly Tavern Polka* is their first song. Mr. De Vol, born in West Virginia and raised in Ohio, is an arranger who has prepared orchestrations for the Lucky Strike programs, Ben Bernie, Standard Transcriptions, King Sisters, Alvino Rey, and for various bands he had played with. He can play nearly every instrument in the orchestra. Once while he was on the stage with Horace Heidt his music fell down and in trying to recover it he knocked instruments over until everything was in such a mess that he clowned the number through. He did this so successfully that he brought down the house and thus accidentally created a comedy number which he had to repeat at every show.

Jerry Bowne is Heidt's trumpeter and vocalist and sings his own song on the Heidt record. He was graduated from the University of California in 1929, has been featured soloist on numerous radio programs and in the movie, *Pot O' Gold*, and has toured both this country and Europe with the Heidt band.

Once in a Monte Carlo restaurant he aimed a hard French roll at Horace Heidt and hit the King of Denmark instead. Since His Majesty seems to have taken the bun in the spirit in which it was sent, the episode may help to explain how these songwriters have been so successful in putting the contagious good humor of a "friendly tavern" into music.

BMI MUSIC HOLDS POPULARITY LEAD

The *Billboard* music popularity chart for the week ending March 21st shows fourteen out of fifteen sheet music best sellers, eight out of eleven coin machine leaders, and eight out of the ten best sellers in records are in the BMI catalogue. *Variety* shows thirteen out of fifteen sheet music best sellers and six out of ten on the coin machines,

BMI FEATURE TUNES

March 31-April 7

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. FRIENDLY TAVERN POLKA
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. G'BYE NOW
11. LOAFING ON A LAZY DAY
12. WHAT D' YA HEAR FROM YOUR HEART
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. STONE'S THROW FROM HEAVEN, A
17. WITH A TWIST OF THE WRIST
18. WHERE'S THE CAPTAIN'S HAT

Now Ready—what promises to be 1941's biggest song hit—*My Sister and I*

and of the twenty leaders on the radio *Billboard* shows nine of BMI's own publications and eleven from affiliated catalogues.

PHONOGRAPH OPERATORS PLUG BMI TUNES

The operators of coin phonographs in Cleveland, Ohio, through their organization, The Phonograph Merchants Association of Cleveland, give special promotion to one song every month. The tune selected is put in the number one spot on their machines and is also featured in display advertising and in the newspapers. Their first choice was *I Hear a Rhapsody*. As the hit tune for April they have chosen *Yours*, a Marks publication, which has been recorded by Jimmy Dorsey (Decca No. 3656).

KAY GETS CAPTAIN'S HAT

A visit to Fort Devens inspired the current song hit *Where's the Captain's Hat?*, according to Kay Twomey, whose latest song is fast becoming the singing tune of the Army camps of the country and is being featured by Horace Heidt, Ben Bernie, Art Kassel, and other outstanding band leaders. Lee Wainer and Bob Sour collaborated with Miss Twomey in writing this song.

Miss Twomey is accustomed to prizes and public honors. Before she began writing songs she won a beauty prize as Miss Palm Beach and posed as model for several well known illustrators. On April 3, over NBC, Horace

Heidt will honor her during the broadcast. A delegation of the military from Governors Island is expected to be present in the studio when she is presented with a Captain's hat.

NAB Convention

Promotion Exhibit Question Box No. 2

Question: Will NAB offer awards in the promotion exhibit at the St. Louis Convention, May 12 through 15?

Answer: Yes. A board of judges will make honorary awards for the best entry in each of the seven classifications.

Question: Will the exhibits be returned?

Answer: Yes, under certain restrictions. Please see formal bulletin sent out by NAB February 17.

Question: Will many stations bring motion pictures?

Answer: Yes. At least three stations have indicated that they will bring sixteen millimeter film to St. Louis.

Question: Is it necessary that they bring their own projection equipment?

Answer: No. Arrangements have been made to have a projector and a special room for showing these films. Stations will be charged a pro-rata charge for each showing.

The closing date for entries is May 3. Shipment is to be made to the New Jefferson Hotel, St. Louis, c/o NAB Promotion Exhibit Committee.

EARLY ARRANGEMENTS ADVISED

From the way transportation companies, railroads and airlines have displayed interest and from the advance request for reservations at St. Louis hotels, cleared through the Housing Committee, it is quite evident that attendance at the Nineteenth Annual Convention, Hotel Jefferson, St. Louis, May 12 to 15, is going to be "tops." Those who are planning to go and who have not yet made their transportation and hotel arrangements should give these matters the earliest attention. There are certain to be some disappointments in any event, but early attention will cut these to a minimum.

The program plans are developing and a really worthwhile business, as well as entertainment, session is promised. No broadcaster can afford to miss the St. Louis convention.

Keep Promoting!

1. Maintain promotion well into April.

Preliminary check indicates that listeners are responding to the explanation that stations are changing wave lengths in order to improve program reception throughout the United States, generally.

2. Don't be unduly alarmed by any complaints you may receive the first week, even the second or third week.

But keep a log of complaints in order to determine whether they are justified. After analyses, such information will reveal any situation that does need correction. FCC Chief Engineer Jett has stated publicly that listeners should give reallocation a fair trial and not write Washington.

Two hundred ninety individual stations provided data for inclusion in "56 Days". This brochure was mailed to agencies and all stations Thursday, March 27.

Stations not listed on the inside of the back cover were omitted for one of two reasons—their data was not mailed or it did not make the deadline. That fact is explained in the copy.

The center spread lists the Governors of 47 states and Puerto Rico, who issued Movin' Day proclamations. The page following lists 124 cities whose Mayors issued proclamations. This list is naturally not complete.

A total of 10,042,500 Movin' Day stuffers, leaflets and post cards were delivered into homes by first class mail through arrangements with electric, gas, telephone and water companies.

Reallocation messages were delivered into 29,300,000 homes by air. Twenty-four thousand seven hundred five spots, 23,036 station breaks, 1,863 local programs, 4,138 news items were broadcast by the reporting 290 stations. These stations played the Movin' Day Theme 1,524 times.

A minimum of 500 additional station programs were added through broadcast of special CBS, MBS and NBC programs.

Reporting stations indicating that 361,326 lines of advertising were scheduled. The event was backed additionally by 1,960,762 logs, 14,136 letters, 2,070 trailer showings, 8,176 car and bus cards and 11,081,950 leaflets and printed pieces of all kinds. A color page in March 29 Saturday Evening Post, sponsored by RCA, told listeners to "Call a Serviceman NOW to reset your radio push-buttons!"

Prairie Farmer carried 3 color pages, the Farmer Stockman carried copy as did California Rural Press, California Grange publication and California State Employee's maga-

zine. Newsweek of March 31 had a reallocation story on pages 60 and 61.

Radio Guide, appearing on the news stands March 26, had a three-inch strip diagonally across the front cover. Inside was a full page story and a complete log of every station in the United States by call letters. Next week Radio Guide will publish a log of all broadcasting stations by kilocycles.

The President's address over four combined networks and a large number of individual stations Saturday night will prove especially valuable in educating listeners to new dial locations.

Since this is the first day of reallocation everybody will be listening to the President at new dial positions for the first time.

Arriving too late for inclusion in "56 DAYS" was the information that Mayors of the following cities have issued proclamations:

Albuquerque, N. M.
Evansville, Ind.
Houston, Tex.
Sherman, Tex.
Walla Walla, Wash.
Wausaw, Wis.
West Point, Ga.

The past week brought five out of six of the non-proclaimed states in into the proclaimed column. All districts but one closed the campaign season with 1.000% and the exception was almost perfect with a standing of .800. Newly reported Governors, their states and the industry contact are:

DELAWARE—Gov. Walter W. Bacon
Arranged by J. Gorman Walsh, WDEL, Wilmington
NEW JERSEY—Gov. Charles Edison
Arranged by Alfred J. McCosker, WOR, New York
PENNSYLVANIA—Gov. Arthur H. James
Arranged by Dr. Leon Levy, WCAU, Philadelphia
RHODE ISLAND—Gov. J. Howard McGrath
Arranged by John J. Boyle, WJAR, Providence
WISCONSIN—Gov. Julius P. Heil
Arranged by H. H. Born, WHBL, Sheboygan, and James F. Kyler, WCLO, Janesville

Labor

COURT UPHOLDS WAGE AND HOUR DIVISION ON OVERTIME

Judge Matthew A. Joyce in the United States District Court for Minnesota has upheld the Wage and Hour Division in its contention that overtime must be based on the regular rate of pay determined as described in the NAB's pamphlet, "The Wage and Hour Act."

In commenting on the decision, General Philip B. Fleming, Wage and Hour administrator, said:

"This opinion is at direct variance with the opinion of Judge Roy Atwell in the Dallas News case, which the Division is appeal-

ing before the United States Court of Appeals for the Fifth Circuit at New Orleans. In the Dallas News case, the judge relieved the newspaper of the necessity of computing overtime on the employees' 'regular rate.' (NAB REPORTS, p. 127.)

"The Minnesota decision definitely sustains our position with respect to the payment of overtime compensation, and effectively checks the many fictitious devices designed to defeat the purposes of the Act. If employers are permitted to resort to such methods to escape the payment of overtime compensation, the great benefits intended by Congress when the Fair Labor Standards Act was passed would be denied to the workers of the nation."

In his opinion enjoining the Carleton Screw Products Company, Judge Joyce stated:

"It is clear that the purpose of the plan, which was put into effect on September 1, 1938, was to keep within the provisions of the new wage and hour law and at the same time to maintain the employees' wages at the same level as theretofore existed. In general the plan works out in this way: If an employee had been receiving sixty cents an hour previous to September 1, 1938, a rate of fifty cents was set up on defendant's books and on that rate overtime compensation is computed. To this amount is added a 'bonus' in an amount sufficient to bring the employee's total wage for the pay period to an amount equalling the total hours worked during such pay period multiplied by sixty cents—the hourly rate he received prior to September 1, 1938. Thus (using a forty-four hour basic week), if this man works fifty hours a week his pay is computed by multiplying 44 (hours) by 50 cents (the rate set up on the books), which equals \$22.00; multiplying 6 (overtime hours) by 75 cents (time and one-half) equals \$4.50, which added to the \$22.00 makes a total of \$26.50. At straight time of sixty cents per hour he would have received for fifty hours \$30.00. And so in order to bring his pay up to this figure an amount of \$3.50, called a bonus, is added to the \$26.50 and the man receives a check for \$30.00. In cases where this same employee works only forty-four hours a week there is of course no overtime to compute but the bonus is added in the same manner as in the other case. So that so far as the employee was concerned there was no difference in the way he computed his earnings before and after September 1, 1938. To quote the testimony of one of the men, 'I always computed weekly earnings on basis of total number of hours times the old rate.' There was nothing on the check or otherwise showing how much the bonus was. The Witness Kretlow testified: "We really did not get a cut; it was only on the books that we got the cut."

"A somewhat different situation exists with respect to employees who entered defendant's employ after September 1, 1938, but in principle the procedure is the same, the employee signing an agreement based on an 'agreed' hourly rate and receiving a 'guaranteed' earning based on a different rate. . . .

