

NBC PROPOSES SOLUTION OF ASCAP MUSIC PROBLEM

Niles Trammell, President of NBC, announced that he had submitted a proposal to ASCAP for the use of ASCAP music on NBC networks and managed and operated stations. (For CBS proposal, see NAB REPORTS, p. 564.)

"Our proposal," Trammell said, "represents our best efforts to solve the music problem which has existed since January 1, 1941, when former licenses from ASCAP expired. I have sent our proposal to all of the independent stations affiliated with the NBC for their study and consideration."

The essential points of the new agreement between ASCAP and NBC as outlined by Trammell are:

1. NBC agrees to pay 2½% on network commercial business while it proposes that the individual stations pay 2% on local and national spot commercial business.
2. NBC will clear and pay for the use of ASCAP music on all network sustaining and public service programs.
3. NBC proposes that ASCAP offer to the independent network stations four alternative methods for the use of ASCAP music locally.
4. NBC proposes that the new services of Television, Frequency Modulation, Shortwave, Etc., pay for the ASCAP music on the same basis when commercial revenue for such services is received.

The proposal was tendered subject to the acceptance by NBC affiliates of their portion of the network commercial license fee which the NBC, under the terms of the ASCAP consent decree, must pay for clearing all network music at the source. The proposal is being sent to the independent stations affiliated with the NBC networks, with the endorsement of the Chairman and Vice Chairman of the Independent Radio Network Affiliates, Samuel Rosenbaum of WFIL, Philadelphia, and Paul Morency of WTIC, Hartford, Conn., respectively, as well as Harold Hough of WBAP and KGKO, Fort Worth, Texas.

"I am hopeful that this proposal will be accepted by all the parties," Trammell said. "Under its terms, the National Broadcasting Company will pay ASCAP somewhat more than it has previously. We are offering to assume the obligation of clearing and paying for all network sustaining and public service programs in order to expedite a final solution. Our offer of a higher payment for a network license, and our proposal that a lower rate be paid by the local stations for local and national spot commercial business, represents a sincere effort on our part to return the ASCAP music to the air on a basis equitable to all.

"The independent stations on the NBC networks remain free to negotiate local licenses with ASCAP if they so desire, and we have suggested four alternative methods for the consideration of the stations and ASCAP. The alternatives suggested permit of great flexibility in negotiating agreements for the use locally of ASCAP music. At the same time they provide for a fair payment to ASCAP for the use of its music.

"The success achieved by Broadcast Music, Inc., has been a source of gratification to all broadcasters. The use of BMI music will continue and with the completion of negotiations with ASCAP a competitive market for music will have been established. That was the real purpose behind the formation of BMI, and I am sure that if our proposal to ASCAP is accepted, the composers, lyricists,

arrangers and publishers throughout the country will find an ever-widening use for their music, and receive fair and equitable compensation for it."

NATIONAL BROADCASTING COMPANY'S PROPOSAL TO ASCAP

Proposal

This proposal covers the Red and Blue Networks and the Managed and Operated Stations of the NBC. It contemplates the execution of separate network licenses for each NBC network, and individual local station agreements for each of the 9 NBC M & O Stations.

As used herein, the term "net receipts from sale of time" shall be deemed to mean the actual amounts received by NBC from the sale of time after deducting (1) discounts, (2) rebates, (3) advertising agency commissions actually allowed.

We propose that separate licenses be executed on each of the following bases:

Blanket Network Commercial License

NBC would execute separate network commercial contracts with ASCAP under which NBC would pay ASCAP as a commercial license fee, covering all NBC network commercial programs, 2½% of its net receipts from sale of time for network broadcasting over each of its networks, after deducting a sales commission equal to 15% of NBC's net receipts from the sale of time for network broadcasting and the actual cost to NBC of the wire lines, or other means of connections, between the member stations of the networks.

Blanket Network Sustaining License

NBC would execute separate network sustaining contracts with ASCAP under which NBC would pay ASCAP, as a sustaining license fee covering all NBC network sustaining programs, \$200 per year, in advance, for each contract year, for each station managed and operated by it or regularly affiliated with it during such year. In the event a station is managed and operated or regularly affiliated with NBC during a part of any contract year, the network sustaining fee will be pro-rated. A station shall not be deemed to be regularly affiliated with NBC where the networks only feed to it occasional sustaining programs in the public interest, and in such cases no network sustaining fees will be paid.

Local Station Blanket Commercial License

Each NBC M & O station would execute a separate local station blanket commercial license agreement under which it would be obligated to pay ASCAP 2% of its net receipts from the sale of time for local and national spot broadcasting after deducting a sales commission equal to 15% of its net receipts from the sale of such time.

Local Station Blanket Sustaining License

Each NBC M & O station would execute a separate local blanket sustaining license agreement under which the station would pay an annual sustaining fee of

- (a) 12 times the highest ½ hour card rate of the station if it has net receipts from the sale of local and national spot business in excess of \$150,000 per year, or,

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

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

NATIONAL BROADCASTING COMPANY'S PROPOSAL TO ASCAP

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- (b) 12 times the highest $\frac{1}{4}$ hour card rate of the station if it has such net receipts between \$50,000 and \$150,000 per year, or,
- (c) \$12.00 for any station which has such net receipts of less than \$50,000 per year.

While NBC, for its networks and M & O stations, is willing to contract with ASCAP on the above blanket basis, many of our affiliates desire a per use basis. We, therefore, suggest a per program plan which we would be willing to recommend for consideration by those of our affiliates desiring this type of license:

Local Station Per Program Commercial License

ASCAP would offer each such station a contract under which the station would agree to pay to ASCAP

- (a) 8% of its net receipts from the sale of time for local and national spot broadcasting, after deducting a sales commission equal to 15% of such net receipts, on programs which use ASCAP music except those programs making only incidental use of ASCAP music as provided in (b).
- (b) 2% of its net receipts from the sale of time for local and national spot broadcasting, after deducting a sales commission equal to 15% of such net receipts, on all local and national spot commercial programs which use no music licensed by ASCAP other than bridge or background music, themes or signatures, ASCAP arrangements of public domain works, or such music as is incidental to the broadcast of a public or sports event.

Local Station Per Program Sustaining License

ASCAP would offer a local sustaining per program agreement under which the station would agree to pay, on all its local sustaining programs, using ASCAP music, 1% of the card rate of the station which would be applicable to the time, if sold. From the card rate however there shall be deducted amounts equivalent to the discounts and agency commissions which normally would apply and a sales commission of 15%. In no event shall the sustaining fee of any station exceed the sustaining fee which the station would have paid had it executed the local blanket sustaining license agreement mentioned above.

We recommend that ASCAP offer to all NBC affiliates the opportunity of contracting on any one or on any combination of the foregoing local station license plans.

In the case of all local station licenses, no fees shall be payable to ASCAP on any program whether live talent or recorded, network or local, sustaining or commercial, where the performing rights have been cleared at the source.

ASCAP shall not restrict any composition in order to obtain additional consideration for the performance thereof, or for the purpose of fixing or regulating fees for the recording or transcribing of any composition.

Since NBC now proposes to clear at the source on network programs and cannot bear the entire expense of network commercial

licenses itself, it must arrange with its affiliated stations to reimburse it for part of the network commercial license fees which it proposes to pay ASCAP. Therefore, the proposed blanket network commercial and sustaining license agreements shall be conditioned upon substantially all NBC affiliated stations agreeing to reimburse NBC to the extent of 2½% of the compensation paid the station for broadcasting network commercial programs.

Among Other Detailed Conditions to Be Negotiated the Proposed Contracts Between ASCAP and NBC Shall Contain Provisions to the Following Effect:

- (1) All contracts shall terminate on December 31, 1949.
- (2) All claims, causes of actions and pending actions as of the date of closing against NBC or against the affiliates of NBC by ASCAP or any of its members shall be dropped and dismissed forthwith, and full releases will be delivered by ASCAP and its members.
- (3) All network licenses shall permit all NBC affiliates and M & O stations to broadcast ASCAP music on NBC network programs but no license fees shall be payable with reference to the broadcasting of any network program over stations located in states which have statutes prohibiting ASCAP from operating in such states as herein contemplated or which prevent NBC from obtaining reimbursement from its affiliated stations in such states.
- Likewise no license fees shall be paid by NBC with respect to broadcasts or net receipts from the sale of time on stations located outside the United States of America.
- (4) It is proposed that ASCAP grant blanket licenses for nominal fees covering FM, Shortwave, Television, and experimental stations, operated by any ASCAP licensee, and at such time as the stations have commercial income, the fees specified in the contracts covering local standard band broadcasting shall apply thereto.
- (5) All contracts will be reduced to writing and will not become binding until signed by both parties.
- (6) ASCAP must warrant that both its foreign and domestic catalogues will not be substantially reduced during the term of the agreement.
- (7) The agreements must cover all compositions written, composed or copyrighted by ASCAP members or in which they have an interest, whether or not such compositions are published or unpublished, copyrighted or uncopyrighted.
- (8) The agreements must make clear that major non-dramatic works are within the terms of the ASCAP licenses.
- (9) ASCAP'S indemnification must cover all compositions the performing rights in which are allegedly controlled either by an ASCAP member or a member of one of its affiliates.
- (10) Provision must be made for right of NBC and its affiliates to record NBC programs for reference, file, audition and delayed broadcasting purposes, and for the performance of ASCAP compositions by NBC affiliates and M & O stations on delayed and repeat broadcasts of network shows.
- (11) ASCAP must specifically give us the right to make and use arrangements and transpositions.
- (12) The ASCAP restricted list has been abused in the past and a specific clause must be drafted which will give reasonable protection both to ASCAP and the licensee.
- (13) The license to broadcast must include without additional fee the right to perform before an audience in a theatre or studio incidental to the broadcast.
- (14) NBC must have the right to terminate if network broadcasting as now constituted is substantially changed.
- (15) The licensees may at the end of any contract year by notice to ASCAP shift from a blanket to a per program basis of licensing or visa versa on the most favorable terms ASCAP has at the time in effect with any other broadcaster similarly situated.
- (16) If ASCAP obtains from its members the right to contract for a period beyond December 31, 1949, NBC shall have the right to extend its license agreements for a similar period subject to all the terms and conditions therein contained except as to the fees to be paid which shall be determined by mutual agreement failing which they will be set by arbitration.

While this proposal contains the more important terms which NBC considers must be contained in any contract between it and ASCAP, the details and other provisions of the agreements must be worked out in mutually satisfactory language.

BMI

ASCAP Writers License New Compositions for Broadcasting

Andy Razaf, composer of *Honeysuckle Rose*, and J. Russell Robinson, composer of *Margie*, have granted broadcasters a non-exclusive license, to continue until December 31, 1950, to perform, broadcast and televise new compositions written by them which will be published by BMI. The compositions are, *I'll Be A Good Soldier*, *Too* by Andy Razaf and J. Russell Robinson and *We'd Rather Die Upon Our Feet (Than Live Upon Our Knees)* by J. Russell Robinson, Henry A. Murphy and Lewis Fuchs (the last two are not members of ASCAP). The authority is granted in accordance with the Consent Decree executed by ASCAP. BMI, as publisher, joins in the grant to its licensees.

Andy Razaf (Andrea Razafkeriefio), one of two colored composers who have succeeded in making a living by writing songs, is a nephew of the late Queen of Madagascar, Ranaivalona, III. He is the only living negro with a rightful claim to a throne. His grandfather, John L. Waller, was United States Consul to Madagascar under President Harrison. His mother married the brother of the Queen. When the French overran the Island, his father died at the head of a Madagascar regiment. His mother and grandfather were subjected to many abuses and were robbed of their property. In fear of their lives, they fled to America, and Andy was born in Washington, D. C. Andy believes that the radio is the surest medium for popularizing a song. He is considered by many the most prolific and outstanding songwriter of his race and has written more than a thousand songs. With the possible exception of Irving Berlin, Razaf's name appears on more popular songs than that of any other writer. In addition to *Honeysuckle Rose*, some of Razaf's outstanding hits are: *Ain't Misbehavin'*, *Sposin'*, *Make Believe Bal'room*, *Memories of You*, *Keepin' Out of Mischief*, *If It Ain't Love*, *Patty Cake*, *In the Mood*, *Peach Tree Street*, *Stompin' At the Savoy* and *Black and Blue*.

In addition to *Margie*, J. Russell Robinson has written *Mary Lou*, *Aggravatin' Papa*, *What Are Little Girls Made Of*, *Just Because You're You*, *Stop the Sun*, *Stop the Moon*, (*My Man's Gone*), and many of the most popular tunes played by Cab Calloway, such as *Ain't Got A Gal In Town*, *Reefer Man*, *Yeah Man* and hundreds of others. He is a professional musician and was the pianist of the original Dixie Land Band, the first jazz band to appear in London. He wrote the first song to be sung as a solo by Beatrice Lillie; he has served as accompanist for Singin' Sam, Marion Harris, Aileen Stanley and many other singers.

In regard to the melody of *We'd Rather Die Upon Our Feet*, he tells that it was written while seated in a cafe while entertainers were singing and playing. His ability to compose under the most confusing and uncomfortable conditions he ascribes to the twelve years he spent in motion picture theatres playing music suitable to the action of the picture, "extemporizing nine hours a day, seven days a week, which developed within me the ability to compose at will, regardless of where I might be."

Kornheiser Joins BMI

Phil Kornheiser, General Manager of Leo Feist for more than twenty years, has become associated with Broadcast Music, Inc., and will serve as a consultant to Merritt E. Tompkins, BMI's Vice President and General Manager. Mr. Kornheiser's entire experience has been in the field of popular music and he has developed a reputation of knowing what to do with a song to turn it into a hit.

A Publisher Comments

New Era Music Corporation has released the following statement through its General Manager, Harold Oxley:

"Late in 1940 when New Era Music signed with BMI, we said, 'The BMI way of dealing with writers is the best thing that has ever happened to American music. New Era music is going to BMI because BMI gives the fairest deal.'

"I can say that we still feel the same way. The check we received for performance royalties for the first quarter of 1941 under the BMI system represents the most equitable method of payment in the music business."

New Era Music Corporation, owned by Jimmie Lunceford, prominent orchestra leader, signed a contract with BMI in December, 1940. The catalogue contains many well known rhythm novelties and instrumentals, among them *What'cha Know Joe?*

BMI FEATURE TUNES

July 7 - July 14

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. WISE OLD OWL
6. WALKIN' BY THE RIVER
7. BECAUSE OF YOU
8. G'BYE NOW
9. WITH A TWIST OF THE WRIST
10. THERELUCTANT DRAGON

Hit Writers and Hobby Writers

There are many songwriters in all parts of the country who have profited from the opportunity BMI affords. There is Jack Owens who wanted to be a singing evangelist and composed *The Hut Sut Song*. There is Helen Bliss, who formerly worked in Macy's and is now a dentist's assistant. Helen wrote *The Moon Won't Talk* and the new BMI hit, *I Went Out of My Way*: George Fragos, twenty-two year old Greek boy, who wrote the music for *I Hear A Rhapsody* when he was fifteen; Bernie Wayne and Ben Raleigh, writers of *You Walk By* and a new one called *Wasn't It You*. Bernie and Ben owe their success to a breath-taking blonde who swept by them at the corner of 57th Street and Fifth Avenue. She inspired the words, "You walk by and children pause at play. You walk by, December seems like May." The boys were thinking of advertising in the Lost and Found columns but they decided that it was pretty easy to be fooled and so their unknown inspiration has never received her share of the boodle, which in the case of *You Walk By* has run into quite some bood'e.

Una Mae Carlisle, a young colored girl from Zanesville, Ohio, is cashing in with *Walkin' by the River*. Joe Ricardel, twenty-two year old orchestra leader, has tapped the till with *The Wise Old Owl*. An earlier success, the first BMI hit, *Practice Makes Perfect*, gave Ernest Gold, Robert Sour and Don McCray no cause for regret. *The Same Old Story* was a new story for Newt Oliphant and Michael Field, who, though they had written popular tunes prior to the formation of BMI, had never watched their notes turn into cash.