"It seems to me that the construction contended for by defendant to the effect that employer and employee may agree on a regular rate of pay regardless of what compensation the employee actually receives, will permit employers to avoid the obligations imposed by Section 7 and will completely nullify the overtime provisions therein contained. If an employer is permitted to establish an 'agreed' rate of pay ten cents below that which it in fact is, as plaintiff points out in his brief, there is no reason why the regular rate could not be 'stipulated' for purposes of overtime compensation at twenty or thirty cents below what it actually is and remove the penalty of Section 7 entirely. The fact that employer and employee 'agree' to a rate of pay which does not represent that at which the employee is really employed cannot preclude the operation of Section 7, for private agreements which are inconsistent with wage and hour statutes must yield to the broader public policy declared in those acts. . . .

"Moreover, the evidence in this case clearly indicates that the employees signed the agreements only after it was made clear that they would receive the same earnings as theretofore and because they felt there was no other recourse as they had been told that otherwise the plan would be dropped and they would remain on the old scale for a forty-four week and no overtime. Such assurance as to their earnings being given, I am of the view they received a continuing guarantee of their previous earnings and therefore that their actual and real rate of pay remained unchanged, and that this 'agreed rate' of pay of defendant was devised, as was said by the court in *Gregory v. Helvering*, 293 U. S. 465, to 'exalt artifice above reality,' as these rates had no other function in defendant's business."

"EDITOR AND PUBLISHER" CONDEMNS ATTACK ON RADIO

Editor and Publisher carried the following editorial in its March 22 issue, condemning the printing trades unions attack on the broadcasting industry. Members should call it to the attention of editors of their local papers.

Another Fallacy

John B. Haggerty, president of the International Allied Printing Trades Council, still thinks there is merit in his idea of taxing and otherwise limiting the revenue of radio broadcasting so that buyers of advertising would have to use printed media. In the three weeks that have passed since his proposal was announced at Miami, we have not been able to find anyone who agrees with him, even among the intended beneficiaries of his revolutionary scheme. He now challenges the makers of printed media to propose a better method of halting radio invasion of the advertising field than the taxation of radio revenues.

His comparisons of 1939 with 1929 to show the losses of revenue suffered by newspapers and magazines, the loss of employment and wages to printing craftsmen, the necessary increase in subscription rates to offset lost advertising revenue—all of these are twice-told tales to the publishing fraternity. As comparisons, we believe them to be unsound, because the tops in advertising revenue reached in 1929 are recognized by many economists today as representing a considerable volume of advertising money that was squandered rather than usefully employed.

Mr. Haggerty introduces a new element into his latest blast. He says that "the real freedom of the press is jeopardized when we find publishers, in many cases, forced through unfair competitive conditions in their trade areas to purchase, at heavy costs, radio stations, thus becoming dependent upon the goodwill of a government agency to protect these investments and in order to insure the continued value of these radio investments, possibly subservient, even in their newspaper columns, to the wishes of a controlling and dominating government agency."

That's a ghost story. We doubt that Mr. Haggerty can name one newspaper which was *forced*, by any measures, to purchase a radio station.

Newspapers which own stations and know how to use them have found radio a sound investment and a useful adjunct to their printed pages. Many other newspapers which desire to add radio to their service are unable to do so because all available facilities have been licensed for their trade areas. Show the average publisher an opportunity to get a radio license and no one will have to force him to take advantage of it. When FM becomes commercially practical on a broad scale, we are certain that many more newspapers will seek radio licenses. No compulsion will be needed.

The potential peril to newspaper freedom through ownership of a broadcasting license by a publisher has often been discussed. There has been no reported instance of attempted government coercion or influence on either radio or newspaper editorial policies, despite the fact that some of the most desirable broadcasting privileges are held by newspapers bitterly opposed to the Roosevelt Administration. The danger exists in theory; in practice, any effort to make renewal of a radio license contingent upon a charge of newspaper editorial policy is open to so many counter-attacks that it is not likely to be attempted.

The answer to Mr. Haggerty's challenge remains unchanged. Newspapers and magazines have to compete against each other and against all other media on their own merits. They have those merits. They have advantages over radio that the latter can never overcome, from the standpoint of producing results for the advertiser. Mr. Haggerty's letter, reproduced on another page, suggests that the radio has been preferred by advertising agencies over printed media because of the rebate and discount policies of the broadcasters, which permit the agencies to retain a larger part of the advertising dollar for themselves.

If that is true, and if the printers' organization believes it is unfair competition, the remedy is with the Federal Trade Commission, not through the devious and dangerous method of confiscatory taxation. In an hour when unscrupulous men all over the world are seeking to regulate and to gag free speech, it will not do for Americans to create a technique which, applied suc-

cessfully to broadcasting, could easily be extended to the fields of printed media.

We suggested a month ago, and we believe constructively, that newspapers and magazines must do a better job of informing the public and as bearers of commercial announcements than the broadcasters do. They must also do a far better job of promotion and selling than they have done for most of the past 10 years. We suggested also that the printers can help by the elimination of union practices which increase publishing costs without adding an iota to either the information or the advertising value of a publication. If these conditions are met, the publishing and printing industries and their workers' organization will end the era of declining figures that the printers now cite.

It will take thought, work, sacrifice, and will probably cause some casualties, but it will not imperil the whole structure of free press as the printers' tax proposal threatens to do.

Additional copies of the NAB Research Department's brochure on the relation of the broadcasting and printing industries are available at the NAB.

Television Hearing

The FCC public hearing to consider suggested rules and regulations for commercial television broadcast stations was held on March 20, 21 and 24.

Chairman Fly presided during the entire hearing with the exception of a short time Friday morning. Commissioner Craven temporarily took the chair during Mr. Fly's absence. Commissioners Wakefield, Thompson, Case, Craven and Payne were in attendance on the first two days and they were joined by Commissioner Walker on Monday. Approximately 100 persons were present to hear the proceedings.

W. R. G. Baker, Chairman of the National Television Systems Committee, was the first witness. He stated that the NTSC recommends that the FCC authorize full commercialization on all television channels. Baker offered in evidence, a document showing changes to be made in the standards recommended by the NTSC (See Appendix 1). Baker discussed these changes, pointing out that it was recommended that the number of lines be changed from 441 to 525. He also pointed out that instead of specifying the synchronization wave form that should be transmitted, the specifications were changed to read that the television transmitter should radiate a synchronized wave form which would adequately operate a receiver of certain specifications. It was pointed out that this would allow different types of transmission to be employed. Baker also pointed out that the NTSC was recommending a full test of color television.

Donald Fink, Managing Editor of Electronics, took the stand to discuss number of lines. He said that we are definitely looking forward to bigger pictures and that in going from 441 to 525 lines the vertical resolution would be increased. He pointed out that FM transmission of the picture would improve the horizontal resolution and that these two improvements would probably bring about a balance between the vertical and horizontal resolution.

Paul Porter, attorney on behalf of the Columbia Broadcasting System, pointed out that limits on man power and material at this time may be serious in regard to the advance of television. He pointed out that once a broadcaster has started transmitting programs, that he is obligated to continue with the service and that if there was only a limited number of receivers reaching the hands of the public, that the broadcaster would be forced to assume a large operating expense with little chance of obtaining revenue to offset it. Mr. Porter continued that Columbia is

ready to participate in television as fully as circumstances permit. In recommending that the FCC set standards, he urged that it be made clear to the public that service on a large scale will not be immediately available. Porter gave his opinion that television could make an important contribution to the national economy after the present emergency is over.

Adrian Murphy, CBS Television Director, recommended that standards for both monochrome and color be established by the Commission. According to Murphy, CBS has planned a comprehensive field test of color. They have asked for bids on 25 color receivers and he said that they hope that the industry would provide an additional 75 receivers. To date, Murphy continued, they have received no assurance that receivers can be forthcoming. According to Murphy, defense requirements may interfere with the progress of television. Murphy said that broadcasters can expect no substantial income for some time and he therefore recommended that there be no requirement as to minimum hours that a television station must operate. The cost of a good television program, according to Murphy, is about \$2,000 per hour and he pointed out that if the FCC requirement that the minimum hours per day be 5, that it would cost about three and one-half million dollars per year for programs. He said that if the 5 hour requirement was promulgated that it would probably be necessary as an economic factor to cut the expenditure for programs down to \$100 per hour. This would cost approximately \$185,000 per year for programs. Murphy expressed the opinion that television programs would be poor if only an average of \$100 per hour was spent.

Peter Goldmark, Technical Director of Television for CBS, discussed the latest developments in CBS's system of color television. He reported that the sensitivity of the pick-up system had been improved. He also said that the field tests mentioned by Murphy were planned to start about June 1.

The first witness for the Allen B. DuMont Laboratories was Allen B. DuMont. Mr. DuMont said that some of the standards had been proved out since last year. It is DuMont's belief that immediate commercialization of television is vitally necessary. He said that companies cannot continue to spend money without the hope of some return in the immediate future. This is an excellent time to start television, according to DuMont, because more people are at work producing a better market. In spite of the fact that factories are busy with defense orders, it was his opinion that they still have enough time and facilities to devote to television production. DuMont was of the same opinion that television could be a factor in taking up unemployment at the end of the present difficulties. DuMont continued that developments since a year ago have reduced the cost of installing a television station. It was his belief that the minimum cost per hour for television programs is below \$150 per hour. DuMont advocated allowing the use of the aural channel of a television station without transmitting a picture. He also advocated changing the proposed rules so that flexible standards can be used.

Dr. Goldsmith, Television Engineer for DuMont, said that electronic color television showed great promise. He said that television should be commercialized at this time. Goldsmith advocated the substitution of the DuMont signal in the proposed NTSC standards.

Appearing for Balaban and Katz, William C. Eddy, in charge of television, stated that they were ready and willing to go ahead with television according to FCC dictates. Eddy said that they favored vertical polarization because it was their belief vertically polarized receiving antennas were more satisfactory. He continued that they have been working on low-cost pick-up technique.

The Don Lee Broadcasting System was represented by Harry

Lubcke, Director of Television. He advocated the commercialization of television and said that the proposed minimum requirement of 5 hours of program per day was too high. He suggested that the requirement be put on a weekly basis of 10 hours. He said that in view of present budgets, it would be difficult to produce 30 hours of acceptable programs per week and he said it was desirable to have less hours and better programs. Lubcke stated that he concurred in the NTSC recommendations.

E. M. Martin, appearing for the Farnsworth-Television and Radio Corporation, stated that they had had minority opinions during the deliberation of the NTSC, however, Farnsworth has the greatest of respect for the majority of opinions and therefore, Farnsworth wholeheartedly adopts and recommends the NTSC standards. He continued that there is no question but that television is technically ready for full commercialization and that television can be a factor in recovery after the present emergency is over.

Appearing for the Hughes Tool Company, was Alfred Murray. He advocated that the daily minimum program time be set at 3 hours per day. He said that it would be better if the requirement was stated at 15 hours per week. Murray advocated the use of the sound transmitter alone without a picture being transmitted. He said that Hughes wished to go on record as approving the NTSC report. In regard to flexible standards, Murray thought that it would make it more difficult for the viewer and that a fixed set of standards should be adopted.

The first witness for the National Broadcasting Company was A. M. Morton, Vice President in charge of television. He stated that 30 hours per week would impose a great burden upon television operators. He said that the average program cost per hour is approximately \$1,000. Morton said that the factors to be considered in connection with the required number of program hours were: test pattern time, preparation time for programs, program availability, limited trained personnel and economics.