In addition to the substantial sums earned by BMI hit tunes, many songs which are not well known are returning sizable amounts to their creators. These unknown numbers have been transcribed even though their popularity has not justified recording for retail sales. As a result of these transcriptions, the tunes have been played steadily by many stations in various parts of the country and each playing registered a little more cash for the writers. Some of these songs are a far cry from popular tunes. Examples of this sort are, *The Shining Hour* and *Peter Piper, Jr.*, by Ernest Gold, which, although they never appeared on the Hit Parade or, in fact, got anywhere near it, brought their writer checks for \$169.28 and \$152.00 respectively for performances in the first quarter of 1941.

The song, *I'll Spend the Rest of My Life* by Franklin D. Roosevelt, Jr., and Kendrick Sparrow, while it failed to fascinate any band leader, earned \$81.84 for each of its writers in the first three months. *Phantom In the Dark*, a tune without words by a fifteen-year-old Brooklyn schoolgirl, Laurette Carroll, brought home close to \$200 on performances, and yet it is safe to say that most of us never heard of it. *The Plains of Old Wyoming* by Gomer Cool of Los Angeles, though rarely heard on the networks, returned Cool \$159.36, while a highly sophisticated song, *The Morning After*, by Lee Wainer and Bob Sour brought each of its writers \$166.88.

This sort of compensation is most unusual for songwriters. Most music publishers accept only those songs which they can exploit to the fullest extent and the result is that songwriters are either "in the money" or living on "cakes and coffee."

Tunes appealing to a wide variety of tastes, brought home the BMI bacon. Johnny Messner's *Clarinet In a Haunted House* rang up \$264.00 while *An Old Easy Chair By the Fireplace* by Curt Poulton of Tuscola, Illinois sent \$141.92 into Tuscola. Dabney Carr of Houston, Texas, now in the Army Air Force, and his partner, Richard Shannon, each collected \$125 for *Walkin' On Air*. *Night Game In Brooklyn* was heard enough to return Charles Boutelle of Bayside, Long Island, \$121.28. And so it goes. More than 1000 writers in all parts of the country made money as a result of the existence of BMI.

Belgians and French to Hear BMI Tunes

Starting July 7th, Belgians and the French, or those of the populations of the two countries who own short-wave radio sets, are to hear BMI songs with French lyrics sung over NBC short-wave by Enny de Vries, who enjoyed widespread popularity in Brussels before the Nazis overran Belgium. Miss de Vries will also be heard in French Canada and French possessions. Married to an American, Miss de Vries has spent six weeks out of every year in the United States and has introduced many of our best known popular songs to the Belgian and French public. She composes as well as sings, and some of her songs have been published for sale in French Canada.

Sales

Networks Recognize Cash Discount

Because it was being rumored that the networks were about to allow a "2% cash discount," the NAB Sales Managers Division has conferred with NBC and CBS network officials who have been engaged in cash discount negotiations with advertisers and agencies. This report is a resume of what has happened, so that all NAB members may be fully informed to date.

Since radio is the one major advertising medium that has not generally allowed a cash discount, it is important that the details of the present negotiations be known so that station managers will not be unnecessarily alarmed, but rather that everyone keep an even balance through an understanding of the facts.

Advertising agencies unquestionably have a continuous and serious credit problem. It is well known that some agencies have media billings of such magnitude that even with their sizable cash reserves they could carry these huge billings for less than a month unless they receive prompt payment from their clients. Practically all media except radio have made it a practice to allow cash discounts, and thus it has almost become a habit for advertisers to pay their agency accounts promptly. However, recent action by the Curtis Publishing Company, in withdrawing the cash discount, was of serious concern to agencies because of the fear that this might be the signal for a general withdrawal by other publishers and other media. If this happened, it was possible that the ever-present credit problem might become so acute as to threaten the present agency structure.

For several years, and more notably in the past several months,

the American Association of Advertising Agencies has been trying to persuade the networks to accept the "principle" of the cash discount. Because of recent developments, many of the nation's leading advertisers finally joined forces actively with the agencies in order to safeguard present agency structure, and added the weight of their appeal to the negotiations. The Association of National Advertisers, representing a great number of the country's most substantial advertisers, joined in the effort.

An authorized committee of leading agency executives finally approached CBS and NBC with a request that the cash discount principle be recognized, on the assurance that the method, to be later worked out, would not decrease the net billings; in other words, that the networks or anyone else who would accept the proposal could not possibly lose one dollar of net revenue.

After considerable negotiation and a thorough analysis of the problem from all angles, CBS and NBC could find no valid reason for not agreeing to this proposal, but added two other conditions: that any cash discount would not require an increase in rates, and that the method finally to be adopted would have to be approved by the advertisers, with this approval to be secured by the agencies rather than by the medium.

NBC is understood to have modified the rate condition, whereby a slight change in rates might have to be made for this reason: If a cash discount is provided through the technique of reducing the present volume discounts by a comparable amount (for example, 2% in each case), there will be a slight mathematical difference because volume discounts are taken off the gross, and the cash discount would be taken off the net. The objective is to keep net billings the same, and to achieve this NBC points out that, depending upon the final method adopted, some minute rate change may be necessary.

The conditions therefore are:

1. Any cash discount to be allowed cannot reduce revenue.
2. It is not to take the form of a rate increase (except as modified above).
3. The idea and method must be "sold" to the advertisers by the agencies.

Only on these three conditions will the principle of a cash discount be recognized, and there will be no deviation from these conditions, it was definitely stated.

What the final method of figuring the discount will be was not definitely decided as this was written, but two general proposals are being considered:

1. That a cash discount be provided, by reducing the present volume discounts (weekly and annual) by an equivalent amount, so that the net payment by due-date would be at least equal to what it is now. In this event, instead of reducing radio revenue, the result would be to increase it by the amount of the cash discount in the event of non-payment of bills on time.

2. That a "surcharge" be added to present net billings if not paid by due-date. Under this plan, present discounts would remain the same, with the surcharge added for failure to pay when due. This also would result in a net increase of radio revenue if due-dates were not met. It is understood that CBS favors this method of meeting the problem and has so advised the agencies.

MBS is also understood to be considering the problem, and since the initiative in each case comes from the agencies and the advertisers, it is believed that Mutual has received similar proposals.

In effect, therefore, although recognizing the principle of the cash discount as a service to advertising agencies and as a means of assisting them to operate on a sound basis, adoption of either of these proposals would in reality constitute not an additional discount, but rather an additional charge for non-payment of bills when due.

Any plan adopted by any or all of the networks would have no direct effect upon stations, either network-owned, network-affiliated, or independent. Each station, of course, is perfectly free to do what it wishes in the matter: to maintain its present practice or to change its policy in any way it wishes.

It is the desire of the Sales Managers Division of the NAB that no one misconstrue these moves by believing that a new, additional discount is to be allowed, or that present rate structures will be

materially changed. When everyone concerned is fully informed of the facts as given above, it is believed that the problem confronting the agencies will be appreciated, the reasonableness of their request will be admitted, and the action of the networks will be understood. Thus no one will become unnecessarily upset one way or the other, and stations will not be led into precipitate action either way. In fact, it seems to the NAB that at this moment no action by individual stations is indicated at all.

Mail Clause in Contracts

With further reference to the problem of handling a client's mail containing money, previously discussed here, we are advised by station WCAU, Philadelphia, that it now incorporates *in its contracts* this clause:

"It is understood that if, under the terms of this Contract, any offer is to be made in connection with any programs to be broadcast hereunder, or if station shall in the future agree to broadcast any offer during said programs, all mail addressed to the station in response to said offer shall be handled by this station at the advertiser's sole risk, and station in no wise shall be responsible for any losses, no matter how they should occur."

National Defense

Fourth of July

Radio is to play a prominent part in this year's Fourth of July celebration. Hundreds of independent stations and stations affiliated with networks are to carry the 4:00 p.m., Presidential address. Up to press time (Wednesday, July 2) a number of stations had completed arrangements for piping the address to large crowds at sporting events and to theatres, hotels and clubs.

John Shepard, III, president of the Yankee Network, arranged for the ceremony to be broadcast, not only at the ball park, but at the Suffolk Downs race track, near Boston.

Frank P. Schreiber, WGN, has arranged for an impressive ceremony at the Cubs' Park, Chicago.

Bernard Gimbel, Jr., WIP, is to handle the affair at the baseball game in Philadelphia.

Robert DeHaven, Production manager, WTCN, wrote that his station would feed the President's address to the Lexington Baseball Park in St. Paul. The ball club will hold up the start of the game so the crowd can hear the talk and recite the pledge of allegiance in unison.

WTMV, East St. Louis, Ill., is to broadcast the Fourth of July celebration, according to William H. West, president. The station will be fed by CBS.

In Washington, NBC is to feed the program to MUSAK, Loew's and other theatres.

It is anticipated that scores of other mass radio Fourth of July celebrations will be reported as soon as they are completed but after this edition of NAB REPORTS has gone to press.

Radio to Conserve Power

In a letter to utilities in seven southeastern states NAB this week suggested the use of radio to stimulate the conservation of power for national defense.

This is in line with the findings of several government departments that a definite shortage exists in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; and that the domestic load must be curtailed if the defense industries are to have sufficient power.

According to Broadcasting, Georgia Power Company, which serves approximately 75% of the State of Georgia, has already begun such a campaign over eighteen Georgia stations.

Another letter went to all stations in the seven states urging them to contact these utilities. Names of officials to whom letters were sent were included in the mailing.

Radio Locates Manpower

How efficiently radio continues, month after month to secure skilled workers for national defense is indicated in the June "Bulletin" of the United States Civil Service Commission. Under the caption of "Radio Flashes Recruiting Needs to the Nation" the article reads:

"By the space-devouring medium of radio, thousands of persons have heard of the civilian recruiting work of the U. S. Civil Service Commission under the national defense program who might otherwise never have had it brought to their attention.

"The radio is one of the outstanding recruiting aids contributing to the speed with which the Commission has been able to locate and examine, and furnish to War and Navy Department appointing officers since June 1, 1940, more than 400,000 qualified workers of skilled trades and technical fields.

"Through the cooperation of the National Association of Broadcasters, the Commission has been enabled to have civil-service recruiting messages broadcast frequently over more than 800 different radio stations in all parts of the nation. About 50 million radios are on the receiving end to hear these messages.

"The wording of each "MANPOWER ANNOUNCEMENT," as the message is called, is based on the *actual needs* for personnel as reported to the Civil Service Commission each week by War and Navy Department appointing officers in military and naval construction and industrial establishments throughout America."

Richard E. Scneider, United States Civil Service Commission, said that this bulletin was mailed to 12,000 Legion Posts and an equal number of Ladies Auxiliary Secretaries.

Radio Men in Service

Philip Bernheim, operator-announcer, KVOS, Bellingham, Washington, to the Army.

Stations Support Registration

Second Selective Service Registration was expedited in San Francisco by KSFO. Special Events Director Robert W. Dumm arranged an 8:45 p. m. program which recited all registration locations in the Bay Area. Among other stations reporting "extra" promotions were: WWL, New Orleans; KGHL, Billings; KCKN, Kansas City, Kansas; WCOL, Columbus, Ohio; and WJBK, Detroit.

Radio Delivers for Army

Seven hundred thirty-four (734) stations are actively backing the recruiting of Army flyers. Five cooperating stations unreported in the releases of June 9 and June 30 are:

KFDM, Beaumont,
WAAB, Boston,
WNAC, Boston,
WLEU, Erie,
KFSD, San Diego.

How productive broadcast stations are in giving this help to national defense is indicated by one of the hundred-word spot announcements, prepared by the Army, and, included with the June 30 mailing to stations. The second sentence of this spot reads:

"*LAST WEEK MORE MEN AVAILED THEMSELVES OF THE ARMY AIR CORPS AVIATION TRAINING THAN EVER BEFORE IN THE HISTORY OF AVIATION.*"

Labor

Wage-Hour Act

The United States Circuit Court of Appeals at New Orleans on June 27 upheld a district court ruling that the A. H. Belo

Corporation was within its Wage and Hour Law rights in establishing what amounted to a "guaranteed overtime" plan at its newspaper and radio station (WFAA) in Dallas, Texas. The Wage and Hour Division undoubtedly will appeal to the Supreme Court next fall. Meantime, the court's opinion is "the law" only in the territory covered by the court.

To illustrate how the plan approved by the court works, a section of the company's brief is quoted:

So the problem is how to provide uniform weekly compensation as to employees who necessarily work fluctuating hours in many weeks and overtime hours in at least some weeks.

Surely the public interest is in favor of permitting wage arrangements that will produce a uniform compensation. Surely the Wage and Hour Act was never intended to outlaw such wage arrangements. Surely it was never any part of the purpose of Congress to stand in the way of such wage arrangements. Surely it would not do violence to any objective of the Act to permit such wage arrangements.

Yet the Act, as it is now interpreted by appellant, does stand in the way of such arrangements.

Suppose an employee who works fluctuating hours, say 40 hours in one week and 50 hours in the next week, has been receiving a level wage each week of \$40.00. Suppose, when the Act comes into effect, both the employer and employee wish to continue the employment and the employee wishes his weekly wage to be uniform in amount, \$40.00, as before. So the employer and employee sit down at the table together to make a contract that will assure such uniform wage and will fully comport with the law.

The first thing they must do is to agree upon a regular hourly wage because for all hours worked over 40 in any week payment must be made on the basis of at least one and one-half times the regular hourly wage.

They cannot fix the regular hourly rate at \$1.00 because, although this would work out as desired in the 40-hour week, it would produce a total of \$55.00 in the 50-hour week, and \$55.00 is more than the employer can afford to pay and more than the employer expects to pay and more than the employee expects to receive.

They cannot agree upon 73¢ per hour because, although this would work out as desired in the 50-hour week, it will produce only \$29.20 in the 40-hour week, which is less than it is agreed that the employee shall have.

They cannot split the difference at 87¢ because this will produce \$34.80, less than desired, in the short week, and \$47.80, more than desired, in the long week, and violates the underlying desire for uniformity.

So they do what seems the natural and reasonable thing to do; they agree upon 73¢ per hour as the regular rate of pay and agree that overtime shall be paid on the basis of at least one and one-half times such regular rate, and agree that in short weeks, when the overtime compensation on the basis of one and one-half times 73¢ is insufficient to produce the uniform weekly amount of \$40.00, the employer will pay an added amount for overtime in such weeks sufficient to bring the total up to the uniform weekly amount.

Thus, in the 50-hour week, the overtime compensation at the rate of one and one-half times the regular rate of pay is sufficient to produce the agreed minimum of \$40.00. In the 40-hour week an added amount of \$10.80 is due, and is paid, in order to bring the compensation up to the minimum guaranteed sum. In a 45-hour week some overtime has been earned, but not enough to bring the compensation up to \$40.00, and the added amount in that week will be \$5.28, which is payment for the overtime at *more* than one and one-half times the regular rate of pay. If the employee should work 60 hours in a particular week the minimum guaranteed amount of \$40.00 would not be sufficient to cover what is due him. He would be entitled to \$51.30 on the basis of 73¢ for regular time and one and one-half times such rate for overtime. The added \$11.30 must of course be paid him. In such week of long hours he will receive more than the minimum guaranteed amount. To that extent his wage is not uniform each week. But the benefit of the uniform weekly wage and the advantage of budgeting expenses on the basis of a uniform weekly amount are not lost because the \$40.00 per week remains a guaranteed minimum which he can always count on.

So the employer and employee reduce their agreement to writing and give it all the dignity they know how to give it as their genuine contract. The arrangement seems workable and proper, and it never occurs to them but what it is entirely legal.

Surely they have a right to contract as to rates of pay so long

as they do not violate some provision of law. The hourly rate of pay specified in their contract is far above the legal minimum of 30¢ per hour for regular time. The contract provides for payment of at least time and one-half the agreed regular rate of pay for all overtime hours, which also is at least equal to the legal minimum for overtime. True, in some weeks the contract calls for payment of overtime at *more* than time and one-half, but the law does not say that you cannot pay more than the legal minimums. How better to determine the true regular rate of pay than by actual process of bargaining between employer and employee? The very process of such bargaining is a crucible which distills out fraud, shifts and devices to get around the law. Surely there is no public policy which says that an employee must necessarily receive fluctuating weekly wages when his desire is for a uniform weekly wage. Surely there is no public policy which says that 73¢ an hour is too low for regular rate of pay. Surely there is no public policy which says that more than one and one-half times such regular wage is too high for overtime pay. Indeed, on every score it would seem that the public policy involved is in favor of what the employer and employee have done.

WKRC Strike

Four of 17 artists at Station WKRC, Cincinnati, walked out Friday, June 20, after negotiations between AFRA and the station management failed to produce an agreement. The station has been picketed since the strike started, and AFRA has threatened to strike all agency-produced commercials which MBS feeds to the station on July 9. An independent union of WKRC has petitioned the Labor Relations Board for certification as representative of a majority of the employees in the program department.

"Your Career in Radio"

by

Norman V. Carlisle and Conrad C. Rice

The primary purpose of this new book, written by two men long experienced in every phase of radio, is to answer the question, "How can I get into radio?" This is accomplished by taking three boys from Central High School through a large broadcasting station. They talk to announcers of all kinds, script writers, salesmen, engineers, technicians, and, in short, nearly everyone in the station. From these men they learn of the duties involved in each job and the approximate salary paid to each.

This book not only will help any young man or woman interested in breaking into radio, but also will serve as a guide to those seeking information about radio. (E. P. Dutton & Co., New York, \$2.00)

FEDERAL COMMUNICATIONS COMMISSION

Monopoly Hearing

FCC chairman, James Lawrence Fly, said at a press conference early this week that he doubted very much if he would go back to the Capitol to testify further in connection with the White radio resolution. He said he felt as though he was about finished there. He said he has had no instructions from the committee to return for further testimony.

During the summer months Mr. Fly said that the commission will meet frequently if not regularly. He called attention to the fact that last summer the commission functioned under an Administrative order delegating authority in the absence of a quorum.

Mr. Fly said that the Commission cooperated with the FBI in connection with the recent spy clean up. The experts of the Commission worked with FBI on the illegal radio station which the spies were reported to have operated.

Procedure for Newspaper Hearings

Hearings under Order No. 79, which are to commence July 23, 1941, will be conducted in accordance with Section 1.192 of the Rules and Regulations, Part I, Rules of Practice and Procedure, providing for informal hearings upon the Commission's own motion. The purpose of the hearings under Order No. 79 is to obtain information necessary and helpful to the Commission in the determination of its policies, the carrying out of its duties, and if need be, the formulation of rules and regulations or recommendations to Congress.

For purposes of the Inquiry under Order No. 79, the Commission hereby establishes the following procedure, subject to such amendment from time to time as shall be determined to be advisable.

I. Appearances for the purpose of introducing evidence

Persons desiring to be heard by the Commission with reference to the investigation conducted under Order No. 79 shall file with the Secretary of the Commission petitions or letters setting forth the position and interest of the petitioner in the proceedings, the evidence or information which the petitioner desires to present or adduce, the pertinency and relevance of such evidence or testimony to the matters designated by the Commission in supplemental Order No. 79-A, the names of, and other important facts pertaining to, the witnesses which the petitioner desires to call, and the volume and character of the documentary evidence which the petitioner desires to present.

Such written request shall be filed not later than the fifth day before the day on which hearings are scheduled to begin.

Such petitions or letters also should show that the proposed appearance will bring before the Commission evidence and testimony of a character which will inform and enlighten the Commission with regard to the considerations of public interest involved in the investigation ordered under Order No. 79 and the specific matters set forth in supplemental Order No. 79-A. In the interests of an expeditious hearing and of a complete survey of the matters under investigation, the Commission will be disposed to avoid if possible the introduction of purely cumulative or repetitious evidence or testimony.

II. Other Appearances

Since the sole purpose of these hearings is to obtain evidence and information, there will be no need for appearances or representation at the hearings other than for the purpose of presenting evidence, facts, or legal considerations to the Commission. The Commission, therefore, will not permit appearances for other than the above-described purposes.

III. Calling of Witnesses by the Commission

The Commission will call witnesses in its discretion to present various sides of the problem. It will also introduce exhibits and documentary evidence and invite others to introduce such evidence as occasion requires.

IV. Appearances after Hearings have begun

Persons who have not submitted written requests to appear in the proceedings or who have not been granted permission so to appear may, if they feel that any testimony taken during the proceedings has been injurious to their reputation or character or affects matters of which they have immediate knowledge and concerning which they have additional or contradictory evidence of value to the Commission, file with the Commission in writing a petition or letter stating fully the matters which affect them personally or matters of which they have personal knowledge or additional information which they believe the Commission should have, and requesting opportunity to be heard concerning those matters or to call additional witnesses concerning them. Such requests shall set forth the same matters and be subject to the same considerations as those described in section I hereof. The Commission shall make such disposition of such petitions or letters as shall in its judgment best serve the purposes of the hearing and equitable treatment of such petitioners.

V. Order of the Hearings

The Commission will exercise full discretion with regard to the order of witnesses and the order in which testimony and exhibits shall be presented.

Order No. 79-A

WHEREAS, the Commission by Order No. 79 (March 20, 1941) directed that an investigation be undertaken "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";

NOW, THEREFORE, IT IS ORDERED, That, pursuant to the aforesaid order, testimony and other evidence be taken with reference to the following matters, in addition to such other matters as the Commission may from time to time direct:

1. To what extent broadcast stations are at present associated with persons also associated with publication of one or more newspapers, the classification (in terms of power, location, network affiliation, etc.) of broadcast stations so associated, the circumstances surrounding such association, and the tendency toward such association in the future.
2. Whether joint association of newspapers and broadcast stations tends or may tend to prejudice the free and fair presentation of public issues and information over the air, or to cause editorial bias or distortion, or to inject editorial policy or attitude into the public service rendered by broadcast stations as a medium of public communication.
3. Whether joint association of newspapers and broadcast stations tends or may tend to restrict or distort the broadcasting of news, or to limit the sources of news to the public, or to affect adversely the relation between news-gathering services and broadcast stations.
4. Whether the joint association of newspapers and broadcast stations has or may have any effect upon freedom of access to the radio forum, for the discussion of public issues.
5. Whether the joint association of newspapers and broadcast stations tends or may tend to lessen or increase competition among broadcast stations or to result in the monopolization of local broadcast facilities.
6. Whether the joint association of newspapers and broadcast stations tends or may tend to increase or decrease concentration of control over broadcast facilities or the use thereof.
7. Whether the joint association of newspapers and broadcast stations constitutes or may constitute an undue concentration of control over the principal media for public communication.
8. Whether joint association of newspapers and broadcast stations tends or may tend to result in the utilization of improved facilities and skilled, experienced personnel for the procuring and dissemination of information and opinion by broadcast stations.
9. Whether joint association of newspapers and broadcast stations tends or may tend to insure greater economic stability for broadcast stations and to encourage the maximum technological development of radio.
10. What considerations influence newspaper interests to acquire broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION,

T. J. SLOWIE,
Secretary.

Subscriber Broadcast Service without Advertising Proposed

A new type of subscriber broadcast service is proposed by the Muzak Corporation, New York City, in connection with a construction permit for a developmental FM broadcast station authorized by the FCC on an experimental basis only. This corporation, which is now in the business of furnishing wired musical programs without advertising to hotels, restaurants and home subscribers

on a contract basis, contemplates experimenting with a like service by means of radio.

According to the applicant:

"The purpose of the experiment is to determine whether the public or a sufficiently large portion of the public would prefer to obtain radio programs by direct payment for the service. The experiment will be conducted by offering a service to the general public in New York City and furnishing this service to those of the general public who pay for the service. There will be no advertising in connection with the service and the success or failure of the experiment will depend upon the willingness of the public to pay an amount which will warrant the furnishing of such a service as an established business."

The applicant intends to restrict the reception of its non-advertising programs to subscribers by transmitting an accompanying "pig squeal" or discordant sound which can only be eliminated by special receivers leased from the applicant.

Pointing out that this will enable persons to obtain selected radio programs by direct payment rather than by indirect payment through purchasing products advertised on the air, the Muzak Corporation holds in connection with its application that "there is no basic or inherent reason why the American public should be compelled to pay for its radio programs by submitting to advertising announcements." It adds:

"There is no reason why the public should pay directly for moving pictures and indirectly for radio. It is merely a matter of circumstance that radio in the United States is available to the public only in connection with advertising announcements which frequently are highly disturbing or irritating. The American people have never decided or been given the opportunity to decide that radio should not be sold in the usual manner by direct payment for the service."

The applicant will broadcast no commercially sponsored programs, and no advertising continuity whatever will be used. Because of its regular business, the applicant states that it has a great volume of transcribed program material available for use in connection with the experiment, and that engineers from Associated Music Publishers, Inc., and Wired Radio, Inc., have been added to its staff. News will be obtained from the United Press.

The Muzak transmitter for this purpose will be located at 11 West 42nd Street, New York. It will use power of 1000 watts. It will operate on the frequency 117,650 kilocycles "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, if, in the Commission's discretion, the need for such action arises." In authorizing the experiment, the Commission observes that the use of this frequency must be temporary, since it is in a crowded part of the spectrum devoted to other established services. Any action looking to establishment of the projected new type of service upon a regular basis would require consideration of the problem of finding frequencies for allocation to such service. Therefore, the immediate grant "is not to be construed as a finding by the Commission that the operation of the proposed station upon the frequency authorized is or will be in the public interest beyond the express terms of the grant." The Commission stipulates that FM must be used.

The Commission stresses that the Muzak operation will be purely experimental in connection with "the development of a subscriber broadcast service in accordance with Sections 4.151 and 4.153 subject to the condition that no interference is caused to any established services."

The proposal, according to a Commission memorandum opinion issued in conjunction with the grant, "is unique in the annals of radio broadcasting in this country." Such an experiment has not been conducted in this country, and the Commission believes it worthy of investigation in the public interest. It comments:

"A broadcast station is defined, both by treaty and statute, as one licensed for the transmission by radiotelephone emissions primarily intended to be received by the general public. The first such stations licensed in this country were sought and obtained by individuals or organizations engaged in manufacturing or similar enterprises who desired either to advertise their own product or

to promote public good will in their own behalf. Licensees, in order to meet the increasing cost of providing broadcast programs, gradually entered into the practice of transmitting, for a fee, advertising matter for other persons. As the effectiveness of radio as an advertising medium developed broadcasting became a business in its own right. Thus arose the practice in this country of public support of broadcast service, not through any direct charge, but through the purchase of articles and services advertised by radio. This is not true in all countries of the world.

"The service which this applicant proposes will be available to the general public; any member of the public, without discrimination, may lease the equipment to receive the service. The distinguishing feature will be that those receiving the programs will pay directly rather than indirectly therefor. Operation of a station in this manner is within the definition of broadcasting.

". . . A charge to the subscriber for the program service is an integral and inseparable part of the experiment. The rule prohibiting a direct or indirect charge by the licensee of a developmental broadcast station for the transmission of programs was promulgated in the light of the existing practices of broadcast stations. Under the circumstances here presented, we are of the opinion that the rule should be construed in such a manner as to permit the proposed operation."

Defense Communications Board

Appointment of a subcommittee of the Defense Communications Board to collaborate with a similar subcommittee of the Office of Civilian Defense was announced today by James Lawrence Fly, chairman of the Defense Communications Board and of the Federal Communications Commission. The action followed a conference between Chairman Fly and Mayor Fiorello LaGuardia of New York, director of the Office of Civilian Defense.

Members of the DCB subcommittee named were Captain Donald S. Leonard of the Michigan State Police, representing the International Association of Chiefs of Police; Herbert A. Friede of the District of Columbia Fire Department, representing the International Association of Fire Chiefs; Major Francis H. Lanahan, Jr., of the War Department; and Commander E. M. Webster, Assistant Chief Engineer of the Federal Communications Commission.

Effective use during war or other emergency of police radio systems, several thousand of which are now in operation, is one of the topics to be considered jointly by the DCB and OCD subcommittees, it was announced.

Thompson's Term Expires

The term of Commissioner Frederick I. Thompson expired June 30 at midnight. He had not been reappointed at the time this was written nor had anyone been nominated by the President to fill the vacancy on the Commission. Commissioner Thompson took the oath of office on April 13, 1939 to fill the vacancy caused by the resignation of Commissioner Eugene O. Sykes.

FCC Order No. 82 Amended

The FCC has announced the following amended order:

At a general session of the Federal Communications Commission held in its office in Washington, D. C., on the 24th day of June, 1941;

The Commission having under consideration a request of the Secretary of War for the suspension of certain rules of the Commission in order to facilitate the broadcasting of programs affecting the military and naval establishments of the United States; and

IT APPEARING, That public interest, convenience and necessity will be served by the suspension of said rules of the Commission as herein ordered;

IT IS ORDERED, That, until further order of the Commission:

- (1) Section 3.408 (d) of the Rules Governing Standard and High Frequency Broadcast Stations BE, AND THE SAME IS HEREBY, SUSPENDED only in so far as it requires the prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations;

(2) Section 4.21 of the Rules Governing Broadcast Services Other Than Standard Broadcast BE, AND THE SAME IS HEREBY, SUSPENDED only in so far as it precludes by definition the use of a relay broadcast station where wire facilities are available for the transmission of programs from points under the jurisdiction of the military or naval establishments of the United States, where the broadcasting of such program has been requested by the appropriate establishment.

This order shall become effective immediately.

FCC July Assignments

FCC has announced that the work, business, and functions of the Commission for the month of July 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 Wakefield—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 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 broadcast hearing is scheduled to be held before the Commission during the week beginning Monday, July 7. It is subject to change.

Monday, July 7

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., 560 kc., 1 KW night; 5 KW day, unlimited, DA-night.

FUTURE HEARINGS

Following hearings for future dates have been announced during the past week in broadcast cases. They are subject to change.

August 7

Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., 1110 kc., 50 KW, unlimited, DA-night. Present assignment: 1110 kc., 50 KW, unlimited.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 1110 kc., 50 KW, unlimited, DA-night. Present assignment: 780 kc., 10 KW, simul. D.; S-WBBM-N; S. A. Synchronized with WBBM-N—Exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, 770 kc., 50 KW, unlimited. Present assignment: 780 kc., 50 KW, simul. D.; S-KFAB-N; S. A. Synchronized with KFAB-N—Exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., 770 kc., 1 KW, daytime. Present assignment: 1090 kc., 1 KW, limited to WBAL and WTIC.

August 11

Broadcast

Consolidated Hearing

NEW—Nashville Radio Corporation, Nashville, Tenn.—C. P., 1410 kc., 1 KW, unlimited, DA-day and night.

NEW—A. M. Burton, Nashville, Tenn.—C. P., 1410 kc., 1 KW, unlimited, DA-day and night.

August 20

Broadcast

Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for 1400 kc., 250 watts, unlimited.

NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited.

NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited.

September 4

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—C. P., 1480 kc., 1 KW night, 5 KW day, unlimited. Present assignment: 1420 kc., 250 watts, unlimited.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of C. P., 1520 kc., 1 KW night, 5 KW day, unlimited. Present assignment: C. P. for 1480 kc., 1 KW night, 5 KW day, unlimited.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Renewal of license, 1420 kc., 250 watts, unlimited.

September 8

NEW—Herald Publishing Company, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

September 11

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—C. P., 1420 kc., 1 KW, unlimited. Present assignment: 1240 kc., 250 watts, S-KPPC.

October 1

Broadcast

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d b as High Point Broadcasting Co., High Point, N. C.—C. P., 1370 kc., 100 watts, unlimited.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., 1370 kc., 100 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

New Station

San Diego Unified School District, San Diego, Calif.—Granted construction permit for new non-commercial educational broadcast station to operate on 42300 kc., 1 KW power, unlimited time, special emission for frequency modulation (B5-PED-20).