Talent is limited in most cities according to Morton and therefore relays from talent centers are necessary and it will take time to develop these. He said that it takes from 40 to 80 hours of rehearsal time for a one-hour dramatic show and he said that the last two or three days of the rehearsal should be in the studio where the transmission is to take place. He said that it cost about \$120,000 to properly equip a studio for this purpose.

In recommending that the starting minimum program time be set at 10 hours per week, Morton pointed out that it would be more desirable to have quality of programs rather than quantity.

C. B. Jolliffe, chief engineer of the RCA laboratories, was the next witness for NBC. He said that without standards the industry cannot prepare itself to go forward and that he recommended that the Commission adopt the proposed NTSC standards. He continued that RCA is ready to go ahead when the FCC gives the word. Jolliffe suggested that the Commission carefully investigate whether or not all parties are ready to go ahead before setting the date for commercialization. He pointed out that conditions are different now than they were a year ago. At that time several manufacturers were in a position to produce receivers and transmitters immediately, however, it was his opinion that these facilities do not exist today and it would be necessary to start new. It was Jolliffe's opinion that both ends of the television system, namely transmitting and receiving, should go ahead simultaneously, in order that broadcasters would not have to spend too much money before the public has obtained receivers. Jolliffe stated that NBC wholeheartedly adopts the recommendations of the NTSC.

The next company to make an appearance was Scophony Limited, represented by S. H. Dodington, head of the electrical department. He said that they were in favor of immediate com-

mercialization of television and adoption of the NTSC standards with one exception. He said that the Scophony system is mechanical and therefore, requires more stringent requirements for the synchronizing signal and they therefore recommended that the requirement be narrowed. Dodington said that in England two simultaneous systems had been introduced and the results were so unsatisfactory that they soon dropped one of them.

On behalf of Zenith Radio Corporation, John Howland, Secretary, advocated the immediate authorization of commercial television and advocated the adoption of the NTSC standards. It was his opinion that good television programs would cost about \$1,000 per hour and that therefore the minimum required hours should be set at not over 10 hours per week and preferably 5. He also pointed out that there is a scarcity of trained television technicians.

Mr. Sanabria, of American Television Laboratories, advocated immediate commercialization. He suggested that the standards be adhered to for eight years with the provision that at the end of four years, new standards could be considered and if they were adopted, the stations could then transmit on both standards. As was done by other witnesses Sanabria gave his opinion that television may be a factor in taking up unemployment after the rearmament program is finished.

APPENDIX I

REPORT of the

NATIONAL TELEVISION SYSTEM COMMITTEE to the FEDERAL COMMUNICATIONS COMMISSION

The National Television System Committee herewith submits transmission standards for commercial television broadcasting. The NTSC recognizes the coordinate importance of standardization and the commercial application of technical developments now in the research laboratories. These standards will make possible the creation, in the public interest, of a nationally coordinated television service and at the same time will insure continued development of the art.

The NTSC recommends that monochromatic transmission systems other than those embodied in these standards be permitted to operate commercially, when a substantial improvement would result, provided that the transmission system has been adequately field tested and that the system is adequately receivable on receivers responsive to the then existing standards.

The NTSC has broadened its standards on synchronization to permit field tests of several interchangeable systems. It is anticipated that some one of these systems will be found to be superior to the others and it is, therefore, recommended that at that time the Commission's standards be narrowed to require the commercial use of that particular and superior system. (See Note A)

The NTSC believes that, although color television is not at this time ready for commercial standardization, the potential importance of color to the television art requires that—

- a) A full test of color be permitted and encouraged, and that
- b) After successful field test, the early admission of color transmissions on a commercial basis coexistent with monochromatic television be permitted employing the same standards as are herewith submitted except as to lines and frame and field frequencies. The presently favored values for lines, and for frame and field frequencies for such a color system are, respectively, 375, 60, and 120.

The proposed standards are as follows:

1. The Television Channel

1. The width of the standard television broadcast channel shall be six megacycles per second.
2. It shall be standard to locate the picture carrier 4.5 megacycles per second lower in frequency than the unmodulated sound carrier.
3. It shall be standard to locate the unmodulated sound carrier 0.25 megacycles per second lower than the upper frequency limit of the channel.

4. The standard picture transmission amplitude characteristic shall be that shown in Drawing I.

II. Scanning Specifications

5. The standard number of scanning lines per frame period in monochrome shall be 525, interlaced two to one.
6. The standard frame frequency shall be 30 per second and the standard field frequency shall be 60 per second in monochrome.
7. The standard aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.
8. It shall be standard, during the active scanning intervals, to scan the scene from left to right horizontally and from top to bottom vertically, at uniform velocities.

III. Picture Signal Modulation

9. It shall be standard in television transmission to modulate a carrier within a single television channel for both picture and synchronizing signals, the two signals comprising different modulation ranges in frequency or amplitude or both. (See Note A, 1.)
10. It shall be standard that a decrease in initial light intensity cause an increase in radiated power.
11. It shall be standard that the black level be represented by a definite carrier level, independent of light and shade in the picture.
12. It shall be standard to transmit the black level at 75 per cent (with a tolerance of plus or minus 2.5 per cent) of the peak carrier amplitude.

IV. Sound Signal Modulation

13. It shall be standard to use frequency modulation for the television sound transmission.
14. It shall be standard to pre-emphasize the sound transmission in accordance with the impedance-frequency characteristic of a series inductance-resistance network having a time constant of 100 microseconds.

V. Synchronizing Signals

15. It shall be standard in television transmission to radiate a synchronizing waveform which will adequately operate a receiver which is responsive to the synchronizing waveform shown in appended Drawing II.
16. It shall be standard that the time interval between the leading edges of successive horizontal pulses shall vary less than one half of one per cent of the average interval.
17. It shall be standard in television studio transmission that the rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals be not greater than 0.15 per cent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100, lines, such lines not to include any portion of the vertical blanking signal. (See Note B.)

VI. Transmitter Ratings

18. It shall be standard to rate the picture transmitter in terms of its peak power when transmitting a standard television signal.
19. It shall be standard in the modulation of the picture transmitter that the radio frequency signal amplitude be 15 per cent or less of the peak amplitude, for maximum white. (See Note C.)
20. It shall be standard to employ an unmodulated radiated carrier power of the sound transmission not less than 50% nor more than 100% of the peak radiated power of the picture transmission.
21. It shall be standard in the modulation of the sound transmitter that the maximum deviation shall be plus or minus 75 kilocycles per second.

VII. Polarization

22. It shall be standard in television broadcasting to radiate horizontally polarized waves.

Note A: 1. Practical Receivers of the "RA" type (those which attenuate the carrier 50% before detection) designed for the synchronizing signals shown in Drawing II of this report will also receive interchangeably any of the following:

- a. Amplitude Modulated synchronizing and picture signals of the 500 kc vertical synchronizing pulse type—Drawing IV (fig. 1), Doc. 321R.

- b. Synchronizing signals of the alternate carrier type with amplitude modulated picture signals.
- c. Frequency modulated picture and synchronizing signals.

2. It is proposed that during the commercialization period there be carried out systematic, comparative tests, of all of the above mentioned signals including transmissions from a single location to a number of representative receiving locations and over a reasonable test period. It is further proposed that these tests be directed and coordinated by an accredited committee of the R. M. A. or some other committee suitable to the F. C. C. and that on the completion of these tests there be submitted to the F. C. C. any modifications or additions to the N.T.S.C. standards which may be found desirable.

Note B: It is recommended that as progress in the art makes it desirable, the maximum rate of change of frequency of the transmitted horizontal synchronizing signals for studio programs be reduced and that limits be set for transmissions originating elsewhere than in the studio.

Note C: It is the opinion of the N. T. S. C. that a picture transmitter not capable of a drop in radio frequency signal amplitude to 15 per cent or less of the peak amplitude would not be completely satisfactory since it would not utilize the available radio frequency power to the best advantage. At the same time the N. T. S. C. is aware of the practical fact that it may not be possible for all of the first picture transmitters to satisfy this requirement. It should be possible to satisfy this requirement in picture transmitters for the lower frequency channels of Group A, although, at first, this may not be possible in picture transmitters for the higher frequency channels. After the first operation on the higher frequency channels and as designs progress it should be possible to satisfy it. It is requested that the Federal Communications Commission take cognizance of this situation.

Respectfully submitted,

W. R. G. BAKER, *Chairman.*

DISTRICT 5 MEETING

In the NAB REPORTS, p. 245 it was stated that the District 5 meeting would be held on April 11 at Ponte Vedre Beach, Florida. NAB Director W. Walter Tison advises that the meeting has been changed to the George Washington Hotel in Jacksonville, on the same date, Friday, April 11. All Fifth District broadcasters are cordially invited and urged to attend.

COST-PER-INQUIRY

On the cost-per-inquiry front, more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. This week we have only one to report:

Duensing & Company, Chicago, Illinois, on behalf of the Waterbury Pen Company (Fountain Pens).

This offer, in the opinion of the Bureau of Radio Advertising, is opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited the above-named company to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

ARMSTRONG GIVES WAR DEPARTMENT USE OF FM PATENTS

Major Edwin H. Armstrong of New York, noted inventor in the radio field, has offered to the War Department free use, during the emergency, of his seventeen patents on the frequency-modulation system of radio communication which bears his name.

In announcing the offer, Henry L. Stimson, Secretary of War, made acknowledgment with these words: "On behalf of the War Department, as well as for myself, I wish to thank you for this very generous action; and I am sure that the patriotic example afforded by such a distinguished inventor as yourself will be warmly appreciated by the country."

The War Department will take full advantage of the offer, which is particularly timely. The Army is now procuring a large number of frequency-modulated sets similar to the commercial police radio type for the Armored Force, and other units. Furthermore, the Army is now developing three new radio sets for use of the Armored Force in which it is proposed to incorporate frequency-modulation.

STATE LEGISLATION

CALIFORNIA:

S. R. 58 (FLETCHER) RADIO PROGRAMS—CRIME—Memorial to Congress to regulate radio programs dealing with crime. Referred to Committee on Rules.

COLORADO:

S. 576 (HART) SMALL LOANS—An act regulating the business of making loans of \$500.00 or less. Referred to Committee on Insurance.

IOWA:

H. 519 (PUBLIC HEALTH COMM.) DRUGS AND COSMETICS—Prohibiting the adulteration and false advertising of drugs and cosmetics. Referred to Sifting Committee.

MINNESOTA:

H. 191 (MEMMER) (Same as S. 78) SMALL LOAN ADVERTISING—Restricts small loan companies from advertising anything but name and address, rate of interest and the total amount that can be lent to any individual. Referred to Committee on Public Welfare.

H. 1271 (E. PETERSON) (Same as S. 262) AGENCIES—THEATRICAL—Regulations for licensing, bonding and code for theatrical or booking agencies. Referred to Committee on Labor.

S. 78 (NEUMIER ET AL.) (Same as H. 191) SMALL LOAN ADVERTISING—Restricts small loan companies from advertising anything but name and address, rate of interest and the total amount that can be lent to any individual. Referred to Committee on Banks and Banking.

MISSOURI:

S. 140 (DONNELLY) FOODS, DRUGS AND COSMETICS—Repealing Article I and II of Chapter 58, Revised Statutes, 1939; enacting a new article in lieu thereof relating to the duties of the State Board of Health in the regulating and inspection of foods, drugs and cosmetics as to misbranding and false advertising.

NEW YORK:

S. 1354 (WILLIAMSON) PERSONAL LOANS—ADVERTISING—Prohibits advertising by printing, broadcasting, publishing or otherwise, by bank or trust company in connection with personal loan dept. of statements relative to rates, terms or conditions for loaning money unless stated in terms of simple interest on unpaid principal balance. Referred to Committee on Banks.

SOUTH CAROLINA:

H. 401 (Medical Affairs) PURE FOOD AND DRUG ACT—To regulate the labeling, branding, advertising, manufacturing, sale, etc., of foods, drugs, and cosmetics in the State of South Carolina, and to provide a penalty for the violation thereof.

FEDERAL COMMUNICATIONS COMMISSION

NEW LICENSES

In conjunction with the North American Regional Broadcasting Agreement, which is to become effective at 3 a.m. on March 29, the FCC has renewed the great majority of the domestic standard broadcast station licenses which automatically expire at that time, thereby enabling these stations to begin regular operation on the new frequencies Saturday.

In the cases of some 50 other standard broadcast stations, which failed to submit required performance data, the Commission is granting temporary authority for them to operate on the new frequencies, but with reduced power, pending submission of the necessary data.

All standard broadcast stations above 730 kilocycles, which change frequencies on March 29 and which employ directive antennas, were notified previously to furnish certain performance data in order to be permitted to use the new frequencies on a regular basis. The half a hundred stations in question failed to do so. Therefore, to guard the new allocation system against any possibility of serious interference, it will be necessary for these stations to operate with reduced power, specified by the Commission's Engineering Department, until they have likewise complied.

The stations for which licenses have been renewed on the new frequency basis furnished information necessary to meet Commission requirements. As is Commission practice, license renewals are continued on the staggered system. Thus, licenses of stations regularly operating under the North American Regional Broadcasting Agreement will expire in the following order:

For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, and 1580 kilocycles, February 1, 1942.

For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 690, 910, 920, 930, and 950 kilocycles, April 1, 1942.

For stations operating on the frequencies 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles, June 1, 1942.

For stations operating on the frequencies 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles, August 1, 1941.

For stations operating on the frequencies 1230, 1240, and 1340 kilocycles, October 1, 1941.

For stations operating on the frequencies 1400, 1450, and 1490 kilocycles, December 1, 1941.

At the same time, the Commission has granted temporary extensions or authorized temporary operation for more than 50 standard broadcast stations involved in renewal or revocation proceedings, or which have been

designated for hearing, or stations subject to further consideration of their renewal applications; and has extended special experimental or program test authorizations in the cases of about a dozen other stations. All these stations are identified on lists made public today.

MEXICO APPROVES AGREEMENT

Through the agency of the Inter-American Radio Office (O.I.R.) at Habana, the Department of State has been informed of the approval by the Government of Mexico with no change of the list of frequency allocations to Mexican broadcasting stations which was drafted at the North American Regional Radio Engineering Meeting held in Washington from January 14 to 30, 1941. Thus the lists of broadcasting stations resulting from that meeting for Canada, Cuba, Mexico, and the United States have received the official approval of the respective governments.

The "deepest gratification" is felt by the FCC at this further evidence of the complete understanding and cooperation which has prevailed in the North American region in matters pertaining to broadcasting and at this added assurance of the success of the North American Regional Broadcasting Agreement, Habana, 1937, which is to come into force in all of the countries concerned on March 29, 1941.

FCC NOTICE TO LICENSEES

The FCC has announced that it will be unnecessary for applicants for standard broadcast facilities to amend such pending applications where the sole purpose of the amendment is to request a different frequency from that specified in the application in order to conform to the shift of frequencies made necessary by the North American Regional Broadcasting Agreement. To eliminate unnecessary paper work, the Commission will accordingly treat all pending applications as requesting the appropriate frequency under that Agreement instead of the frequency specified in the application unless the applicant, by appropriate notice to the Commission, indicates a desire that his application be considered as requesting the particular frequency named therein.

Amendment of applications is necessary, however, where any change of directive antenna design on the new frequency is required.

Ray C. Wakefield of California last Saturday was sworn in as a member of the FCC, thereby completing the complement of that body. The oath was administered by Associate Justice Justin Miller of the United States Court of Appeals for the District of Columbia, a lifelong friend. On March 5 Mr. Wakefield was nominated by the President for a seven-year term, succeeding the late Thad H. Brown. He was confirmed by the Senate on March 17.

Commissioner Wakefield comes to the Federal Communications Commission from the California Railroad Commission, on which he had served since January, 1937, and of which he was president from August, 1938, to January, 1940. During this period he maintained offices in San Francisco and home at Palo Alto. His permanent residence is Fresno.

At the present time Commissioner Wakefield is vice president and chairman of the executive committee of the National Association of Railroad and Utilities Commissioners. In 1937-1938 he sat with the Interstate Commerce Commission in the general freight rate increase case and, more recently, with Federal Communications Commissioner Paul A. Walker in inquiry into the Pacific Telephone and Telegraph Company "interstate Pacific" telephone rates. In his career in the public utility field Commissioner Wakefield has won a reputation for achieving success in

regulation by negotiation rather than by litigation where such results are compatible with the public interest.

Born at Fresno on August 12, 1895, Commissioner Wakefield received his Bachelor of Arts and Doctor of Jurisprudence degrees from Stanford University in 1916 and 1918 respectively. Admitted to the California bar in 1918, he engaged in general practice as a member of the firm of Wakefield & Hansen (1928-1932), and Wakefield & Staniford (1935-1937).

From 1920 to 1923 Commissioner Wakefield served as Deputy District Attorney for Fresno County. He was State inheritance tax appraiser for that county from 1923 to 1937, and also served as president of that State group.

A Republican, Commissioner Wakefield was secretary (1920-1921), then chairman (1922-1923), of the Republican Central Committee of his home county. For a number of years he was a member of the State Republican Central Committee, and was a delegate to the Republican National Convention at Chicago in 1932.

Commissioner Wakefield is a member of the California State Bar Association, the Order of Coif (honorary legal society), Delta Chi, and the Masonic and Kiwanis organizations. He is also a member of the American Society for Public Administration and was recently elected vice-chairman of its San Francisco Bay area chapter.

Commissioner Wakefield has been active in civic affairs and is a member of the Christian Church. He is also a member of the Commonwealth Club of San Francisco.

Commissioner Wakefield is married, and has two children—a son and a daughter.

FCC "PRIMER"

The FCC has issued "A Public Primer" on radio. It is intended to explain to the layman what radio is and how it works.

PROPOSED JACKSONVILLE DECISION

As the result of a hearing and other consideration of two applications for identical radio facilities in Jacksonville, Ill., the FCC proposed grant of a construction permit to one—Stephenson, Edge and Korsmeyer—on the ground that this applicant "will better serve public interest, convenience and necessity in that there will be added to the Jacksonville area a medium for the dissemination of news and information to the public which will be independent of and afford a degree of competition to other such media in that area" (Proposed Findings of Fact and Conclusions, No. B-130).

There is at present no broadcast station in Jacksonville, Ill., and no outside station delivers to that city a satisfactory signal for primary service. The Commission had to choose between two applicants—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, a partnership doing business as Stephenson, Edge and Korsmeyer, or Helen L. Walton and Walter Bellati, another partnership. Both wanted to operate on the 1150 kilocycle frequency, with power of 250 watts, daytime only. Each is legally, technically and financially qualified to operate a station as proposed. However, a grant to one precludes granting the other. Consequently, the two applications were set for hearing, which took place September 4th last.

It is on the basis of this testimony and other considerations that the Commission concludes Stephenson, Edge and Korsmeyer will do a better technical job in serving the Jacksonville area.

PROPOSED WHDH DECISION

The FCC has adopted its Proposed Findings of Fact and Conclusions (B-121), made public December 9, 1940, to grant the

application of Matheson Radio Co., Inc., to increase the power of its station WHDH, at Boston, from 1 to 5 kilowatts, with unlimited time operation on the 830 kilocycle frequency, using directional antenna at night.

Amending the rules to thus permit more efficient use of this frequency, according to the Commission reaffirmation, will be in the public interest, convenience and necessity. The proposed operation of WHDH, further concludes the Commission, "will not cause interference to the primary service of any station, and any interference which such operation may reasonably be expected to cause to Station KOA, Denver, will be limited to interference with intermittent reception upon receivers located in the eastern part of the United States, remote from the station."

Commissioners Case and Craven dissented, with Chairman Fly and Commissioner Wakefield not participating.

APRIL FCC WORK

The FCC has announced that the work, business and functions of the Commission for the month of April have been assigned as follows:

Commissioner Thompson: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Payne: Designated to hear and determine, order, certify, report or otherwise act upon: (2) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearings, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning Monday, March 31. They are subject to change.

Monday, March 31

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., 1410 kc., 1 KW, unlimited, DA night.

Wednesday, April 2

NEW—Symons Broadcasting Co., Ellensburg, Wash.—C. P., 1110 kc., 1 KW, unlimited.

Thursday, April 3

Oral Argument Before the Commission

Report No. B-131:

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts, 100 watts LS, specified hours.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours.

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (hours of WMBQ).

WCNW—Arthur Faske, Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL) (to make changes in transmitting equipment, install automatic frequency control apparatus, vertical antenna, and move transmitter locally).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of C. P., 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Renewal of license, 1500 kc., 100 watts, 250 watts LS, specified hours.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (requests facilities of WCNW).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (requests facilities of WMBQ).

Thursday, April 3

Consolidated Hearing

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—C. P., 1210 kc., 250 watts, unlimited.

NEW—Van Curler Broadcasting Corp., Schenectady, N. Y.—C. P., 1210 kc., 250 watts, unlimited.

May 8

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., 560 kc., 1 KW night, 5 KW day, unlimited, DA night.

FUTURE HEARINGS

During the past week the Commission has announced the following future hearings in broadcast cases. They are subject to change.

April 11

KGNO—The Dodge City Broadcasting Company, Inc., Dodge City, Kans.—Modification of license, 1340 kc., 500 watts night, 1 KW day, unlimited. Present assignment: 1340 kc., 250 watts night, 1 KW day, unlimited.

May 6

NEW—Wayne M. Nelson, Concord, N. C.—C. P., 1380 kc., 1 KW, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted modification of construction permit (B4-MP-1100) to make

changes in directional antenna for night use; station operates on **1050 kc.** (**1070 kc.** under NARBA); 1 KW night, 5 KW day, unlimited time, directional antenna night (B4-MP-1186).

WISE—Radio Station WISE, Inc., Asheville, N. C.—Granted modification of license to change frequency to **1230 kc.** (under NARBA); station now operates on **1370 kc.**, 250 watts, unlimited time (B3-ML-1049).

WHBQ—Broadcasting Station WHBQ, Inc., Memphis, Tenn.—Granted construction permit to install new transmitter and increase day and night power from 100 watts to 250 watts; station operates on **1370 kc.** (**1400 kc.** under NARBA), unlimited time (B3-P-3075).