Miscellaneous

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted modification of construction permit (B1-P-2710), for approval of directional antenna for night use and transmitter site at 300 feet northeast of present site, Speedway, west of Soldiers Field, Boston, Mass. This grant is made subject to any future action Commission may take regarding the problem of multiple ownership (B1-MP-1176).

KGA—Louis Wasmer, Spokane, Wash.—Granted construction permit to move transmitter to 4102 S. Regal St., Spokane, Wash. (3 miles southeast of center of Spokane); move studio to Radio Central Bldg., Spokane; increase power from 5 to 10 KW night and day; install new transmitter and direc-

- tional antenna for night use; **1510 kc.** This grant is made subject to any future action Commission may take regarding the problem of multiple ownership (B1-MP-1176).
- WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special temporary authority to operate on an unlimited time basis for a period not to exceed 30 days; **1190 kc.**, 10 KW, simultaneous D. S-WWVA-N (B4-S-492).
- WWVA—W. Va. Broadcasting Corp., Wheeling, W. Va.—Granted special temporary authority to operate on an unlimited time basis for a period not to exceed 30 days; **1170 kc.**, 5 KW, simultaneous D. S-WOWO-N (B2-S-379).
- WAKR—Summit Radio Corp., Akron, Ohio.—Granted construction permit to increase power from 1 KW night and day to 5 KW night and day; install new transmitter and install new directional antenna for nighttime use only; **1590 kc.**, unlimited time (B2-P-3038).
- WALB—Herald Publishing Co., Albany, Ga.—Granted application for construction permit to change alignment of directional antenna from 351.5 degrees true to 6 degrees true and extend commencement date to 1 day after grant and completion date to 2 days thereafter (B3-MP-1327).
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted construction permit to change frequency from **1070 kc.** to **790 kc.**, move transmitter site to 3 miles northeast of center of Eau Claire, install directional antenna for night use, and increase hours of operation to unlimited; 1 KW night, 5 KW LS; L-KFBI (B4-P-3047).
- WFTL—Radio Station WFTL, Tom M. Bryan (assignor), Ralph A. Horton (assignee), Fort Lauderdale, Fla.—Granted consent to the assignment of the license of Station WFTL, Fort Lauderdale, Fla., from Tom M. Bryan to Ralph A. Horton; granted petition to withdraw said application from the pending file inasmuch as assignee, Ralph A. Horton, has, according to the petition, divested himself of all newspaper association.
- WMBI—Moody Bible Institute of Chicago, Chicago, Ill.—Adopted order granting petition for reconsideration and grant without hearing application for modification of license upon express condition that WMBI operate with frequency **1110 kc.**, with 5 KW power, limited time (to stations WBT and KFAB) upon completion of construction as authorized in Docket No. 5866, to WCBD, Inc. (WCBD), and the effective date of the modified license authorized hereunder to Station WMBI shall be the same date upon which WCBD is licensed to operate on **820 kc.**
- WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Adopted order granting motion to withdraw petition for rehearing filed by Isle of Dreams Broadcasting Corp. (WIOD) directed against action of the Commission granting without hearing the application of Inter-City Advertising Co., Charlotte, N. C., for construction permit to operate on **610 kc.**, 1 KW, unlimited, directional antenna; thus dismissing said petition.
- W3XE—Philco Radio and Television Corp., Philadelphia.—Present license for television station further extended upon a temporary basis only, for period ending August 1, 1941, pending determination upon application for renewal (B2-SVB-8).
- W3XP—Philco Radio and Television Corp., Portable-Mobile, Area of Philadelphia.—Present license for television station further extended upon a temporary basis only, for period ending August 1, 1941, pending determination upon application for renewal (B2-SVB-19).
- W2XVP—City of New York Municipal Broadcasting System, New York City.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B1-SHB-71).
- W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B5-SHB-48).
- W4XA—The National Life and Accident Co., Inc., Nashville, Tenn.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B3-SHB-51).
- W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license further extended upon a temporary basis for the period ending August 1, 1941, pending determination upon application for renewal of license (B3-SHB-21).
- Columbia Broadcasting System, Inc., New York City.—Granted construction permit for existing experimental television broadcast station, authorizing commencement of program tests beginning July 1, 1941, for a period of 30 days, on Channel No. 2, **60000-66000 kc.**; ESR 2400. Further program tests may be authorized pursuant to Sec. 2.43 (B1-PCT-2).
- WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted modification of license to change from directional antenna day and night to directional antenna night only; **1330 kc.**, 1 KW night and day (B4-ML-1068).
- KARM—KARM, The George Harm Station, Fresno, Calif.—Granted construction permit to change frequency from **1340 kc.** to **1430 kc.**, increase power from 250 watts day and night to 5 KW night and day, install directional antenna for day and night use; move transmitter to corner of Alluvial Ave. and North Van Ness Blvd., near Fresno, Calif., and install new equipment (B5-P-2468).
- WIGM—George F. Meyer, Medford, Wisc.—Granted modification of construction permit to install new transmitter, make changes in antenna, change frequency from **1500 kc.** to **1490 kc.**, increase power from 100 watts unlimited to 250 watts unlimited, change transmitter and studio site to Highway No. 13, and extend commencement and completion dates to 60 days after grant and 180 days thereafter, respectively (B4-MP-1280).
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Ordered issuance of temporary license for 5 KW, unlimited time, employing directional antenna, pending final determination on application (B5-P-3021) for change in power from 1 KW, 5 KW LS, to 50 KW, install new transmitter, and change directional antenna; **740 kc.**
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted application to change directional antenna and increase power from 1 KW, 5 KW LS, to 5 KW, unlimited time, with the agreement to protect WOOD-WASH, Grand Rapids, Mich., to the 1.3 mv/m contour.
- Muzak Corporation, New York, N. Y.—Granted construction permit for a new development (subscriber service) broadcast station to operate on **117650 kc.**, 1000 watts, special emission for frequency modulation, unlimited time (B1-PEX-36).
- W6XDU—Don Lee Broadcasting System (area of Los Angeles, Calif.), Portable-Mobile.—Granted construction permit to add a 50 watt aural transmitter to experimental visual relay station, using special emission for frequency modulation (B5-PVB-83).

DESIGNATED FOR HEARING

- Hennessy Broadcasting Co., Butte, Mont.—Application for construction permit for new broadcast station to operate on **1490 kc.**, 250 watts, unlimited time; exact transmitter site and ground system to be determined subject to Commission approval (B5-P-3158).
- Barclay Craighead, Butte, Mont.—Application for construction permit for new broadcast station to operate on **1490 kc.**, 250 watts night and day, unlimited time (B5-P-3103).
- Southern California Broadcasting Co., Pasadena, Calif.—Application for construction permit for new broadcast station to operate on **1430 kc.**, 1 KW day, daytime only (B5-P-3108).
- Jefferson Broadcasting Corp., Birmingham, Ala.—Application for construction permit for new broadcast station to operate on **1340 kc.**, 250 watts night and day, unlimited time. (Requests facilities of WSGN when vacated) (B3-P-3162).
- Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Application for construction permit for new station to operate on **1240 kc.**, 250 watts night and day, unlimited time; (requests facilities of WBAX); exact transmitter site and antenna system to be determined subject to Commission's approval (T2-P-2915).
- Frequency Broadcasting Corp., Borough of Brooklyn, N. Y.—Application for construction permit for new station to operate on **620 kc.**, 500 watts day; daytime only (B1-P-2989).
- WJPR—John R. Pepper, Greenville, Miss.—Application for construction permit to change frequency from **1340 kc.** to **1600 kc.**, increase power from 250 watts to 1 KW night and day and install new transmitter (B3-P-3099).
- KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Application for modification of license to maintain two main studios, one at 10th and Burnett Sts., Fort Worth, Texas, and one at Thomas Bldg., Dallas, Texas; station operates on **570 kc.**

1 KW night, 5 KW day, directional antenna night, unlimited time (B3-ML-1065).

MISCELLANEOUS

- W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117430 kc.**, 40 KW, using special emission for frequency modulation with a maximum band width not to exceed **200 kc.** subject to the condition that no interference is caused to other stations on same or adjacent channels, for period July 11, 1941, to not later than September 8, 1941, in order to conduct tests, pending completion of new FM station No. 31NY. Also granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40 KW, special emission for frequency modulation, with transmitter located at north of Alpine, N. J., described as Composite, Type RCA, maximum rated carrier power 40,000 watts, for period June 30, 1941, to not later than August 28, 1941, pending completion of new FM station W31NY. Also granted special temporary authority to retransmit the transmissions of experimental high frequency broadcast stations W2XAG, W65N (W1XPW) and W1XOJ (W43B) for the period June 30 to not later than August 28, 1941, in order to continue rebroadcasting experiments.
- WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Raymond Gram Swing programs to be received from International Broadcast Station WRCA over Station WPRP for a period not beyond 30 days.
- WFMN—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted special temporary authority to operate Hallin-crafters HT-6, Type 807 in final stage, as a relay broadcast transmitter, with power of 25 watts on **2070 kc.**, in order to broadcast the opening program of the new park and animal farm in Saranac Lake on June 29, only.
- 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, special emission for FM, with transmitter located at 1219 Wisconsin Ave. N.W., Georgetown, D. C., for the period June 29 to August 28, 1941.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted extension of special temporary authority to operate from local sunrise, Glenside, Pa., to local sunset, Knoxville, Tenn. (Radio Station WNOX), instead of daytime as stipulated in reallocation for the period June 27 to not later than July 26, 1941, pending action on formal application for such authority.
- Van Curler Broadcasting Corp., Schenectady, N. Y.—Passed one week petition to intervene in hearing on application of WABY for modification of license.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted leave to amend application for construction permit so as to specify DA for day and night; dismissed as to removal from hearing docket.
- Ralph L. Lewis, Greensboro, N. C.—Granted motion for continuance of consolidated hearing now scheduled for July 7, to October 1, in re application of Ralph L. Lewis, Greensboro, N. C., and application of High Point Broadcasting Co., High Point, N. C., for new stations to use **1370 kc.**, 100 watts, unlimited time.
- KOIL—Central States Broadcasting Co.—Granted modification of construction permit (B4-P-2609, as modified, for installation of directional antenna and increase in night power), authorizing extension of completion date from June 29 to August 29 (B4-MP-1344).
- KGY—KGY, Inc., Olympia, Wash.—Granted modification of construction permit (B5-P-3071 to install vertical antenna and change hours of operation) for authority to move transmitter, and extend commencement date to 30 days after grant and completion date to 180 days thereafter (B5-MP-1294).
- 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 **48700 kc.**, 1 KW power, special emission for FM, with transmitter located at 3104 Northern Blvd., Long Island City. This authority is for the period July 1, to July 31, 1941.
- WBAX—John L. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension of effective date of Commission's Decision and Order from July 1 to September 1, 1941, on application for renewal of license for station WBAX.
- KTBC—State Capitol Broadcasting Association, Inc., Austin, Texas.—Adopted order authorizing issuance of license for station KTBC upon a regular basis for the period ending June 1, 1942, in lieu of the temporary license under which said station has been operated.
- WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted special temporary authority to operate daytime with a non-directional antenna until sunset at Sacramento, Cal., for a period not to exceed 30 days.
- WHA—State of Wisconsin, Madison, Wisc.—Granted special temporary authority to remain silent July 4, 1941, only, in order to observe Independence Day.
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m. EST), to the conclusion of the Fritzie Zivic—Al Davis fight on July 1, 1941, only, in the event this bout should run later than 10 p. m.
- WLBL—State of Wisconsin, Stevens Point, Wisc.—Granted special temporary authority to remain silent July 4, 1941, only, due to closing of Federal Market News Offices.
- KNOE, Inc., Monroe, La.—Granted motion for continuance for a period of 60 days of hearing now scheduled for June 30 on application for new station to operate on **1420 kc.**, 250 watts, unlimited time, and directed said hearing to be continued to August 29, 1941.
- KSAM—Sam Houston Broadcasting Association (H. G. Webster, President), Huntsville, Texas.—Adopted order authorizing issuance of license upon a regular basis for station KSAM to H. G. Webster, C. N. Shaver and W. Bryan Shaver, co-partners, d/b as Sam Houston Broadcasting Association, for the period ending December 1, 1941, in lieu of temporary license under which station has been operated (Docket 5838).
- WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Adopted order granting petition of WTRY for reconsideration and grant of application for renewal of license; cancelled hearing heretofore scheduled, and granted renewal of license to operate on **980 kc.**, 1 KW, unlimited time, DA.
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Designated for further hearing the following: application of WBT to install DA for nighttime use (B3-P-1735); the application of KFAB for construction permit to install new equipment, DA for nighttime use, move transmitter site and increase power and time of operation (B4-P-1736); application of WBBM for modification of license to change hours of operation to unlimited time (B4-ML-450), and application of WJAG to change frequency, hours of operation and make changes in antenna system (B4-P-2590).
- W2XWG—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to operate W2XWG on **45100 kc.**, 1000 watts, A4 and special emission for frequency modulation at 350 Fifth Avenue, New York City, for period June 29, 1941, to not later than August 28, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.
- WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Raymond Gram Swing programs to be received from International Broadcast Stations WNBI and WRCA over Station WNEL on Tuesday, Wednesday, Thursday, and Saturday from 7 to 7:15 p. m. EST, for a period not to exceed 30 days.
- W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117190 kc.**, 5000 watts, special emission for frequency modulation, with transmitter located at 544 North Broadway, Yonkers, N. Y., described as Composite, maximum rated carrier power 5000 watts for period June 30 to not later than August 29, 1941.
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted special temporary authority to rebroadcast certain portions of the dedication ceremonies of the Will Rogers Air Base, originating in U. S. Army Airplane No. 37559, Type B-18-A, operating on a frequency of **4495 kc.**, June 28, 1941, only.
- KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to rebroadcast four 15-minute short-wave programs in the nature of non-commercial, educational, nature descriptions, and interviews