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Granted construction permit to change frequency from **41100 kc.** to **42100 kc.**, increase power from 500 watts to 1000 watts, and change type of emission from A3 to special emission for frequency modulation with a maximum frequency swing of **75 kc.**, for non-commercial educational station WNYE (B1-PED-18).

EXPERIMENTAL TELEVISION STATIONS GRANTED

Balaban & Katz Corp., Chicago, Ill.—Granted construction permit for new experimental television station to operate on **384000-396000 kc.**, 10 watts night and day, A5 emission, time of operation in accordance with Section 4.4(a) (B4-PVB-79).

Balaban & Katz Corp., Portable-Mobile (area of Chicago, Ill.).—Granted construction permit for new experimental relay television broadcast station to be used for relay purposes in connection with applicant's Television Broadcast Station W9XBK; frequencies, **384000-396000 kc.**, on an experimental basis only, and upon the express condition that this authorization is subject to change or cancellation by the Commission at any time, without advance notice or hearing; power 10 watts, A5 emission only, time of operation in accordance with Section 4.4(a) (B4-PVB-78).

DESIGNATED FOR HEARING

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Application for construction permit to change frequency from **1370 kc.** to **1040 kc.** (**1080 kc.** under NARBA), increase power to 5 KW, move studio to Louisville, Ky., move transmitter from McCullough Pike, near Silver Creek, New Albany, Ind., to 10 miles northwest of Louisville in Floyd County, install directional antenna using different patterns day and night; hearing to be consolidated with hearing on application of Mid-America Broadcasting Corp., Louisville, Ky., for construction permit for new station to operate on **1040 kc.** (**1080 kc.** under NARBA). 1 KW night. 5 KW LS, directional antenna, unlimited time (B4-P-2782).

MISCELLANEOUS

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted authority to install automatic frequency control equipment on **1320 kc.** under NARBA (B1-F-189).

WGL—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted authority to install automatic frequency control equipment on **1460 kc.** under NARBA (B4-F-180).

WALB—Herald Publishing Co., Albany, Ga.—Granted modification of construction permit (B3-P-2774, as modified, which authorized a new broadcast station), for **1590 kc.** under NARBA; 1 KW, unlimited time. No authority to operate hereunder will be granted prior to March 29 (B3-MP-1201).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted modification of construction permit (B4-P-2608, authorizing new transmitter, installation of directional antenna, increase in power to 5 KW, and move of transmitter), for authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 160 days thereafter, **1120 kc.** (B4-MP-1191).

WBIR—J. W. Birdwell, Knoxville, Tenn.—Granted modification of construction permit (B3-P-2840, authorizing new station), for authority to make changes in transmitting equipment and change frequency to **1240 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29 (B3-MP-1185).

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted modification of construction permit (B4-P-2906, authorizing new station), for frequency of **1310 kc.** under NARBA, make changes in DA for night use and extend commencement and completion dates to 60 and 180 days after grant respectively. The permit is granted subject to condition that, should installation of a radio marker be considered necessary at a later date, the applicant will be requested to install same of the approved type if and when the Commission requires it. No authority to operate hereunder will be granted prior to March 29 (B4-MP-1198).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install new auxiliary transmitter for emergency use only, on **1120 kc.** under NARBA. No authority to operate hereunder will be granted prior to March 29 (B2-P-3106).

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted special temporary authority to operate simultaneously with radio station KEVR between 8 p. m. and 11 p. m. PST, on March 21, 1941, in order to broadcast test blackout only.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate frequency modulation station commercially on **43900 kc.**, 1000 watts power, special emission for frequency modulation, using the transmitter of high frequency experimental station W1XER at Summit of Mount Washington, Sargents Purchase, N. H., for a period not to exceed 60 days, pending completion of construction permit B1-PH-13.

W51G—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate frequency modulation station commercially on **45.1 mc.**, with 5000 watts power, special emission for frequency modulation, with transmitter located at 135 S. LaSalle St., Chicago, Ill., for a period not to exceed 60 days, pending completion of construction permit B4-PH-16.

WRCA-WNBI—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate in accordance with modification of licenses (B1-MLIB-44 and B1-MLIB-45) except authority is granted to operate WNBI on **17780 kc.** for period ending not later than April 15, 1941.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate the broadcast of a Stanley Cup Hockey play-off on March 20, 1941, in Boston, to be carried over the wires of American Telephone and Telegraph Company or a subsidiary to Toronto, there to be broadcast by Station CKCL, from 9 p. m., PST, to the conclusion of game.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate the broadcast of a Stanley Cup Hockey play-off scheduled for Saturday, March 22, in Boston, to be carried over the wires of A. T. & T. Co., or a subsidiary, to Toronto, and to be fed to stations of CBC from 9 p. m., EST, to conclusion of game.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted authority to install automatic frequency control equipment on **1520 kc.** under NARBA (B4-F-193).

WMC—Memphis Publishing Co., Inc., Memphis, Tenn.—Granted authority to install automatic frequency control equipment on **790 kc.** under NARBA (B3-F-191).

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted authority to install automatic frequency control equipment on **1400 kc.** under NARBA (B4-F-192).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462, which authorized installation of new transmitter and directional antenna for night use, increase in power, and move of transmitter), for frequency **1330 kc.** under NARBA and extension of commencement and completion dates to 60 and 180 days after grant, respectively. No authority to operate hereunder will be granted prior to March 29 (B4-MP-1193).

KPOW—Albert Joseph Meyer, Powell, Wyo.—Granted modification of construction permit (B5-P-2593, for a new broadcast station) for approval of studio and transmitter site at corner East 7th and Hamilton Sts., Block No. 2, original townsite, Powell, Wyo.; changes in equipment and antenna system; and change frequency to **1250 kc.** under NARBA. Tower to be marked in accordance with Specifications "B". No authority to operate hereunder will be granted prior to March 20 (B5-MP-1162).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted modification of construction permit (B3-P-2901, to install

- new transmitter, directional antenna for night use; increase power to 1 KW, 5 KW LS, hours of operation from daytime to unlimited; and move of transmitter), for 950 kc. under NARBA, changes in directional antenna system, and extension of completion date to 180 days after grant. No authority to operate hereunder will be granted prior to March 29 (B3-MP-1214).
- WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted modification of construction permit (B-P-2385, which authorized installation of a new transmitter and antenna, change frequency, increase power, move of transmitter), for approval of transmitter site at San Juan, Dist. (present licensed site), antenna changes and change in type of transmitter (B-MP-1114).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted license to cover construction permit (B3-P-3000, which authorized change in equipment), 1360 kc., 1 KW, daytime (B3-L-1345).
- W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted special temporary authority to operate frequency modulation station commercially on 47100 kc., with 1000 watts power, special emission for frequency modulation, with transmitter located at 444 Madison Ave., New York City, for a period not to exceed 60 days, pending completion of construction permit B1-PH-46.
- WATN—Watertown Broadcasting Corp., Watertown, N. Y.—Granted license to cover construction permit as modified for new station, for period beginning March 29, 1941; 1240 kc. (NARBA), 250 watts, unlimited (B1-L-1333). Also granted authority to determine operating power by direct measurement of antenna input on 1240 kc. under NARBA (B1-Z-679).
- WNEW—Wodaam Corp., New York, N. Y.—Granted modification of construction permit (B1-P-2687, for installation of directional antenna for day and night use increase in power from 1 KW night, 5 KW LS to 5 KW day and night), for change in frequency to 1280 kc. under NARBA, and changes in directional antenna system and extension of completion date from June 1, 1941, to 180 days after grant; no authority to operate hereunder will be granted prior to March 29, 1941 (B1-MP-1203).
- WHO—Central Broadcasting Co., Des Moines, Iowa—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-676).
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted authority to determine operating power by direct measurement of antenna input on 1230 kc. under NARBA (B3-Z-715).
- KFSG—Echo Park Evangelistic Assn., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input on 1150 kc. under NARBA (B5-Z-717).
- KFH—Radio Station KFH Co., Wichita, Kans.—Granted authority to determine operating power by direct measurement of antenna input on 1330 kc. under NARBA (B4-Z-694).
- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted authority to determine operating power by direct measurement of antenna input on 1410 kc. under NARBA (B5-Z-718).
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input on 930 kc. under NARBA (B3-Z-698).
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Same, for auxiliary transmitter, on 950 kc. under NARBA (B5-Z-710); same for main transmitter, on 950 kc. under NARBA (B5-Z-711).
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Same, for auxiliary transmitter, on 1000 kc. under NARBA (B5-Z-712); same for main transmitter, on 1000 kc. under NARBA (B5-Z-713).
- WCOP—Mass. Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 6:30 to 7 p. m., EST, on March 23, in order to broadcast program commemorating the founding of the Knights of Columbus only (B1-S-861).
- WABC—Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit which authorized installation of new transmitter and new vertical antenna and move of transmitter, for change of frequency from 860 to 880 kc., in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.
- KBIZ—J. D. Falvey, Ottumwa, Iowa.—Granted modification of construction permit which authorized a new standard broadcast station to be operated on 1210 kc., 100 watts power, unlimited time, for change in frequency to 1240 kc. in accordance with NARBA; no authority to operate hereunder will be granted prior to March 29, 1941.
- WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted license to cover construction permit (BZ-P-2559, which authorized increase in power to 5 KW, and installation of directional antenna) for night use; 1240 kc., unlimited time (B2-L-1344). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-705).
- WITH—The Maryland Broadcasting Co., Baltimore, Md.—Granted license to cover construction permit (B1-P-2792, which authorized a new station, change location of studio locally) for period beginning 3 a. m. EST, March 29, 1230 kc. (NARBA), 250 watts, unlimited time (B1-L-1350). Also granted authority to determine operating power by direct measurement of antenna power on 1230 kc. under NARBA (B1-Z-716).
- KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit which authorized construction of new station, for changes in directional antenna, extension of commencement and completion dates from March 7, 1941, and September 7, 1941, to one day after grant and 180 days thereafter respectively, and for change in frequency to 1370 kc. under NARBA; no authority to operate hereunder will be granted prior to March 29, 1941 (B4-MP-1204).
- WCED—The Tri-County Broadcasting Co., Du Boise, Pa.—Granted license to cover construction permit for a new station for period beginning March 29, 1941; 1230 kc., 250 watts, unlimited time (B2-L-1336). Also granted authority to determine operating power by direct measurement of antenna power on 1230 kc. under NARBA (B2-Z-692).
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit B2-P-2997, for authority to use old RCA 1-D transmitter as auxiliary transmitter, for emergency use only (B2-L-1347). Also granted authority to determine operating power by direct measurement of antenna input, for auxiliary transmitter; 610 kc., 1 KW, emergency use only (B2-Z-714).
- W47P—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted modification of construction permit B2-PH-24, which authorized new high frequency broadcast station, for changes in antenna (B2-MPH-11).
- KAQW—Central States Broadcasting Co., area of Omaha, Nebr., Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; 1606 kc., conditionally 2974, 2102, 2758 kc., power 10 watts (B4-LRY-221).
- KAQX—Central States Broadcasting Co., area of Omaha, Nebr., Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; 1606 kc., conditionally 2974, 2102, 2758 kc., power 100 watts (B4-LRY-222).
- W6XHH—Hughes Production Division of Hughes Tool Co., Los Angeles, Cal.—Granted modification of construction permit (B5-PVB-62) for new television broadcast station in part, for extension of commencement date to April 15 and completion date to October 15, 1941 (B5-MPVB-34).
- W6XHT—Hughes Production Division of Hughes Tool Co., San Francisco—Granted modification of construction permit (B5-PVB-63) for new television broadcast station in part, for extension of commencement date to April 15 and completion date to October 15, 1941 (B5-MPVB-35).
- W9XG—Purdue University, W. La Fayette, Ind.—Granted modification of construction permit (B4-PVB-52, which authorized changes in equipment, frequency, power and emission of television station) for extension of completion date to Sept. 24, 1941 (B4-MPVB-36).
- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Oral argument on Report No. B-131, in re WNBQ, WCNW, WWRL and other Brooklyn cases, scheduled for April 3, 1941.
- WNYC—Municipal Broadcasting System of the City of New York, New York City—Petition to intervene in hearing on application of Camden Broadcasting Co. for new station, passed.