- of park service officials, to be received from Station KNJN on June 25, 26, 27, and 28, 1941, only.
- KAXZ**—United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter KHAZT aboard plane owned by United Air Lines Transport Corp., as a relay broadcast station on **2758 kc.**, to relay broadcast program in connection with the dedication of the new Chicago Municipal Airport to Radio Station WENR and NBC Red or Blue Network, between 2:30 and 3:30 p. m., EDST, on June 29, 1941, only.
- WMRF**—Lewistown Broadcasting Co., Lewistown, Pa.—Granted license to cover construction permit as modified for new station; **1490 kc.**, 250 watts, unlimited time (B2-L-1437). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1102).
- KSWO**—Willard Carver & Byrne Ross, Lawton, Okla.—Granted license to cover construction permit as modified for new station; **1150 kc.**, 250 watts, daytime (B3-L-1413). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-925).
- WNEW**—Wodaam Corp., New York, N. Y.—Granted license to cover construction permit as modified to install directional antenna for day and night use, increase power to 5 KW day and night, and change frequency to **1280 kc.** (B1-L-1407). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-896).
- WORL**—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license for reinstatement of auxiliary license; **950 kc.**, 500 watts, auxiliary purposes only (B1-L-1417).
- W8XFM**—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43900 kc.**, 1000 watts, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio, and described as Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period June 30 to not later than September 28, 1941.
- KFPL**—C. C. Baxter, Dublin, Texas.—Granted construction permit for authority to make changes in tubes in last radio stage (B3-P-3196).
- KSO**—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (B4-P-2727, which authorized installation of new transmitter and new directional antenna for night use, move transmitter, and increase power) for changes in directional antenna for night use on **1460 kc.** under NARBA (B4-MP-1307).
- WNAC**—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit (B1-MP-322 as modified, which authorized increase in power, changes in equipment and installation of directional antenna for day and night use) for changes in directional antenna on **1260 kc.** under NARBA (B1-MP-1279).
- WGBB**—Harry H. Carman, Freeport, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1048).
- WCOS**—Carolina Advertising Corp., Columbia, S. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-942).
- WOOD**—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1039).
- WASH**—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1040).
- KWBG**—Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1116).
- WAPO**—W. A. Patterson, Chattanooga, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1071).
- WBAA**—Purdue University, West Lafayette, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1099).
- WWSW**—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1081).
- WWSW**—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1094).
- WTAG**—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-994).
- WRDW**—Augusta Broadcasting Co., Augusta, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1028).
- WHAS**—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted authority to determine operating power by direct measurement of antenna power (B2-Z-1058).
- WACO**—Frontier Broadcasting Co., Inc., Waco, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1101).
- WINS**—Hearst Radio, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-933).
- WNBF**—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-930).
- KCKN**—The KCKN Broadcasting Co., Kansas City, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-11-1130).
- WDMJ**—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1098).
- KPLT**—North Texas Broadcasting Co., Paris, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1049).
- KVWC**—Northwestern Broadcasting Co., Vernon, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1082).
- WJLS**—Joe L. Smith, Jr., Beckley, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1043).
- WCOL**—WCOL, Inc., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input (B2-L-1010).
- WDEL**—WDEL, Inc., Wilmington, Del.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-936).
- WIND**—Johnson Kennedy Radio Corp., Gary, Ind.—Granted license to cover construction permit (B4-P-1990), to increase power to 5 KW day and night; make changes in directional antenna system and install new transmitter (B4-L-1421). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-969).
- KBIX**—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted license to cover construction permit (B3-P-3112), for new transmitter, increase in power to 250 watts, and for frequency **1490 kc.** under NARBA (B3-L-1436).
- WTSP**—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted license to cover construction permit (B3-P-2933) as modified, to install new transmitter, make changes in antenna, change frequency from **1370 to 1380 kc.**, and increase power from 250 watts to 500 watts night, 1 KW-LS (B3-L-1424).
- WCAU**—WCAU Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-3106) for installation of new auxiliary transmitter; **1210 kc.**, 1 KW, auxiliary purposes only (B2-L-1432).
- KMBC**—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of auxiliary license to increase power from 1 KW, $2\frac{1}{2}$ KW-LS, to $2\frac{1}{2}$ KW day and night, using directional antenna at night (B4-ML-1071).
- KIJG**—Eagle Broadcasting Co., Inc., area of Brownsville, Texas.—Present license for relay broadcast station further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending no later than August 1, 1941 (B3-SRY-10).
- KRBA**—Red Lands Broadcasting Assn.—Lufkin, Texas.—Adopted order authorizing issuance of license upon a regular basis for Station KRBA to Ben T. Wilson, R. A. Corbett and Thomas W. Baker, co-partners, doing business as the Red Lands Broadcasting Association, for the period ending October 1, 1941, in lieu of temporary license under which station has been operating (Docket No. 5837). Commissioner Payne dissented.
- KGFI**—Eagle Broadcasting Co., Inc., Brownsville, Texas.—Adopted order authorizing issuance of license upon a temporary basis for a period of 30 days from July 1, 1941, during which time said licensee shall fully comply with the provisions of the Commission's Order entered in the instant matter on April 2, 1941 (Docket No. 5854). Commissioner Payne dissented.

APPLICATIONS FILED AT FCC

560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct method.

640 Kilocycles

KFI—Earl C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct method (Aux.).

950 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—License to cover construction permit (B3-P-2901) as modified, to install directional antenna for night use, change hours of operation from daytime to unlimited time, increase power from 1 KW to 1 KW night, 5 KW day, install new transmitter, and move transmitter.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct method.

WPEN—William Penn Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2658) as modified, to install new transmitter, increase power, and make changes in directional antenna.

WPEN—William Penn Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct method.

1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Authority to determine operating power by direct method.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—License to cover construction permit (B4-P-2886) as modified, for installation of new transmitter and directional antenna for night use, to move transmitter, increase power, and change hours.

1240 Kilocycles

NEW—Tennessee Radio Corp., Nashville, Tenn.—Construction permit for a new broadcast station to be operated on 1240 kc., 250 watts, unlimited time, contingent on WSIX going to a new frequency.

NEW—Central Broadcasting Co., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on 1240 kc., 250 watts, unlimited time, facilities of WBAX.

1290 Kilocycles

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of construction permit (B4-P-2609) as modified, to install directional antenna for night use and increase night power, requesting extension of completion date from 6-29-41 to 8-29-41.

1340 Kilocycles

KVIC—Radio Enterprises, Inc., Victoria, Texas.—Authority to determine operating power by direct method.

1400 Kilocycles

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—License to cover construction permit (B5-AP-33) for a new transmitter, vertical antenna, increase in power, move of transmitter, and change in hours of operation.

KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Authority to determine operating power by direct method.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Authority to install automatic frequency control equipment.

1490 Kilocycles

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Modification of construction permit (B5-P-2082) for a new broadcast station for change in type of transmitting equipment, approval of antenna system, and approval of transmitter site, requesting 1490 kc. and 250 watts power.

1520 Kilocycles

WKEW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter, install directional antenna system, increase in power, and move of transmitter, requesting extension of completion date from 8-17-41 to 10-17-41.

FM APPLICATION

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; population, 420,384. Amended: To change frequency to 46900 kc., coverage to 5,300 square miles, and population to 493,842, and to make changes in antenna system.

TELEVISION APPLICATIONS

W1XG—General Television Corp., Boston, Mass.—Modification of license to change frequency from 42000-56000, 60000-86000 to 50000-56000 kc. Amended: To request commercial television station, change transmitter location, and add aural channel.

W1XG—General Television Corp., Boston, Mass.—Construction permit to install audio transmitter to use with video transmitter, 500 watts power, A-3 emission. Amended: To request commercial television station, change transmitter location, and add aural channel.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on Channel No. 1, 60000-66000 kc., A-5 and special emission for frequency modulation, unlimited time.

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-PVB-19) as modified, for a new television station, requesting extension of commencement and completion dates from 11-30-40 and 5-30-41 to 5-30-41 and 10-30-41, respectively.

MISCELLANEOUS APPLICATION

W10XF—National Broadcasting Co., Inc., Portable.—Modification of license to change the type designation 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.

Bank & Stoller Corp.—Charging unfair and deceptive practices in the sale of photographic miniatures, sometimes known as goldstone miniatures, a complaint has been issued against Blank and Stoller Corporation, 227 East 45th St., New York, and against Harry J. Long, George Stoller, Maurice Schultz, and Randolph Fajen, individually and trading as Blank & Stoller Studios. The respondents Long, Stoller and Schultz, according to the complaint, are officers of the corporation and control its activities.

The complaint alleges that pursuant to understandings, agreements and conspiracies the respondents, in order to obtain photographs and negatives from which to produce miniatures for sale, have falsely represented that they were connected with one or more newspapers or press associations and desired to take photographs of individuals for use by such newspapers or press associations at future dates, when in fact none of the respondents have had newspaper or press association connections. (4523)

Paramount Yarn Company—Alleging violation of the Federal Trade Commission Act in the sale of knitting yarns, a complaint has been issued against Louis Glasser, trading as Paramount Yarn Co., 362 Grand St., New York.

The complaint alleges that the respondent, in seeking to sell his products, has misleadingly represented the constituent fiber or material of which they are made, such representations appearing in catalogs, color charts, sample books and other printed and written material and on labels. (4521)

Penn-Lub Oil Products Co., 85 Gotthart St., Newark, N. J., engaged in the sale and distribution of reclaimed motor oils to wholesalers and retail distributors is charged in a complaint with misrepresentation.

The complaint charges that in the sale and distribution of its product the respondent has caused to be imprinted upon the containers in which the product is displayed and sold statements and representations such as: "PENN-LUB 100% PURE PARAFFIN BASE MOTOR OIL" and "MOTOR OIL SPECIALLY PROCESSED FOR HIGH SPEED MOTORS." (4524)

Rudolph Wurlitzer Company, 121 East Fourth St., Cincinnati, piano manufacturer and distributor, is charged in a complaint with misrepresentation.

The complaint charges that in advertisements in newspapers, magazines and trade journals the respondent has represented, among other things, that pianos manufactured by it are "Finished in Kordevon, a remarkably beautiful and durable finish featured exclusively by Wurlitzer" and "Wurlitzer is first with Kordevon, a new finish, hailed with enthusiasm by leading decorative authorities for its unique beauty, its soft, rich texture, its variety of tasteful shades" and in advertisements in trade magazines intended for the trade and for the respondent's dealers, but not for the purchasing public, that "In appearance Kordevon is almost exactly like lightly tooled leather. In fact, the average laymen would likely think it was leather unless told otherwise." (4525)

Success Portrait Co.—Charging violation of the Federal Trade Commission Act in the sale of tinted or colored photographic enlargements and miniatures, and frames, a complaint has been issued against Success Portrait Co., which also operates as Chattanooga Art Medallion Co. and as Art Trade Studios, with headquarters in Chattanooga, Tenn., and four of its officers, also representatives who operate under various trade names, and the representatives' sales agents.

The complaint alleges that the respondents have entered into and carried out various understandings, agreements, combinations and conspiracies with each other for the sale of their products through misleading and deceptive practices. (4522)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Grand Rapids Exchange, Inc., 55 Hope St., Brooklyn, also trading as Denis Furniture Co., 2182 Third Ave., New York, has been ordered to cease and desist from misrepresentation in the sale of furniture.

The Commission finds that the respondent has represented, on conspicuous signs on its places of business in each city, that it maintains "The Original Grand Rapids (Exc., Inc.) Furniture, Main Show Rooms," and has also made oral representations to purchasers that "We are the real McCoy because we have our factory in Grand Rapids, Michigan, and the name of it is the Grand Rapids Furniture Company." (3703)

Pelican State Candy Co., a corporation, 1301 North Rampart St., New Orleans, and Max J. Pinski, its president and chief stockholder, have been ordered to cease and desist from lottery methods in connection with the sale of candy or other merchandise to ultimate consumers. The respondent Pinski formerly was in business as an individual in New Orleans under the names Pelican State Candy Co. and Royal Chocolates. (4210)

STIPULATIONS

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

Adams Paint Co., agrees to cease representing that the usual and customary earnings or profits to be derived from the sale of its paint products by salesmen or agents are larger than the customary amounts actually so earned under normal conditions. The respondent corporation further stipulates that it will cease representing that salesmen or agents or others can, within a specified time, make profits or earnings which exceed the average net profits theretofore consistently made in like periods by its full-time agents under normal business conditions. (3148)

Beebe Laboratories, Inc., St. Paul, Minn., has entered into a stipulation to cease representing that its livestock preparation "Blackleg Aggressin (Cultural)" produces life immunity, or offers unequalled assurance, against blackleg, and to discontinue advertising that this product or the preparation "Blackleg Bacterin," or the combination of the two, produces an immunity more rapidly or that lasts as long as that produced by natural aggressin; or that one vaccination with the combination is sufficient to produce immunity that lasts for the life of the animal. (02817)

Binks Manufacturing Co., manufactures spray guns and compressors of various types, including its so-called "Roche Compressor," a part of its "New Roche Painting Outfit." The respondent corporation agrees that in the sale of its outfit it will cease employing the statement "3 C.F.M. at 40 lbs. Working Pressure" as descriptive of its device, and will desist from the use of this or other statements implying that the device, when and if operated at the designated pressure, will produce an output of 3 cubic feet of air to the minute or any other claimed output which is in excess of actual accomplishment. (3153)

Blackstone-Marshall Publishing Co.—Engaged in the sale of a booklet entitled "Your Will and How to Write It," a Washington, D. C., co-partnership has stipulated that it will cease and desist from certain representations in the sale of the booklet. The respondents are Richard U. Bashor, Webster C. Patterson, Richard S. Patterson, and Robert T. Patterson, trading as Blackstone-Marshall Publishing Co., 1110 F. St., N. W., Washington. (3146)

Charles Henry Brown & Son, Inc., 47 West 34th St., New York, and Charles B. Brown, Charles Henry Brown, and Mrs. Charles Henry Brown, its officers and principal owners, entered into a stipulation to cease using, in connection with the sale of their arch supporters designated "Glide-o-Matic Arch Resters", statements or representations tending to cause the impression that such devices or their use can be depended on to afford relief from foot pains, fallen arches, callouses, metatarsal troubles or other foot ailments. The respondents further agree to cease representing that a single type of arch support generally will afford relief or be corrective when the use of arch supporters is indicated. (3150)

Buchanan-Thomas Advertising Company—C. Coe Buchanan and Lyman H. Thomas, trading as Buchanan-Thomas Advertising Co., 412 South 19th St., Omaha, Nebr., have entered into a stipulation in which they agree to cease certain representations in the advertisement of "Butter-Nut Coffee" on behalf of Paxton and Gallagher Co., Omaha. The respondent advertising agency stipulates that it will cease representing, directly or by implication, that Paxton and Gallagher Co. discovered a new or extraordinary process of maturing coffee, that this company's method of maturing coffee eliminates all trace of harshness or coffee acids, and that a pound of Butter-Nut coffee makes more cups of coffee than a pound of any other coffee. (02824)

Harry T. Campbell Sons' Co., Towson, Md., have entered into a stipulation in which it agrees to cease certain representations in the sale of "Campbell's Calcite Grit," a poultry food supplement.

Under its stipulation, the respondent corporation agrees to desist from representing that its product is the only grit having a natural manganese content; and that it is necessary to supply poultry with pure calcium in addition to the minerals contained in commercial feeds, unless this representation is specifically limited to feeds deficient in this mineral. (02820)

Cliff-Edwards Hair-Way—Cliff Edwards, conducting a business under the name Cliff-Edwards Hair-Way, 8026 Hollywood Blvd., Los Angeles, entered into a stipulation to cease representing that his preparations for the hair known as "Cliff Edwards No. 7" and "Cliff Edwards No. 11" will cause hair to grow or in any way aid in growing hair on a naturally bald head; that the preparations, or either of them, are new in the sense that they consist of ingredients other than such as have been long recognized for use in scalp treatments; and that the preparations were created by a prominent cosmetologist and dermatologist. (3147)

Genesee Trading Co., Inc., 18 West 21st St., New York, entered into a stipulation to cease using representations implying that the perfumes which it sells are French perfumes manufac-

tured in France and sold in the United States. The respondent corporation also stipulates that it will cease employing any French words or language in its literature or on its cartons or packages in such a manner as to lead the public to believe that the contents of the packages are of French origin and have been manufactured in France, and that it will cease using the word "Paris" on its labels, letterheads and other advertising matter in such a way as to lead the public to believe that the corporation maintains a manufacturing plant in Paris, France. (3154)

International Tobacco Company of America, Incorporated. Louisville, Ky., entered into a stipulation to cease employing the words or phrases "London," "English," "A Product of Peter Jackson (Overseas) Ltd., 217 Piccadilly, London, W.," or other words or phrases implying that its products are made in England or any country other than the United States. The respondent further stipulates that it will cease representing, directly or inferentially, that its cigarette tips designated "filter tip" represent an original or revolutionary principle in cigarette tips, or that its cigarettes are the only cigarettes that have so-called "filter tips." (3144)

Interstate Home Study Bureau—Aaron Sauer, trading as Interstate Home Study Bureau, 901 Broad St., Newark, N. J., entered into a stipulation to cease certain representations in the sale of a correspondence course designed to assist students to pass civil service examinations.

Under his stipulation, the respondent agrees to cease employing the word "Bureau," either with or without the words "Interstate Home Study," as a part of or in connection with his trade name, and to desist from using the word "Bureau" independently or in connection with other words so as to imply that his course is compiled, published or disseminated by a "Bureau," as that term generally is understood. (3152)

A. G. Luebert, Coatesville, Pa., has entered into a stipulation to cease certain representations in the sale of medicinal preparations. The stipulation is supplemental to a stipulation previously accepted by the Commission from the respondent.

Under the supplemental stipulation, the respondent agrees to desist from disseminating advertisements which represent that "Nox-Em Tablets and Capsules," "Ka-No-Mor Capsules," "Nox-Pan Tablets," and "Luebert's Laxative Tablets" are in all cases safe or harmless; or which fail to reveal that the frequent or continued use of "Nox-Em Tablets and Capsules," "Ka-No-Mor Capsules," and "Nox-Pan Tablets" may be dangerous, causing serious blood disturbances, anemia, collapse, or a dependence on them, and that no more than the dosage recommended should be taken, and that they should not be given to children; or which advertisements fail to reveal that "Luebert's Laxative Tablets" should not be used when abdominal pains, nausea or other appendicitis symptoms are present; that its frequent or continued use may result in dependence on laxatives, and that if a skin rash appears, its use should be discontinued. (0304)

Montgomery Ward & Co., Inc., Chicago, stipulated that in the sale of coal tar hair dye preparations designated "Inecto" and "Clairol," it will cease disseminating advertisements which fail conspicuously to reveal the following:

"Caution: This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

The stipulation provides, however, that such advertisement need contain only the statement: "Caution: Use only as directed on label," if and when the label bears the first-described caution conspicuously displayed and the accompanying labeling contains adequate directions for such preliminary testing before each application. (02821)

Newbro Manufacturing Co., 188 Walker St., S. W., Atlanta, stipulated that in the sale of its cosmetic and medicinal preparations it will cease representing, directly or by implication, that "Tuxedo Club Pomade" invigorates the scalp or helps the hair as nothing else will; that "Queen Hair Dressing," also designated as "New Improved Queen Hair Dressing," is a hair grower or supplies food for the hair; that "Queen Instant Skin Whitener,"

also designated as "New Improved Queen Instant Skin Whitener" and as "Queen Skin Whitener Ointment," improves the tone of the complexion or retards the formation of blackheads; that "Queen Skin Soap," also designated "New Improved Queen Skin Soap," helps to heal skin blemishes; that "Queen Peroxide Vanishing Cream," also designated "New Improved Peroxide Vanishing Cream," imparts a fine-grained appearance to the skin, and that "Queen Cold Cleansing Cream" loosens impurities or smoothes lines or wrinkles. (02818)

Peerless Smoking Jacket Co., Inc., 16 East 34th St., New York, distributor of men's specialty garments, including robes, house jackets, sports coats and shirt and slack ensembles, stipulated that it will not offer for sale, sell or distribute any merchandise which is made from fabric composed of rayon or which contains rayon without clear and unequivocal disclosure of the fact that the fabric is made of or contains rayon, as the case may be, on labels or tags conspicuously affixed to the merchandise, and on the invoices and in all advertising and promotional matter, however disseminated or published. (3155)

Rubel Baking Co., Cincinnati, entered into a stipulation to cease and desist from certain representations in the sale of "Rubel's High Vitamin B-1 Wheat Bread," also known as "Rubel's High Vitamin Wheat Bread."

Under its stipulation, the respondent agrees to cease advertising that its bread contains per loaf as many as 800 international units of Vitamin B-1 or contains more units of that vitamin, or of any other vitamin present, than is actually the case, or that, when eaten in quantities ordinarily consumed, the product will supply the minimum daily nutritional requirement for Vitamin B-1. (02823)

A. D. Sutton & Sons—David A. Sutton and Sam Sutton, trading as A. D. Sutton & Sons, 15 West 37th St., New York, distributors of handkerchiefs and laces imported from China, stipulated that they will cease representing in any way on their printed or advertising matter that they maintain foreign offices in either France or Belgium or in any other country abroad, when and if such is not a fact. (3156)

Tru Products Corporation, 166 West Jackson Blvd., Chicago, entered into a stipulation in which it agrees to cease advertising that its product "Tru-Clean Tablets" will restore the color of fabrics to their original brilliance and beauty, and that its customers are protected by Lloyd's of London against any personal or property damage resulting from the use of Tru-Clean Tablets, and are afforded legal redress against Lloyd's of London for any such damage. (02822)

Valeria's Products—Dave Boston and Wilma Boston, co-partners trading as Valeria's Products, and as Valeria's, 589 East Adams Ave., Detroit, entered into a stipulation in which they agree to cease representing that "Valeria's Hair Grower" will cause the natural oils of the scalp to be retained; overcome dryness of the scalp; stop excessive dandruff or falling hair, or cause hair to grow. The respondents further agree that in the dissemination of advertisements they will cease representing, by use of the words "Hair Grower" in the designation of their preparation, that the product will grow hair. (02819)

Whelan Candy Company—John J. Whelan, trading as Whelan Candy Co. and as The Whelan Co., Bradford, Pa., stipulated that in connection with the sale of candy and other merchandise, he will cease supplying to others candy, cigar lighters or other merchandise together with punch-boards, push cards, or other lottery devices, or such devices either with assortments of candy or other merchandise or separately, which devices are to be or may be used in selling such candy or other merchandise to the public. (3149)

FTC CASE DISMISSED

The Federal Trade Commission dismissed without prejudice a complaint which had charged Lightfoot Schultz Co., New York, Continental Blade Corporation, Brooklyn, and Lawrence Distributing Corporation, Brooklyn, with violation of the Federal Trade Commission Act in the sale of soaps.

DEFENSE COMMITTEE MEETS

The new NAB National Defense Committee will meet at the NAB in Washington, Tuesday, July 15. Members of the Committee are: John Shepard, 3rd, Yankee Network, Chairman; A. J. Fletcher, WRAL; Leo Fitzpatrick, WJR; H. Vernon Anderson, WJBO; Ben Ludy, WIBW.

EXECUTIVE COMMITTEE

The NAB Executive Committee will meet Monday, July 14, in Washington to consider a number of matters.

THE MUZAK LICENSE

The recent grant to Muzak Corporation of a construction permit for a development FM broadcast station has been hailed in a recent FCC release as the inauguration of a new type of service in the field of radio broadcasting. However, the uniqueness of the service is questionable, since the applicant, Muzak Corporation, at present furnishes transcribed musical programs by telephone wires to hotels, restaurants and homes on a subscription basis and now proposes to furnish relatively the same service by substituting transmission by radio in place of the use of telephone wires. It would appear that this was contrary to the Commission's policy of not permitting the use of radio for transmission where wires are available.

The Commission's apparent interest in this new type of broadcasting service is worthy of attention not only by broadcasters but also by advertisers and by all who use radio and are interested in the great public service rendered by radio. In its announcement, the Commission quotes from a statement by the promoter of this new service as follows:

"There is no reason why the public should pay directly for moving pictures and indirectly for radio. It is merely a matter of circumstance that radio in the United States is available to the public only in connection with advertising announcements which frequently are highly disturbing or irritating. The American people have never decided or been given the opportunity to decide that radio should not be sold in the usual manner by direct payment for the service."

It is true that the Commission does not say specifically that it is in agreement with these views, yet it is significant that such views and the philosophy they express are set forth at such length in a routine announcement of the granting of an experimental radio broadcasting license.

The American system of broadcasting, the Commission says, is not practiced in all countries of the world. Quite so. However, because under the American system radio has been able to pay its way it has been able to maintain its freedom and has not been dependent upon a government subsidy, nor is it subservient to any political party or power.

Advertising, in addition to making private broadcasting possible, has also provided the basis for a competitive system and has thereby stimulated both broadcasters and advertisers to produce a variety of programs and a standard of performance unequalled throughout the world.

It is hoped that the criticism of all advertising as contained in the release is due to draftsmanship, and does not indicate an official policy of the Commission.

National Defense

Flying Cadet Campaign

Seven stations, listed below, are longtime cooperators in the Flying Cadet campaign for the Army. These, with 645 stations reported on June 9, 82 on June 30, 5 on July 3, bring the total to 739.

Unreported previously are:

KFUO—St. Louis, Mo.
KGFI—Brownsville, Texas
KPOW—Powell, Wyo.
WHMA—Anniston, Ala.
WLAW—Lawrence, Mass.
WSAZ—Huntington, W. Va.
WTJS—Jackson, Tenn.

Selective Service Drawing

The lottery in connection with Second Selective Service Registration has been set in Washington, D. C., for 7:00 p. m., EST, July 17. It is estimated the drawing of the 750 numbers will occupy approximately two hours. Thereafter the news will originate in various centers throughout the country in the territory served by broadcasting stations.

Because some stations reported inability to get lists from local boards promptly during the prior lottery, it is suggested that stations immediately re-establish contacts with the sources of local names.

If the likelihood of any difficulty is in prospect it is suggested that the circumstances be reported to NAB headquarters.

This suggestion is made in accordance with a letter received on Thursday from Major Ernest M. Culligan, Public Relations Officer, Selective Service System. On that date he wrote:

"It is my pleasure to assure you that instructions have been issued to all members of the Selective Service System to make information regarding Selective Service readily available to the press and radio news agencies. During the past several months we have corrected many situations where local boards were reluctant to release information and I am sure that *radio stations* will not encounter any difficulty in this connection.

"Should any situation come to your attention that requires corrected action, please advise me and I assure you the matter will be straightened out."

Caption of a letter accompanying Navy announcements dated July 14, reads:

ALL OUT FOR THE NAVY!

Details of the urgent need for regular and reserve enlistments are covered in a memorandum to all stations.

(Continued on page 596)



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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

NATIONAL DEFENSE

(Continued from page 595)

KFYO, Lubbock, Texas (population 31,853), home of Texas Technological College, proudly boasts that the city rates second for furnishing enlistments to Naval Air Corps. John Bradford, traffic department, writes that Texas Tech placed second with a total of 67 enlistments, and that first place was held by State of Texas University. KFYO for many months has been backing the Navy's air program.

Paul J. Miller, production manager, WWVA, Wheeling, has scheduled a program, "Defending America," in which are presented various defense announcements which need to reach a maximum audience. They are broadcast Monday through Friday, 7:50-8:00 p. m.

FOURTH OF JULY PROGRAM

WHOM, *Jersey City*

West W. Willcox, assistant manager, writes that the station broadcast a complete daily series of spot announcements on July 1, 2, 3 and 4, not only in English but in native-tongue announcements in Polish, German, Italian, Spanish, Lithuanian and Jewish. The station also carried the 4:00-4:10 p. m. presidential broadcast via cooperation of NBC.

WEMP, *Milwaukee*

C. J. Lanphier, manager, broadcast the President's speech at the Milwaukee Ball Park through the cooperation of President Bill Veeck, head of the Milwaukee Ball Club.

KCKN, *Kansas City, Kans.*

Ellis Atteberry, manager, took Mutual's feed of the Fourth of July broadcast from WHB, Kansas City, Mo. The 10-minute program became part of the station's baseball broadcast in the afternoon. Full-hour patriotic program on the morning of the Fourth served to promote the afternoon feature. On prior days there was an effective teaser campaign.

KGNC, *Amarillo*

John Ballard, manager, scheduled a three-day Americanism theme which culminated with the Fourth of July presidential broadcast. Speakers included Mayor Joe A. Jenkins, American Legion officials, Postmaster W. D. De Grassi, and others.

KGHL, *Billings*

Ed Yocum released a series of live spots to secure a full audience for the Fourth of July presidential broadcast.

WITH, *Baltimore*

Thomas Tinsley, president, arranged to take the presidential speech from one of the Baltimore network stations.

KITE, KCKN, WHB, *Greater Kansas City*

According to a note from WHB: "All seven radio stations in the Greater Kansas City area logged the same program for another 'first time in local radio history' on Friday, July 4, when President Franklin D. Roosevelt addressed the nation. WHB-Mutual, KMBC-Columbia, WDAF-National Red and WREN-National Blue carried the President's talk on their regular network service. KCMO, local independent, received the program from NBC Blue via the AT&T test board. KITE and KCKN were fed the Mutual origination through the WHB control panel in accordance with the NAB's request for cooperation in this matter."

WGR-WKBW, *Buffalo*

During the Fourth of July broadcast Herbert C. Rice, program manager, arranged for a chorus of thirty Boy and Girl Scouts to recite the pledge of allegiance in unison with Chief Justice Stone.

WOR, *New York*

Ted Streibert, vice president, wrote on July 2 that he had arranged for the President's speech to be broadcast over a PA system at Ebbets Field and Empire City race track.

KFVS, *Cape Girardeau, Mo.*

This is another of the independent stations to carry the Fourth of July program.

KGW-KEX, *Portland*; KAST, *Astoria*; KSLM, *Salem*; KWJJ, *Portland*

H. Quenton Cox, assistant manager of KGW-KEX, broadcast the presidential talk to several meetings over PA systems; and fed the program to KAST, KSLM and KWJJ.

A total of 36 spots were broadcast by KGW and KEX in behalf of the Second Selective Service registration on June 29 and 30.

BMI NOTES

More New Songs for Broadcasters

Completion of contracts with six publishing firms for the licensing of music to subscribers, publication of eight new popular tunes, thirty Public Domain arrangements and twelve new compositions in the BMI Standard Black and White Series were announced this week.

The newly affiliated publishers are Fountain Music Company; Harmony Music Publishers; Melo-Dee Music Company; Modern Standard Music Company; Merrell Schwartz Music Company; and Meredith Willson.

With the addition of these twelve original compositions, the BMI Black and White Series offers seventy-two compositions of the type used on concert programs. These additions include three poems by Christopher Morley, poet and novelist, set to music by E. S. Nolling.

You and I, which comes to BMI with the Meredith Willson contract, was written by Willson as a theme song for the Maxwell House Coffee program. An active demand for the song was evident after Bing Crosby and Rudy Vallee featured it on their own programs. Willson organized his own company and published it. Initial sales on the west coast were so good shortly after publication that the composer was unable to buy a piano copy for his own use. Recordings of the song by Kate Smith (Columbia), Bing Crosby (Decca), Glenn Miller (Bluebird), and others are scheduled for release in the next few weeks.

New BMI Subsidiary

Radio Tunes, Inc., has been organized under the laws of the State of New York as a subsidiary of Broadcast Music, Inc., to engage in the publication and exploitation of popular music.

Sydney M. Kaye, Merritt E. Tompkins and Robert J. Burton are directors. Chief executives of the new company have now been selected. Plans call for the establishment of a Professional Department and other departments necessary to a music company. Principal purpose for the formation of the new company is to give the music world an increasing variety of popular tunes. In establishing a subsidiary, BMI is profiting from the experience of other music publishers who have found additional companies useful in the promotion of their music.

The 'Hi, Neighbor' Policy

Written by Jack Owens, who wrote the music of the *Hut Sut Song*, and featured by Jane Frazee and the Merry Macs in the new Universal picture, "San Antonio Rose," BMI's *Hi, Neighbor* looks as if it may become an important song for group singing.

The number has been adopted in Santa Catalina, California, as the official greeting song and is broadcast every night. The Santa Catalina band plays it as the welcomer for all visitors to Catalina. Over July Fourth, more than one half million people were on the Island and many of them were whistling the tune. This is the first time that Catalina has adopted a welcoming song, but the words, *Hi, Neighbor*, have been used there for several years as a greeting phrase.

Not only in Catalina, but throughout the country, the times have been crying for a song of this sort. People are eager to "break the ice" that surrounds human relationships, but there has been no song that hit just the right note.

Jack Owens struck gold with the *Hut Sut Song* and many of his friends feel that he has done it again with *Hi, Neighbor*. The lyrics follow:

"Listen, you sisters and brothers,
I've got some very good advice.
Hear me, you sons of your mothers,
We're really gonna break the ice.

CHORUS:

HI, NEIGHBOR! HI, NEIGHBOR!
What do ya' know and what do ya' say?
HI, NEIGHBOR! HI, NEIGHBOR!
Throw all your worries away.
Come on and shake my hand and let a grin do the rest,
It makes ya' feel so grand to get your chin off your chest.
I'm shoutin', HI, NEIGHBOR! MY NEIGHBOR!
Time to play and say, HI!"

Copyright 1941, Broadcast Music, Inc.

I Hear America Singing

One of this year's outstanding compositions becomes available for broadcasting by BMI subscribers with the publication by E. B. Marks of George Kleinsinger's patriotic cantata, *I Hear America Singing*. This number has been recorded for RCA Victor by John Charles Thomas and the ILGWU Radio Chorus with an orchestra led by Nathaniel Shilkret. (Victor Musical Masterpiece Album No. M-777.)