APPLICATIONS FILED AT FCC

B Radio, Inc., Tyler, Texas.—Motion for leave to amend application for construction permit to specify frequency **1400 kc.** under NARBA, passed.

Ralph L. Lewis, Greensboro, N. C.—Motion for leave to amend application for construction permit to request frequency **1400 kc.** under NARBA, passed.

KNOE—KNOE, Inc., Monroe, La.—Granted petition to intervene in the hearing on the application of KMLB, Monroe, La., to change frequency, increase power, etc.

KFRO—Voice of Longview, Longview, Tex.—Granted petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license to increase night power on **1340 kc.** to 500 watts.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted motion to continue hearing now scheduled for March 28, for a period of 2 weeks, in re application for modification of license.

Worcester Broadcasting, Inc., Worcester, Mass.—Granted motion to dismiss without prejudice application for construction permit to operate on **1200 kc.**, 250 watts, unlimited time, using two 100-watt amplifier stations.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Adopted order denying petition for rehearing filed by Sanders Brothers Radio Station directed against the action of the Commission on January 7, 1941, granting without hearing the application of Telegraph Herald (KDTH), Dubuque, Iowa, for modification of construction permit for new station (B4-P-960) for approval of transmitter site and directional antenna for night use; **1340 kc.**, 1 KW day and night, using directional antenna at night.

W3XAD—RCA Manufacturing Co., Inc., Portable (area of Camden, N. J.)—Granted renewal of television broadcast station license for the period ending February 1, 1941. (B1-RVB-17)

W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—Granted further extension upon a temporary basis only, of television station license, pending determination upon application for renewal of license, to not longer than May 1, 1941 (B2-SVB-8).

W3XP—Philco Radio & Television Corp., Portable (area of Philadelphia, Pa.)—Granted further extension upon a temporary basis only, of television station license, pending determination upon application for renewal of license, to not longer than May 1, 1941 (B2-SVB-19).

W9XZY—The Pulitzer Publishing Co., St. Louis, Mo.—Granted further extension of facsimile station license, upon a temporary basis only, pending determination upon application for renewal of license, to not longer than May 1, 1941.

W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted extension of high frequency broadcast station, upon a temporary basis only, pending determination upon application for renewal of license to not later than May 1, 1941 (B1-SHB-71).

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted extension of high frequency broadcast station, upon a temporary basis only, pending determination upon application for renewal of license to not later than May 1, 1941 (B3-SHB-21).

WAWT—Birney Imes, Columbus, Miss.—Granted special temporary authority to operate relay station WAWT, licensed to the Voice of Alabama, Inc., on April 5, 1941, in order to conduct tests, and on April 6, 1941, in order to relay broadcast program in connection with second annual pilgrimage to the old antebellum homes and points of historic interest, to radio station WCBI; frequencies **1622, 2058, 2150, 2790 kc.**, 25 watts, A3 emission.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate on frequency **1420 kc.** for the period March 29, 1941, until station WWSR is authorized to conduct program tests but ending not later than April 27, 1941.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent for the period beginning March 21, 1941, and ending not later than April 19, 1941, pending completion of adjustments made necessary by fire.

The Tribune Company, Tampa, Fla.—Granted authority to conduct program tests for a period not exceeding 30 days beyond March 22, but beginning March 29 it shall use frequency **970 kc.** instead of **940 kc.**

560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW day and night. Amended to request 5 KW daytime, 1 KW nighttime.

570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Construction permit to install new transmitter, make changes in directional antenna (use day and night) and increase power from 1 to 5 KW. Amended to make changes in directional antenna.

620 Kilocycles

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-P-2696) for installation of directional antenna and increase in power, requesting extension of completion date.

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Modification of license to increase power from 5 KW daytime, 1 KW nighttime, to 5 KW day and night.

780 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to install automatic frequency control equipment for auxiliary transmitter on **790 kc.** under NARBA.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Authority to determine operating power by direct measurement of antenna power on **870 kc.** under NARBA.

860 Kilocycles

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-P-2855) as modified which authorized move of transmitter, new antenna, new transmitter requesting extension of completion date from 4-25-41 to 10-25-41.

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-MP-1221) which authorized construction of new auxiliary transmitter requesting extension of completion date from 5-27-41 to 10-25-41.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Authority to make changes in automatic frequency control equipment on **880 kc.** under NARBA.

880 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) as modified which authorized installation of new transmitter, directional antenna, change in frequency, increase power, and move of transmitter, requesting changes in directional antenna and **910 kc.** under NARBA.

WRNL—Richmond Radio Corp., Richmond, Va.—License for **910 kc.** under NARBA and changes in directional antenna.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power by direct measurement of antenna on **910 kc.** under NARBA.

890 Kilocycles

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-2192) for changes in directional antenna, increase in power, and move of transmitter, for **920 kc.** under NARBA, changes in directional antenna and installation of new transmitter, and extension of completion date from 6-22-41 to 180 days after grant.

900 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-P-2843) as modified which authorized changes in equipment, increase in power, directional antenna, move transmitter, requesting changes in directional antenna, **930 kc.** under NARBA, and extension of commencement and completion dates.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of construction permit (B2-P-2658) as modified for new transmitter and increase in power, requesting **950 kc.** under NARBA, changes in directional antenna and extension of completion date.

930 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-P-900) as modified which authorized new transmitter, move of transmitter, change in frequency, hours of operation and directional antenna, requesting changes in directional antenna, **960 kc.** under NARBA, and extension of completion date.

940 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) as modified for new transmitter, directional antenna for night use, change in hours of operation, increase in power, move of transmitter, for **970 kc.** under NARBA, and changes in directional antenna.

WCSH—Congress Square Hotel Co., Portland, Maine.—Modification of construction permit (B1-P-2535) as modified for installation of directional antenna and increase in power, requesting changes in directional antenna and **970 kc.** under NARBA.

KOIN—KOIN, Inc., Portland, Ore.—Authority to install automatic frequency control equipment on **970 kc.** under NARBA.

990 Kilocycles

WBZA—Westinghouse Radio Stations, Inc., Springfield, Mass.—Construction permit to change frequency from **990 kc.** to **940 kc.** (**970 kc.** NARBA), increase in power from 1 to 5 KW, hours from unlimited when synchronized with WBZ to unlimited, install new transmitter, directional antenna for day and night use, move transmitter from East Springfield to West Springfield, Mass., and studio from Boston to Springfield, Mass.

1010 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Authority to install automatic frequency control equipment on **1050 kc.** under NARBA.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power on **1050 kc.** under NARBA.

1030 Kilocycles

WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—Modification of license to change hours of operation from unlimited when synchronized with WBZA to unlimited on **990 kc.** (**1030 kc.** under NARBA). Contingent on grant of WBZA application B1-P-3128).

1040 Kilocycles

WTIC—Westinghouse Radio Stations, Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power on **1080 kc.** under NARBA.

1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit (B3-P-2766) as modified which authorized installation of new transmitter, increase in power, directional antenna, requesting changes in directional antenna, **1150 kc.** under NARBA, and extension of completion date.

1140 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit to change frequency from **1140 kc.** to **1070 kc.** (under NARBA), install a new transmitter, increase power from 5 to 50 KW, change hours of operation from simultaneous day, share night KVOO, to unlimited time, install directional antenna for night use, and move transmitter. Amended re directional antenna.

1200 Kilocycles

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Authority to determine operating power by direct method on **1230 kc.** under NARBA.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Authority to determine operating power by direct measurement of antenna power on **1230 kc.** under NARBA.

1210 Kilocycles

KSON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to install new transmitter, move transmitter, increase power from 100 watts to 500 watts night, 1 KW daytime, change frequency from **1210 kc.** to **1440 kc.** Amended to specify transmitter site as near Moss Landing, Calif., install new transmitter, directional antenna for day and night use, increase power to 5 KW day and night, and request **1470 kc.** under NARBA.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Modification of license to change name of corporation to Southeastern Ohio Broadcasters, Inc.

1220 Kilocycles

WDAE—Tampa Times Co., Tampa, Fla.—License for **1250 kc.** under NARBA and changes in directional antenna.

WDAE—Tampa Times Co., Tampa, Fla.—Authority to determine operating power by direct measurement of antenna power on **1250 kc.** under NARBA.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power on **1250 kc.** under NARBA.

1230 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—License for **1260 kc.** under NARBA and changes in directional antenna.

WOL—American Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct measurement of antenna power on **1260 kc.** under NARBA.

NEW—Central New York Broadcasting Corp., Elmira, N. Y.—Construction permit for a new standard broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time; contingent on WENY going to new frequency of **590 kc.**

1250 Kilocycles

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for new broadcast station to be operated on **1250 kc.**, 250 watts, daytime hours of operation. Amended to request **980 kc.** under NARBA, 1 KW power, changes in antenna, type of transmitter, transmitter site as E. site of Ashe St., S. site of Buffalo Creek, S. edge of Greensboro, N. C., and studio site to be determined, Thomasville, N. C.

KIT—Carl E. Haymond, Yakima, Wash.—Authority to install automatic frequency control equipment on **1280 kc.** under NARBA.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Authority to determine operating power by direct measurement of antenna power on **1290 kc.** under NARBA.

1270 Kilocycles

KOL—Seattle Broadcasting Co., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna power on **1300 kc.** under NARBA.

1280 Kilocycles

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Authority to install automatic frequency control equipment on **1310 kc.** under NARBA.

WCAM—City of Camden, Camden, N. J.—Authority to install automatic frequency control equipment on **1310 kc.** under NARBA.

1290 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of construction permit (B3-P-2788) to install directional

antenna for night use and increase power, for change in frequency to **1320 kc.** under NARBA, changes in directional antenna, extension of completion date from 9-14-41 to 180 days after grant.

- WATR—The WATR Co., Inc., Waterbury, Conn.—License for **1320 kc.** under NARBA and changes in directional antenna.
WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct measurement of antenna power on **1320 kc.** under NARBA.

1300 Kilocycles

- KALE—KALE, Inc., Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.
KALE—KALE, Inc., Portland, Ore.—Authority to install automatic frequency control equipment on **1330 kc.** under NARBA.
KALE—KALE, Inc., Portland, Ore.—License to cover construction permit (B5-P-2729) to install directional antenna for night use and increase in power.