Written for a baritone with mixed chorus and orchestra, *I Hear America Singing* is based on Walt Whitman's epochal work, *Leaves of Grass*. Glorified in stirring music are the people, farms, cities, splendor and majesty of America and the spiritual values for which it stands. Kleinsinger selected such excerpts from the Whitman works as *Song of Myself*, *O, Pioneers! O, Pioneers!*, *For You, O Democracy* and fused this material into a dramatic and brilliantly unified composition.

The twenty-seven-year-old composer has played piano in a jazz band; studied dentistry; been Musical Director of the Eastern CCC camps; graduated from New York University; won a fellowship at the Julliard School of Music; and created countless musical works, among them a violin concerto and several string quartets.

BMI FEATURE TUNES

July 14 - July 21

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

In preparation, two great rhythm numbers—*Yo Te Amo*, an unusual novelty, and *Hi, Neighbor*.

BMI continues to lead in all indices of popularity. 13 out of 15 sheet music best sellers are BMI controlled, according to the *Billboard* compilation, and 11 out of 15, according to *Variety*. *Billboard* gives 10 of the 14 leading money makers in the coin machines to BMI, and *Variety* credits 11 out of 19. In best selling phonograph records, 8 out of 10, according to *Billboard*, are BMI published or BMI controlled.

The Hut Sut Song has jumped into first place in national sheet music best sellers, leading in the mid-west and south and ranking second to *Intermezzo* in the east. Out on the west coast *Maria Elena* has superseded it as the number one song. Sammy Kaye's *Daddy* is the sensation of the week in record sales, leading nationally in the east, in the mid-west and in the south, and ranking third on the west coast. *G'bye Now* and *My Sister And I* are still "going strong" after seven weeks and rank second and third respectively in record sales. Those "coming up" in *Billboard's Record Buying Guide* are led by *Things I Love* and *Good Bye, Dear, I'll Be Back In A Year* and *Green Eyes*.

Kent Cooper's "Dixie Girl"

For the first time on any stage, *Dixie Girl*, recently published by BMI and written by Kent Cooper, General Manager of the Associated Press, was sung at the Radio City Music Hall in Leon Leonidoff's stage revue which opened June 26.

Earl Wrightson, baritone, sang it as part of the Music Hall Symphony Orchestra's overture, *Southern Rhapsody*.

Mr. Cooper, who writes music for his own amusement and relaxation, composed *Dixie Girl* in 1923 for his daughter, had it copyrighted but never presented it for publication. It was only as the result of losing a bet on a golf game that he consented to have the song released this year.

The Answer

Bobby Warren of Warren Publications is frequently asked what city has the address, *Number 10, Lullaby Lane*. He knows the answer now. It's *City of Heaven (Population Two)*, Warren's new song which he is presenting to BMI broadcasters as "the newest addition to our household at Number 10."

A Yard Bird Song

Time's A' Wastin', by Olsen and Johnson, inspired by "Snuffy" Smith of the "Snuffy" Smith and Barney Google cartoon running in the Hearst papers, is being published by BMI. The tune will be promoted by BMI and King Features with the cooperation of Billy de Beck, the cartoonist, and orchestra leaders and movie stars who have expressed interest in the tune. "Snuffy" enlisted in the army recently and the song is expected to form an important part of his adventures.

Comment and Contrast

The Buffalo, N. Y., *News* says under date of June 24th:

"BMI DOUBLES ROYALTIES

"Bernie Simon, local lawyer, and Dick Ullman, WGR-WKBW executive, who turned out the song 'My Mind's On You,' got a pleasant surprise the other day in ripping open their royalty check for the tune. BMI voluntarily had doubled its payments to songwriters.

"Quite a contrast from a year or so ago when, with ASCAP in the saddle, Ruth Lowe got not a cent for all the times 'I'll Never Smile Again' was played on the air because she didn't belong to ASCAP."

Si Steinhauser of the Pittsburgh *Press* writes:

"Under the BMI royalty setup for the first quarter of 1941—and that's the period covered by the checks—individual song hits earned their composers from \$800 to \$1200 for radio performances only. The figures do not include recording royalties.

"These royalties go, for the most part, to composers who have not been able to earn a penny from their music prior to the formation of BMI which opened its services to composers, rich or poor, famous or unknown.

"Radio, except for a few stations, has gone along without ASCAP music. The answer is simple. BMI has found composers of definite hits.

"Although ASCAP has been taking it on the chin, heaviest losers in the fight are movie theatre owners. Because ASCAP has the film industry tied to contracts, song hits featured in pictures are not on the air. Result, say the theatre men, people are not going to the movies to see the musicals."

Variety admits:

"Jack Robbins points to 'Aurora' as refutation of a pet Tin Pan Alley theory that the coin-machines can 'make' a song hit. Jack Kapp, prez of Decca, recorded this Brazilian 'carnival' song eight different ways, and guarantees Robbins 1,000,000 platters on Decca alone. It's also been widely waxed elsewhere.

"But it has only sold a meager 12,000 copies so far.

"In contrast, 'Hut Sut Song,' from a small coast publisher, but with an advantageous radio plug, will see 200,000 copies sold."

Sales

SALES MANAGERS COMMITTEE NAMED

Following a new method of station representation, appointment of the new seven-man executive committee for the NAB Sales Managers Division was announced today by President Neville Miller.

In accordance with a board of directors ruling, the new committee consists of a chairman selected at large, one member each representing the small, medium and large stations, and one representing each of the networks.

Eugene Carr, veteran member of the committee and assistant manager of WGAR, Cleveland, Ohio, is the new chairman.

Representing large stations is John M. Outler, Jr., commercial manager of WSB, Atlanta, Ga.; medium stations, E. Y. Flanigan, commercial manager, WSPD, Toledo, Ohio, who was chairman of the committee last year; small stations, Robert MacKenzie, manager, WCMI, Ashland, Ky.

Network representatives are Arthur Garfield Hayes, CBS Radio Sales, New York City; George H. Frey, sales service manager of the eastern division of NBC Sales department, New York City, and Linus Travers, vice president of the MBS-affiliated Yankee network and WAAB, Boston, Mass.

Serving on the committee last year, besides Flanigan and Carr, were Craig Lawrence, KSO-KRNT, Des Moines, Iowa; Ellis Atteberry, KCKN, Kansas City, Kans.; Willard Egolf, KVOO, Tulsa, Okla., and Charles Caley, WMBD, Peoria, Ill.

Carr was due to arrive in Washington Thursday for a two-day conference with Frank E. Pellegrin, director of the Department

of Broadcast Advertising, preparatory to calling the first meeting of the new executive committee later this summer.

Audience Reaction Reported

An article on "Ups and Downs in Audience Interest," by Joseph Creamer and George H. Allen, in the July issue of *Advertising and Selling*, is recommended to every station manager, sales manager and program director. It is a graphic account of the research conducted under the supervision of Horace Schwerin with the "Program Analyzer" machine, testing the reactions of thousands of typical listeners to various types of programs and commercials. The article, factual, indicative and revealing, should be of great practical value to all broadcasters. Publication office is Chestnut at 56th St., Philadelphia, Pa.

Advertiser Seeks Commission

The Jaques Manufacturing Co., makers of K C Baking Powder, has been offering to place a spot announcement campaign direct, provided it is allowed 15 per cent agency commission.

The company states "this is the basis on which all of our newspaper contracts as well as radio contracts have been placed—our company having been recognized just the same as advertising agencies for a great many years." Merchandising and dealer contracts are also requested.

In reporting this to the NAB, a member comments that checking shows a number of broadcasters, "including some very large stations," are allowing the 15 per cent commission direct.

That this is a bad business practice seems to be obvious. If stations will allow an "agency commission" to one advertiser who places his business direct, it is hard to see how they can logically withhold a similar commission or rebate from all similar advertisers.

In fact, it is difficult to understand how any sort of "agency commission" can be allowed when there is no agency involved at all. Therefore, reduced to plain terms, this becomes a special rate reduction of 15 per cent allowed to one advertiser, or a rebate of 15 per cent allowed to one but denied to others.

Abuses such as these will do more to break down established practices and the radio rate structure than almost anything else that can be imagined. It has long been recognized in ethical advertising circles that to grant special rebates to one advertiser, thereby discriminating against others, is contrary to the best interests of the media, of advertising agencies, and of the whole business of advertising. Such action is certainly inimical to the industry's efforts to build and maintain high ethical standards, and for that reason stations that have been persuaded to comply with this advertiser's request, thinking more perhaps of the contract at hand than of its long-range effect, are advised to reconsider the matter carefully.

Cost-Per-Inquiry

Acme Products Co., of West Frankfort, Ill., on behalf of **X-PEL**, an athlete's foot remedy, is seeking cost-per-inquiry deals.

Allen A. Funt, Radio Productions, of New York, is seeking per-inquiry "propositions" from stations on behalf of a tobacco client, the **House of Westminster, Inc.**

Both advertisers have been advised of the NAB attitude on this subject, and have been cordially invited to use radio properly at established rates.

The Business Outlook

Facts learned from the weekly bulletin of the U. S. Department of Commerce, believed to be of interest to radio sales managers as possible sources of increased revenue, are as follows:

Personal finance company consumer loans rise 13 per cent over a year ago during the period ending May 1, with balances

totaling \$514,000,000 reported by companies doing 80 per cent of the total loan business in this field.

Credit unions for the same period report \$203,200,000 in members' loan obligations, an increase of 27.5 per cent over the previous year.

Employment figures are the highest on record, with total non-agricultural employment reaching 47,222,000 by the end of March, according to the Bureau of Labor Statistics.

The Census Bureau reports 1,500,000 marriages in 1940, a new record.

Daily average supply of domestic crude oil, estimated by the Bureau of Mines, to meet the market demand in July 1941 is 3,847,100 barrels, an increase of 6 per cent above the actual demand for July 1940. The domestic demand for motor fuel is estimated at 60,300,000 barrels for July, a 12 per cent increase over actual demand in July last year.

Farm-product demand continues higher, with total pork production for 1940 at an all-time high, and with a higher price to farmers for milk because of increased demand for dairy products for Britain. Demand for farm products generally continues to be favorably influenced by industrial activity and increased consumer buying power.

Five large tire companies have been ordered to cease and desist from price misrepresentations.

Electric energy production in 1940 exceeded all records by 11.2 per cent.

A continuing rise in the value of building contracts has caused summer construction to approach the peak volume of the late 1920s, with residential, nonresidential, public works and utilities all attaining new highs.

A new all-time high in retail automobile financing, both as to number of cars and dollar volume, was reached in April, dollar volume showing an increase of 16.8 per cent over March and 43.3 per cent over April 1940.

Retail sales increased 24 per cent in May over the previous year, and chain grocery stores showed a 15 per cent increase. Wholesale prices rose .6 per cent during the week ending June 21, largely as a result of further sharp gains in prices for agricultural commodities. Independent retailers report a 26 per cent increase in sales during May over the previous year, with food stores reporting a 10 per cent increase.

Labor

Wage and Hour Act

The following exchange of correspondence with the Wage and Hour Division will prove of interest, especially to smaller stations. The NAB addressed the following letter to the division:

A member of our Association has asked for an opinion in the following case:

An employee's primary duty is that of an outside salesman of radio time. For this he receives a monthly salary of \$150 plus a monthly bonus, the size of which depends upon the amount of time he sells. In addition he does 8 hours each week of routine announcing. Other announcers in the station work 40 hours a week. Therefore, the station assumes that these 8 hours do not stand in the way of his classification as an outside salesman, under Section 541.5 (B) of the Wage and Hour Division's Rules and Regulations. However, this same man does an irregular amount of "special events" announcing each week. This consists of interviewing celebrities, going out on news assignments to community events and so forth. This type of work, in the industry generally, is done by announcers classified as "professionals" under Section 541.3 of the Rules and Regulations. However, the man in question is not paid for this "professional work" at the rate of \$200 or more a month. This "special events" announcing as well as his 8 hours regular announcing is done as part of his all-around job at the station.

The question is: Can this employee be classified as an "outside salesman" for Wage and Hour Act purposes.

May I say that many smaller radio stations have employees with a similar multiplicity of duties and that your help in clearing up classifications will be greatly appreciated.

Following is the reply:

On the basis of these facts it would appear that the employee in question cannot be classified as an "outside salesman" within the meaning of section 541.5 of the regulations. The time which the salesman spends in broadcasting his programs must be counted as nonexempt work, and it would seem that the amount of non-exempt work performed by this employee does not meet the 20 per cent test laid down in subsection (B) of section 541.5.

Wage-Hour Pamphlet Revised

A thoroughly revised second edition of "The Wage and Hour Act: How It Affects a Broadcasting Station" has gone to press and will be mailed to all members next week.

Any member who has not received "A Sample Labor Contract Covering Technicians," mailed last week, should write in for one.

WKRC Strike

The AFRA strike at WKRC, Cincinnati, was still in progress Thursday, July 10. Four of 17 artists were on strike. AFRA has threatened to strike all MBS agency-built commercials fed to WKRC on July 12 unless the station comes to terms meanwhile. Negotiations were in progress Thursday.

Army Training

A thorough schooling as a radio technician in the Army Air Corps is assured all students at the Army Air Corps Radio Operators and Mechanics School at Scott Field, Belleville, Illinois.

The school, the largest of its kind, is training radio experts at the rate of approximately 20,000 a year.

Soldiers enter in classes of approximately 800 every two weeks.

Graduates of the 22-week radio course are thoroughly trained in the operation, and line maintenance of aircraft radio equipment, and in the installation, operation and field maintenance of tactical ground radio equipment.

FEDERAL COMMUNICATIONS COMMISSION

Army Station Call Letters Changed

The Army Amateur Net Control Station has changed its call letters to W3USA—indicating "United States Army." The old call letters of the station, which is located in the War Department Message Center, Washington, D. C., were "W3CXL." The old call letters had been used since the station was established in 1929. W3USA normally will operate on the amateur 3,500-4,000 kilocycle, 7,000-7,300 kilocycle, and 14,000-14,400 kilocycle frequency bands with sufficient power to be heard throughout the United States, Puerto Rico, Panama, Alaska, Hawaii, and, at times, even to contact the Philippine Islands.

From the FCC Mail Bag

An Illinois radio fan complains to the Federal Communications Commission about the use of the expression "now we have news" in connection with commercial announcements. The Commission

itself can do nothing about this, but suggests that comments regarding radio presentations, if addressed to the station concerned, will receive attention.

A Washington, D. C., resident objects to the "squawking" of a neighbor's loud speaker until 2 A. M. The Commission advises that operation of receivers is outside of its province and that any nuisance problem is a matter for local civil authorities to consider.

A California woman attributes her illness to television and other radio signals which permeate her home and person. The Commission is sorry to learn of the complainant's illness. It can, however, say definitely that no case has ever been brought to its attention where either television or broadcast signals received at a distance from transmission have any physical effect on humans. Many tests have been made, and it has been found that these emissions are so weak and insignificant that they are incapable of harming anyone. Since it would appear that the woman's illness must be due to some other cause, it recommends that she consult a physician.

A Boston firm suggests that Government bonds be given on radio programs in lieu of other prize awards. The Commission feels that broadcasters may be interested to receive the suggestion direct, pointing out that Defense Bonds are already being offered by a number of program sponsors.

The Commission has written a Pennsylvania power company thanking it for its prompt attention to a local complaint of interference with radio reception which had been referred to it.

A Chicago firm which requests copies of field strength maps for all radio stations in a certain district is informed that pressing duties do not permit the Commission staff to perform extra research work of this nature, adding, however, that the general information may be determined by applying the appropriate exhibits contained in the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., at a cost of 30 cents.

The Commission has granted a license to Edgar Bergen to operate a radio in his private plane out Beverly Hills way. But Charley McCarthy need not be jealous. By a coincidence, the call letters contain his initials—KHBCM!