1310 Kilocycles

- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Penna.—Construction permit to make changes in equipment, requesting **1340 kc.** under NARBA and increase in power from 100 watts to 250 watts.
WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from **1310 to 1130 kc.**, increase in power from 100 watts to 5 KW, change hours of operation from sharing time with WTEL to unlimited time, and move transmitter.
KGEZ—Donald C. Treloar, Kalispell, Mont.—Modification of construction permit (B3-P-2573) for new transmitter, increase in power and change in frequency, requesting authority to install directional antenna for night use. Amended: To request **1460 kc.** under NARBA, and changes in directional antenna.
WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of construction permit (B3-P-2525) for new transmitter, installation of directional antenna for night use, increase in power, change in frequency, requesting **1390 kc.** under NARBA, changes in directional antenna and extension of completion date from 6-22-41 to 180 days after grant.
WFDF—Flint Broadcasting Co., Flint, Mich.—Modification of construction permit (B2-P-2451) as modified for installation of new transmitter and directional antenna for day and night use, increase in power, change in frequency and move of transmitter, requesting extension of completion date from 4-14-41 to 6-14-41.
KWOC—A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Construction permit to change frequency from **1310 to 1290 kc.** (**1320 kc.** under NARBA), increase power from 250 watts to 1 KW and make changes in equipment and antenna. Facilities of KLCN.

1320 Kilocycles

- WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—License for **1350 kc.** under NARBA and changes in directional antenna.
WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority to determine operating power by direct measurement of antenna power on **1350 kc.** under NARBA.

1330 Kilocycles

- KMO—Carl E. Haymond, Tacoma, Wash.—Authority to install automatic frequency control on **1360 kc.** under NARBA.
KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Modification of construction permit (B4-P-2290) as modified for increase in power and installation of directional antenna for night use requesting changes in directional antenna, **1360 kc.** under NARBA and extension of completion date.

1350 Kilocycles

- KTSM—Tri State Broadcasting Co., Inc., El Paso, Texas.—Modification of license to increase power from 500 watts to 500

watts night, 1 KW daytime. Amended: To request **1380 kc.** under NARBA.

1360 Kilocycles

- WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Authority to determine operating power by direct measurement of antenna power on **1390 kc.** under NARBA.
WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—License for **1390 kc.** under NARBA and change in directional antenna.
WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power on **1390 kc.** under NARBA.

1370 Kilocycles

- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Penna.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1370 to 1260 kc.** under NARBA, increase power from 250 watts to 1 KW night, 5 KW daytime and move transmitter. Amended: To omit request for directional antenna during daytime.
WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Modification of construction permit (B2-P-2685) which authorized changes in antenna system, changes in transmitter, increase in power, and move of transmitter requesting extension of completion date.
NEW—Lexington Broadcasting Co., Lexington, N. Car.—Construction permit for new standard broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time. Class IV.
KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nevada.—Voluntary assignment of license to Nevada Broadcasting Company.
KENO—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nevada.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.
NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new standard broadcast station to be operated on **1370 kc.**, 250 watts, unlimited hours, Class IV station. Amended to specify studio site.
WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Modification of construction permit (B2-P-2967) for a new station, requesting approval of antenna system, approval of studio and transmitter sites, and requesting **1400 kc.** under NARBA.
KYAN—J. Cecil Bott, Matilda Lannen, and Nellie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.
WSVS—Board of Education, City of Buffalo, Buffalo, N. Y.—Authority to install automatic frequency control equipment on **1400 kc.** under NARBA.

1380 Kilocycles

- WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) as modified which authorized new transmitter and increase in daytime power, requesting changes in directional antenna, **1410 kc.** under NARBA, and extension of commencement and completion dates.
WKBH—WKBH, Inc., LaCrosse, Wis.—Authority to determine operating power by direct measurement of antenna power on **1410 kc.** under NARBA.

1390 Kilocycles

- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—License to cover construction permit (B4-P-2625) as modified for new equipment, increase in power and changes in directional antenna.
KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Authority to determine operating power by direct measurement of antenna power.
WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Modification of construction permit (B1-P-1877) as modified which authorized construction of new broadcast station, requesting **1420 kc.** under NARBA and changes in directional antenna system.

1420 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Modification of construction permit (B1-P-2679) for a new broadcast station, requesting changes in synchronous amplifier equipment and antenna and extend commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively. Amended to request **1450 kc.** under NARBA.

1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—License for **1460 kc.** under NARBA and changes in directional antenna.

WHP—WHP, Inc., Harrisburg, Pa.—Authority to determine operating power by direct measurement of antenna power on **1460 kc.** under NARBA.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of construction permit (B3-MP-833) for increase in power, installation of directional antenna for night use, requesting **1470 kc.** under NARBA and changes in directional antenna.

1470 Kilocycles

WLAC—J. T. Ward, trading as WLAC Broadcasting Service, Nashville, Tenn.—Authority to determine operating power by direct measurement of antenna power on **1510 kc.** under NARBA.

1480 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Authority to determine operating power by direct measurement of antenna power on **1520 kc.** under NARBA.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Authority to determine operating power by direct measurement of antenna power on **1530 kc.** under NARBA.

NEW—San Jose Broadcasting Co., San Jose, Calif.—Construction permit for new broadcast station to be operated on **1490 kc.** under NARBA, 250 watts, unlimited time.

1500 Kilocycles

WKRO—Oscar C. Hirsch, Cairo, Ill.—Modification of construction permit (B4-P-3022) which authorized construction of new broadcast station, requesting approval of transmitter and studio sites at On U. S. Highway 51, 1.1 miles north of Cairo, Ill., vertical antenna, and **1490 kc.** under NARBA.

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1500 kc.** to **940 kc.**, increase power from 250 watts to 1 KW night, 5 KW day, move transmitter from Pittsburgh to Stowe Twp., Pa. Amended to request **970 kc.** under NARBA and changes in directional antenna.

KEYS—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—License to cover construction permit (B3-P-2931) as modified for a new standard broadcast station.

KEYS—Earl C. Dunn and Chas. W. Rossi, d/b as Nueces Broadcasting Co., Corpus Christi, Tex.—Authority to determine operating power by direct measurement of antenna power.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Authority to install automatic frequency control equipment on **1490 kc.** under NARBA.

FM APPLICATIONS

NEW—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit for new high frequency broadcast station for **45700 kc.**, population 203,000, coverage 1,037 square miles, transmitter to be located at Fairhaven, Mass. Amended to specify population 350,250, coverage 1,787 square miles, and change type of transmitter.

W47NV—The National Life and Accident Insurance Co., Nashville, Tenn.—License to cover construction permit (B3-PH-44) for a new high frequency broadcast station.

W75P—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Modification of construction permit (B2-PH-66) for a new high frequency broadcast station, requesting approval of transmitter and to state population as 2,940,000.

TELEVISION APPLICATIONS

W6XYZ—Television Productions, Inc., Los Angeles, Calif.—Modification of construction permit (B5-PVB-33, which authorized a new television station) for extension of commencement and completion dates from 10-5-40 and 4-5-41 to 4-15-41 and 10-15-41, respectively.

MISCELLANEOUS APPLICATIONS

W3XPY—Bell Telephone Laboratories, Inc., Whippany, N. J.—Modification of license to change frequencies from **43100, 43700, 44300 to 43500, 49100 kc.**

NEW—The Tribune Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, power 40 watts, emission A3.

NEW—The Tribune Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, power 40 watts, emission A3.

W3XPY—Bell Telephone Laboratories, Inc., Whippany, N. J.—Modification of license to change frequencies from **43100, 43700 and 44300 kc.** to **43500 and 49100 kc.**

WGEO—General Electric Co., Schenectady, New York.—Construction permit to install new transmitter.

WGEO—General Electric Co., Schenectady, New York.—Modification of construction permit (B1-PIB-25) requesting extension of completion date.

WELT—Racine Broadcasting Corp., Racine, Wisconsin.—License to cover construction permit (B4-PRE-355) for new relay broadcast station.

KGEI—General Electric Co., San Francisco, Calif.—Modification of construction permit (B5-PIB-24) requesting extension of completion date from 4-6-41 to 7-1-41.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Control Products Company—An amended complaint has been issued charging Callie E. Morris, trading as Control Products Co., 927 Putnam Ave., Brooklyn, with disseminating false advertisements in violation of the Federal Trade Commission Act in the sale of the "Control Flow and Adjuster," a therapeutic device.

According to the amended complaint, the respondent represents in advertising matter distributed in various States that his device, designed for direct attachment to water faucets, may be safely used in colonic and vaginal irrigations. However, the complaint alleges that such use would be dangerous and further charges the respondent with disseminating false advertisements through failure to reveal therein the consequences which may result from use of the device under conditions prescribed in the advertisements or under customary or usual conditions.

The amended complaint charges the respondent with failure to reveal in such advertisements that use of the device may result in serious and irreparable injury to health because of inability to control the amount of intake of water and by reason of the high pressure produced by using the device directly connected to a water faucet.

The amended complaint further charges the respondent with advertising his device as being capable of removing waste and poisons from the body and blood stream, restoring dormant glands

and weak vitality, and beneficially affecting the blood circulation, and as constituting a cure or remedy for all intestinal and rectal diseases, for constipation, vaginal disorders, enlarged prostate gland, kidney and bladder trouble, cancer, consumption, appendicitis, rheumatism and other diseases.

The amended complaint alleges that use of the respondent's device will not accomplish the results claimed. It further alleges that the product's therapeutic value is limited to the temporary relief of constipation to the extent afforded by an ordinary enema, but that the device would not provide a proper treatment for constipation because, if used as directed by the respondent, it would tend to cause enema habit, and because of the danger in employing water direct from a faucet. (3340)

Meadors Manufacturing Company—A complaint has been issued charging P. D. Meadors and M. M. Meadors, trading as Meadors Manufacturing Co., Greenville, S. C., with the use of lottery methods in the sale of candy and nut products.

The respondents, according to the complaint, sell to dealers assortments of candy and nuts so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when the merchandise is sold to the consuming public.

Charging that the respondents' practices have been contrary to Federal Government public policy and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4473)

STIPULATIONS

Following stipulations have been entered into during the past week by the Commission.

Imperial Furniture Company—In a stipulation entered into, Imperial Furniture Co., Grand Rapids, Mich., agrees to cease using the term "All Mahogany" in advertisements, labels, invoices or other media as descriptive of any furniture product not composed of "All Mahogany." The stipulation provides that if the exterior surfaces of such furniture are composed of "All Mahogany" or mahogany veneer, the words "All Mahogany," if used to describe such exterior surfaces, shall be immediately accompanied by other words in equally conspicuous type so as to indicate clearly that the product is not made wholly of mahogany and that the words "All Mahogany" refer only to its exterior surfaces. (3051)

Nation Wide Optical Company—Trading under the name Nation Wide Optical Co., Hershel H. Shugart, 612 Travis St., Houston, Tex., who conducts a mail order optical business, entered into a stipulation in which he agrees to cease employing in advertising matter the phrase "Distributors for Petersburg Lens Co.," alone or in connection with the name "Petersburg, Va." or other words as descriptive of the nature of his business. According to the stipulation, the respondent is neither associated as a distributor with any Petersburg, Va., firm, nor are the optical goods he sells manufactured there. Petersburg, the stipulation continues, is known as a center for quality optical goods. (3050)

Wembley, Inc., New Orleans, manufacturer of men's neckwear, stipulated that it will cease certain representations in the sale of its products.

The respondent corporation agrees to discontinue using the words "Silk and Bemberg" as descriptive of those of its products which are not composed of silk, and of Bemberg rayon (rayon made by the cuprammonium process). The respondent corporation further agrees to discontinue employing the word "Silk" as descriptive of the fiber content of a product and the word "Bemberg" to designate other fibers of which the product is composed in part, when in fact the fiber contents are not, respectively, made wholly from unweighted silk, and from rayon made by the cuprammonium process.

The stipulation provides that if such a product is composed in substantial part of silk which has been weighted, the word "Silk," if used as descriptive of the weighted silk content, shall be immediately accompanied by the word "weighted" in equally conspicuous type with a clear indication of the maximum percentage of weighting.

If the product also contains rayon, this fact, according to the stipulation, shall be clearly disclosed in the invoices, labeling and all printed matter, such disclosure of the fiber contents to be made by properly naming each constituent in the order of its predominance by weight, beginning with the largest single constituent. (3049)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Drug and Chemical Co., 420 South 6th St., Minneapolis, has been ordered to discontinue disseminating advertisements which misrepresent its medicinal preparations known as "Ardanol," "Chloro-Zol" and "Germ-I-Tabs."

The order directs the respondent to cease and desist from disseminating advertisements which represent that Ardanol is a cure or remedy for sterility in either sex, or will restore or beneficially affect fertility, or possesses any value as a preventive of abortion; that Chloro-Zol and Germ-I-Tabs have any value in connection with feminine hygiene other than as a douche, or that Chloro-Zol is a competent treatment for bromidrosis, tetter, Cuban itch and other skin diseases or conditions. (4200)

Certane Company—Rosemarie Lewis, trading as Certane Co., 1212 West Washington Blvd., Los Angeles, has been ordered to discontinue certain misleading representations in the sale of feminine hygiene preparations consisting of an ointment, a jelly, an antiseptic powder, a douche powder and cones, all sold under the name "Certane," and appliances known as "Douche Shields," "Applicators," "Dia-Caps" and "Dia-Domes."

Commission findings are that the respondent, in newspaper, periodical and circular advertisements distributed in various States, represented that her products, if used as directed, constitute safe and effective preventives against conception and pregnancy, and that they prevent disease and consist in whole or in part of ingredients which are effective in insuring health and youth to wives and mothers.

According to Commission findings, the respondent's products will not accomplish the results claimed and it is possible for serious injury to result from the use under certain conditions of the product known as "Douche Shields."

The Commission order directs the respondent to cease and desist from the representations made.

The Commission ordered the proceeding closed as to Certane Co., Inc., a defunct corporation named in the complaint. (3486)

Chicago Thermo-Magnetic Cushion Co., and A. Mercer Parker, its president, 36 West Randolph St., Chicago, have been ordered to cease and desist from misrepresentations in the sale of "Thermo-Magnetic Cushion," an electric device intended for treatment of disease.

The Commission order directs the respondents to cease representing that use of their device constitutes a cure or remedy for constipation, colds, rheumatism, lumbago, sciatica, menstrual disorders, neurotic conditions and other ailments, or that it has any therapeutic value in treating such conditions in excess of affording temporary relief from menstrual pain or pain associated with rheumatism, lumbago, sciatica and neurotic conditions, when localized in an area affected by heat from such device. The respondents also are ordered to desist from representing that the use of their device will revitalize the human system. (3523)

Julian S. Cohn, 15 West 37th St., New York, handkerchief distributor, has been ordered to cease and desist from representing

that he is the manufacturer of the products sold by him, unless he actually owns and operates a plant wherein he makes such products.

Commission findings are that prior to July 1, 1940, the respondent represented that he manufactured the handkerchiefs he sold, when such was not a fact.

According to findings the respondent, through a contract which became effective July 1, 1940, after the issuance of complaint in the Commission proceeding, exchanged some minority stock which he held in the United Handkerchief Co., Passaic, N. J. for certain handkerchief-making machines operated by that corporation in its factory. Under terms of the contract, the findings continue, the respondent is to pay salaries to a supervisor and to United Handkerchief Co. employees for operating the machines in making handkerchiefs for the respondent, also a rental for space occupied by the machines, and other items. The United Handkerchief Co., according to findings, has continued to control and operate the factory in which the machines are located. (4106)

Crook-Wallace Company—Orders directing the cessation of lottery methods in the sale of merchandise were issued against Harry F. Crook and Gretchen Crook, trading as Crook-Wallace Co., 415 North 2nd St., Vincennes, Ind., and Candymasters, Inc., 3-5 North 15th St., Minneapolis, distributors of candy, and against Louis Greenberg, trading as Reliance Jacket Co., 306 South 7th St., Minneapolis, dealer in sports jackets and other merchandise.

The Commission orders direct the respondents to cease and desist from supplying to others any merchandise, together with punch boards, push or pull cards, or other lottery devices, or from supplying such devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4176, 4243 and 4349)

Diamond Cap Company—Louis Goldenberg, Morris Zipper, and Harry Faerman, trading as Diamond Cap Co., Fourth and Somerset Sts., Philadelphia, have been ordered to cease and desist from misrepresentations in the sale and distribution of caps.

The order directs the respondents to cease representing in any manner that caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the respondents from representing that caps composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the caps then the stamping must appear on the bodies of the caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (3230)

Eucozone Laboratories, Inc., formerly operating in Detroit, and its successor, Universal Eucozone of America, Inc., Detroit, have been ordered to cease and desist from misrepresentations in the sale of "Eucozone," a medicinal preparation sold in the form of a liquid, an ointment and nose drops.

Commission findings are that Eucozone Laboratories, Inc., in newspaper and periodical advertisements published throughout the country, made various misleading representations concerning its preparation prior to discontinuing business. Following its subsequent dissolution the successor company offered to be bound by the Commission proceedings and by any order the Commission might enter.

The Commission order directs the respondents to cease representing that their preparation is a germicide or has any therapeutic properties in excess of those of a mild antiseptic and counter-irritant; that it is an internal antiseptic or will supply oxygen to the bloodstream, and that it has therapeutic value in treating colds, catarrh, sinus infection, rose fever, hay fever, or in treating localized congestion or discomforts associated with such conditions in excess of that afforded by a mild antiseptic and counter-irritant.

The respondents are also directed to cease representing that their preparation is a cure or remedy for athlete's foot or has therapeutic

value in treating such condition in excess of that afforded by a mild antiseptic; that the preparation has therapeutic value in treating itch, carbuncles, skin irritations or piles, and that the product is non-poisonous, non-toxic or non-irritating, or that it is suitable or safe for internal use.

The Commission order also prohibits the respondents from representing that Eucozone is an ozonide of eucalyptol or is capable of releasing active or nascent oxygen in the presence of moisture or under any other conditions, or that it possesses any therapeutic properties or elements other than possessed by ordinary oil of eucalyptus or eucalyptol. (3478)

S. Friedman & Sons—Abraham Friedman and Samuel Friedman, trading as S. Friedman & Sons and as Sunray Yarn House, 349 Grand St., New York, has been ordered to cease and desist from misrepresentations in the sale and distribution of knitting yarns.

Commission findings are that the respondents, in employing the legends "Sunray Cashmere Sport Yarn," "Sunray Cashmere Sport," and "Sunray Cashmere DeLaine" in advertising matter and on labels, represented that certain of their yarns were made entirely from fiber produced from the hair of the cashmere goat when in fact the advertised sport yarns were made entirely of other wool and contained no cashmere fiber and the Sunray Cashmere DeLaine was a blend of cashmere and Australian wools.

The order directs the respondents to cease using the word "Cashmere" to refer to any product not composed entirely of fiber derived from the hair of the cashmere goat: provided, however, that such word may be used as descriptive of the cashmere fiber content of products composed in part of the cashmere fiber and in part of other fibers if there are used in immediate connection with such word in letters of equal conspicuousness, words truthfully designating each constituent fiber or material of such products.

The order further directs that none of its provisions shall be construed as authorizing the labeling of any wool product in any manner other than provided by the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (4274)

Marlborough Sales Co., Inc., Madison Sales Corporation, and Windsor Manufacturing Co., Inc., all of 29 West 15th St., New York, and William Zeffert, directing manager of the corporations, have been ordered to cease and desist from making misleading representations in the sale of cosmetics and toilet articles.

Commission findings are that the respondents marketed their "Palm and Olive Shaving Cream" in containers and packages simulating in color and appearance the container and package of the competitive product "Palmolive Shave Cream;" that they engaged in "slack filling" of large cartons with ordinary-sized tubes of shaving creams and tooth pastes so that such ordinary-sized units appeared to be "giant size;" that they represented as the regular retail prices of certain shaving creams, fictitious prices which were in excess of the regular prices, and that they used the words "Doctors, Dentists, Surgeons" and the letters "D.D.S." in describing dentifrices which had not been made under the direction or formulas of dentists or medical doctors.

The Commission order directs the respondents to cease and desist from these practices.

According to Commission findings, the three respondent corporations, while still in existence as corporations, have not engaged actively in business since late in 1938. In that year, the findings continue, Marlborough Sales Co., Inc., was succeeded by Madison Sales Corporation, and subsequently the assets of the Madison corporation were sold to the National Gibson Co.

The complaint in this proceeding was dismissed as to Marlborough Laboratories, Inc.; as to Atlantic Manufacturing Co., Newark, N. J., and Henry Braun, Charles Kleinbeck and Caesar Muzzi, its officers, and as to Harry Silverstein, David Kameran and Frances Chorba, former officers of certain of the corporations. Commission findings are that the evidence showed no such corporation as Marlborough Laboratories, Inc. existed or had any connection with the proceeding, and that the allegations against the Atlantic Manufacturing Co. and the six individuals had not been sustained. (3732)

Schrade Cutlery Co., Walden, N. Y., has been ordered to cease and desist from using the words "Super Scout" or "Scout" or

similar words to designate certain knives which it sells, or from otherwise representing that such articles are endorsed by The Boy Scouts of America. The order further directs the respondent to discontinue representing that such knives are a part of the equipment of that organization's members. (4118)

FTC CASES DISMISSED

The Federal Trade Commission closed its case against Casenburg Crowe, who was alleged to have been in business under the names Southern Manufacturing Co. and Factory-To-You Co., at 1806 Broad St., Rome, Ga. The Commission closed its case without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of men's wearing apparel. According to information received by the Commission,

Casenburg Crowe was not an independent operator, but was an employee of Harper Manufacturing Co. and Rome Manufacturing Co., who are not correspondents in the Commission proceeding.

The Commission has also closed its case against Movie Cosmetics Corporation and W. K. Max Hassenstein, its president, of Hollywood, Calif., who had been charged in a Commission complaint with violation of the Federal Trade Commission Act in the sale and distribution of hair waving preparations and devices. The case was closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

Also the Commission has dismissed a complaint charging Hershel California Fruit Products Company, Inc., San Jose, Calif., with violation of the Federal Trade Commission Act in the sale of a tomato paste. Dismissal was ordered without prejudice to the Commission's right to reopen the proceeding in accordance with its regular procedure.