Amateur Rules Amended

At the request of the American Radio Relay League, the Federal Communications Commission has amended its rules governing amateur radio service to make an additional 400 kilocycles available for voice communication (Section 12.115), and has allocated 50 kilocycles for utilization of frequency modulation (Section 12.117).

As a result, radiotelephony is now authorized on the amateur band 28,100 to 30,000 kilocycles instead of the 28,500 to 30,000 kilocycles as heretofore, and the frequencies 29,250 to 30,000 kilocycles are assigned for FM transmission. The present extent of the amateur band remains unchanged.

This action was taken to accommodate the increasing number of amateur radio telephone stations and, at the same time, to encourage activity of amateurs in developing FM equipment, as well as to obtain data respecting characteristics of this band for FM use.

At the same time the Commission, on its own motion, amended Section 12.63 to clarify operation of amateur stations by remote control. This amendment will tend to eliminate misunderstanding about the Commission's requirement that an amateur desiring to operate a station by remote control must submit complete information regarding location of the control point, his right to the use of the premises, the means by which remote control is effected, and the equipment to be used to monitor the transmissions from the control point. As has long been the case, amateur operation, directly or remotely, is prohibited on premises controlled by an alien.

Section 12.83, which concerns transmission of call signals, was amended to facilitate Commission monitoring of amateur stations in the present emergency.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 14. They are subject to change.

Tuesday, July 15

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Renewal of license, 1450 kc., 100 watts, specified hours.

Wednesday, July 16

Consolidated Hearing

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—C. P., 1040 kc. (1080 kc. NARBA), 1 KW night, 5 KW day, unlimited time, DA-day and night.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., 1010 kc. (1080 kc. NARBA), 5 KW, unlimited time, DA-night and day. Present assignment: 1400 kc., 250 watts, unlimited time.

FUTURE HEARINGS

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

September 5

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—C. P., 560 kc., 1 KW night, 5 KW day, unlimited, DA-night. Present assignment: 560 kc., 1 KW night, 5 KW day, SH-5 a. m. to LS.

September 9

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—C. P., 590 kc., 1 KW, unlimited, DA-day and night. Present assignment: 1230 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted construction permit for new standard broadcast station to operate on 1340 kc., 250 watts, unlimited time, exact site to be determined subject to Commission's approval (B3-P-3161).

W2XCB—Columbia Broadcasting System, Inc., Portable Mobile (area of W2XAB, New York City).—Granted modification of construction permit to change frequencies of television relay broadcast station from 336000-348000 kc. to 316000-358000 kc., upon an experimental basis only, with peak power 25 watts (B1-MPVB-43).

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted construction permit to make changes in equipment and increase power from 1 KW to 5 KW, unlimited time, subject to approval of transmitter antenna and transmitter site (B-P-3089).

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted construction permit to install new transmitter, directional antenna for night use, change frequency from 1490 kc. to 1380 kc., and increase power from 250 watts to 1 KW day and night, granted subject to antenna approval (B1-P-3090).

W59C—WGN, Inc., Chicago, Ill.—Granted temporary authority to operate FM station W59C with power of 1 KW; this authority is granted without prejudice to determination of hearing under Order No. 79.

- KXYZ-KPRC—Harris County Broadcast Co., Houston Printing Corp. (both of Houston, Texas).—Granted authority for KXYZ and KPRC to make joint use of one common antenna for both day and night operation.
- WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albermarle Broadcasting Co. (assignor); Albermarle Broadcasting Co. (assignee); Elizabeth City, N. C.—Granted petition to grant without hearing application for consent to assignment of license for Station WCNC from present licensee partnership (McCabe and Aydlett, doing business as Albermarle Broadcasting Co.), to a corporation of the same name. (Docket No. 5978.)
- WCBD—WCBD, Inc., Chicago, Ill.—Granted authorization to use the call letters WAIT and deleting present call letters WCBD, 820 kc., 5 KW power until sunset at Fort Worth, Texas.

DESIGNATED FOR HEARING

- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Application for modification of license to change hours of operation from daytime to limited to Knoxville, Tenn.; station operates on 990 kc., 1 KW (B2-ML-1060).
- Park Cities Broadcasting Corp., Dallas, Texas.—Application for construction permit for new standard broadcast station to operate on 710 kc., 5 KW night and day, directional antenna nighttime, unlimited time (B3-P-2860).
- Midstate Radio Corp., Utica, N. Y.—Application for construction permit for new standard broadcast station to operate on 1450 kc., 250 watts, unlimited time; transmitter site and antenna system to be determined subject to Commission's approval. Joint hearing with applications of Utica Observer-Dispatch, Inc. (File No. B1-P-2702), and Utica Broadcasting Co., Inc. (B1-P-3206), for new stations at Utica to operate on same frequency and same power (B1-P-3171).
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.; KVSF—New Mexico Broadcasting Co., Santa Fe, N. M.—Application for construction permit to move transmitter to North 2nd St., Albuquerque, install new transmitter, change frequency from 1260 kc. to 590 kc., increase day and night power from 1 to 5 KW, and install directional antenna for night use; to be heard jointly with applications of Arizona Broadcasting Co., Inc. (KVOA), Tucson, Ariz., for change in frequency from 1290 kc. to 590 kc. on 1 KW, unlimited time, directional antenna day and night; and application of KVSF for construction permit to change frequency from 1340 kc. to 1260 kc., increase power from 100 watts to 1 KW night and day, install new antenna and move transmitter and studio sites locally.

MISCELLANEOUS

- W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Granted modification of construction permit which authorized new television broadcast station, for extension of commencement and completion dates from January 1, 1941 and July 1, 1941, to July 1, 1941 and January 1, 1942, respectively (B1-MPVB-49).
- W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted extension of special temporary authority to operate with main studio at the transmitter of High Frequency Broadcast Station W47A for a period of 30 days beginning July 1, 1941, pending completion of STL transmitter at main studio specified in construction permit.
- 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, described as General Electric and Composite 1 KW amplifier, Type 4-GF1A1, maximum rated carrier power output 1000 watts, from July 1 to not later than August 30, 1941.
- W51R—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on 45100 kc., special emission for frequency modulation with transmitter located at 89 East Ave., Rochester, N. Y., described as R.E.L. Type Cat. No. 519, maximum rated carrier power 3 KW, beginning July 1, 1941, to not later than September

- 1, 1941, pending completion of construction pursuant to construction permit.
- 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, special emission for frequency modulation, with transmitter located at Avon, Conn., and described as Composite maximum rated carrier power output 1000 watts, for period July 1, 1941, to not later than September 1, 1941.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Denied special temporary authority to operate from sign-off (July 7:30 p. m. PST) to the conclusion of the Independence Day Celebration of Modesto and Stanislaus County, Calif., on July 3, 4, and 5, 1941, only.
- WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted motion to dismiss without prejudice application for modification of license to change frequency from 1400 kc. to 1210 kc., using 250 watts, unlimited time (B1-ML-1053).
- Val Curler Broadcasting Corp., Schenectady, N. Y.—Withdrew petition to intervene in above matter (WABY), inasmuch as application was dismissed.
- King-Trendle Broadcasting Corp., Detroit, Mich.—Granted motion to dismiss without prejudice application for construction permit for new station to operate on 1010 kc., 250 watts, unlimited time (B2-P-1994).
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted motion for continuance of hearing on application for construction permit to operate on 560 kc., 1 KW night, 5 KW day, unlimited time, directional antenna night, from July 7 to September 5, 1941.
- W47A—Capitol Broadcasting Co., Schenectady, N. Y.—Granted modification of construction permit which authorized new high frequency broadcast station, for extension of completion date from June 30, 1941 to July 31, 1941 (B1-MPH-32).
- WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted modification of construction permit for new broadcast station for extension of completion date from July 1, 1941 to August 15, 1941 (B1-MP-1347).
- Northern Radio Co., Seattle, Wash.—Granted special temporary authority to operate 65-watt Northern Electric 395A Radiotelephone aboard Ferryboat Fox Island 224559 on frequency 2090, 2190 or 2830 kc. once only during the period July 1 to July 10, 1941, in order to relay to Station KVOS at Bellingham, Wash., program in connection with the initial ferry run between Bellingham and Orcas Island.
- WADA—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate relay mobile station WADA, licensed to the Charleston Broadcasting Co., for a series of special programs consisting of interviews with housewives of Huntington, W. Va., the program originating in the studios of WSAZ and being transferred to selected points in various parts of the city of Huntington, on July 4, 11, 18 and 25, 1941, and August 1, 1941, only.
- WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted modification of construction permit for installation of directional antenna for day and night use, increase in power and install new transmitter, move transmitter, for 1330 kc. and changes in directional antenna, extend commencement and completion dates from April 18, 1941 and October 18, 1941 to 60 days after grant and 180 days thereafter, respectively (B1-MP-1308).
- KSRO—Ernest L. Finley, Santa Rosa, Calif.—Granted modification of construction permit which authorized installation of new transmitter and directional antenna for day and night use, change in frequency and increase in power, for installation of new type transmitter, changes in directional antenna on 1350 kc., and extend commencement and completion dates from February 4 and August 4, 1941 to 1 day after grant and 30 days thereafter, respectively; 1350 kc., 1 KW, unlimited time, directional antenna day and night (B5-MP-1336).
- WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted modification of construction permit for changes in directional antenna system, 920 kc., to extend completion date to 180 days after grant (B2-MP-1295).
- W63C—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of construction permit for new high frequency broadcast station, for changes in antenna system and change type of transmitter (B4-MPH-23).

- WHLN—Blanfox Radio Co., Harlan, Ky.—Granted license to cover construction permit as modified for new station; 1450 kc., 250 watts, unlimited (B2-L-1438). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1107).
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted license to cover construction permit as modified to install new transmitter, increase power from 5 KW to 50 KW, and make changes in directional antenna for night use only (B3-L-1430). Granted license to use old RCA Type 1005-B 5 KW transmitter as an auxiliary (B3-L-1431). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1024).
- KVSF—New Mexico Broadcasting Co., Santa Fe, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1084).
- WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1141).
- WSYB—Philip Weiss Music Co., Rutland, Vermont—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1103).
- WMGA—Frank R. Pidcock, Sr., N. E. of Moultrie, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1114).
- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1091).
- WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-934).
- KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1100).
- WAIR—C. G. Hill, George D. Walker, & Susan H. Walker, Winston-Salem, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1065).
- KRGV—KRGV, Inc., Weslaco, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1089).
- WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1067).
- WNLC—Thames Broadcasting Corp., New London, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1113).
- KFAM—The Times Publishing Co., St. Cloud, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-996).
- KOVO—Citizens Voice & Air Show, Provo, Utah—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1087).
- WOC—Tri-City Broadcasting Co., Davenport, Iowa—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1053).
- WGAL—WGAL, Inc., Lancaster, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-932).
- WHFC—WHFC, Inc., Cicero, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1036).
- WJZ—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (auxiliary) (B1-Z-1000).
- KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Granted authority to determine operating power by direct measurement of antenna input (auxiliary) (B5-Z-1047).
- WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1128).
- WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1041).
- WJLB—John L. Booth Broadcasting, Inc., Detroit, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1095).
- KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1122).
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1093).
- KID—KID Broadcasting Co., Idaho Falls, Idaho—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1076).
- WKPT—Kingsport Broadcasting Co., Kingsport, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1061).
- WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-833).
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1077).
- WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1121).
- KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1109).
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1033).
- KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1090).
- KFYO—Plains Radio Broadcasting Co., Lubbock, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1060).
- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1063).
- WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1124).
- WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-992).
- KWJB—Bartley T. Sims, tr/as Sims Broadcasting Co., Globe, Ariz.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1080).
- KUSD—University of South Dakota, Vermillion, S. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1044).
- KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1127).
- KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1112).
- WGNC—F. C. Todd, Gastonia, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1011).
- KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1066).
- KVEC—The Valley Electric Co., San Luis Obispo, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1126).
- KXO—Valradio, Inc., El Centro, Calif.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1129).
- WISE—Radio Station WISE, Inc., Asheville, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1038).
- WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1142).
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1078).
- WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1120).
- WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1072).
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1079).
- WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-931).

- WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1070).
- KVAK—Carl Latenser, Atchison, Kans.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1092).
- KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1106).
- James Broadcasting Co., Inc., area of Jamestown, N. Y.—Portable-Mobile.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820 and 37980 kc.**, 25 watts (B1-PRE-391).
- WAUR—University of Illinois, S. of Champaign, Ill.—Granted construction permit for new relay broadcast station; **1646, 2090, 2190, 2830 kc.**, 20 watts (B4-PRY-249).
- KAOY—Don Lee Broadcasting System, Portable-Mobile, area of Los Angeles, Calif.—Granted modification of construction permit for new relay broadcast station for change in type of transmitter and extend commencement and completion dates from December 23, 1940, and June 21, 1941, to 60 days after grant and 180 days thereafter, respectively (B5-MPRE-52).
- WJRB—WJR, The Goodwill Station, Detroit, Mich.—Granted license to cover construction permit for new high frequency broadcast station to operate on **156075, 157575, 159975, 161925 kc.**, 100 watts (B2-LRE-348).
- W9XCB—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted modification of construction permit for new television station for extension of completion date from July 15, 1941, to January 15, 1942 (B4-MPVB-44).
- W3XPP—National Broadcasting Co., Inc., Philadelphia, Pa.—Granted modification of construction permit for new television station for approval of transmitter site and antenna system (B2-MPVB-40).
- W2XCB—Columbia Broadcasting System, Inc., area of New York City, Portable-Mobile.—Granted modification of construction permit for new television relay broadcast station, for extension of completion date from July 7, 1941, to January 7, 1942 (B1-MPVB-45).
- W6XLA—Television Productions, Inc. (area of Los Angeles, Cal.), Portable-Mobile.—Granted modification of construction permit for new television relay broadcast station for extension of commencement and completion dates from January 15, 1941, and July 15, 1941, to June 15, 1941, and October 15, 1941, respectively (B5-MPVB-46).
- WSRR—Stephen R. Rintoul, Stamford, Conn.—Granted modification of construction permit for new broadcast station for approval of transmitter site and of antenna (B1-MP-1306).
- Hagerstown Broadcasting Co., near Hagerstown, Md.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.**, 50 watts (B1-PRY-242).
- City of New York; Municipal Broadcasting System, Portable-Mobile.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.**, 50 watts (B1-PRY-238).
- City of New York; Municipal Broadcasting System, Portable-Mobile.—Granted construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.**, 50 watts (B1-PRY-239).
- WEKG—Paducah Broadcasting Co., Inc., Portable-Mobile, area of Hopkinsville, Ky.—Granted license to cover construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.**, 15 watts (B2-LRE-346).
- WCBJ—Lehigh Valley Broadcasting Co., area of Allentown, Pa., Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station; **1622, 2058, 2150, 2790 kc.**, 3 watts (B2-LRY-226).
- WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Granted modification of construction permit for new station, for changes in transmitting equipment; **1340 kc.**, 250 watts, unlimited time (B3-MP-1331).
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted modification of construction permit for installation of directional antenna for night use and increase in power, for extension of completion date from July 16 to September 16, 1941; **790 kc.**, 5 KW, unlimited time, directional antenna night (B5-MP-1339).
- KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted modification of construction permit for installation of new transmitter, directional antenna for day and night use, increase in power, move transmitter, for extension of completion date from July 14 to October 14, 1941; **550 kc.**, 1 KW, 5 KW LS, unlimited time (B5-MP-1333).
- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Granted modification of construction permit for new broadcast station, for approval of vertical antenna, transmitter site, studio site, and install new transmitter; **1450 kc.**, 250 watts, unlimited time (B5-MP-1155).
- WBZ—Westinghouse Radio Stations, Inc., Boston, Mass.—Granted license to cover construction permit for new transmitter, directional antenna for day and night use, and move (B1-L-1337). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-693).
- WISR—Butler Broadcasting Co., Butler, Pa.—Granted modification of construction permit for new station, for approval of antenna system, studio and transmitter site; **680 kc.**, 250 watts, daytime (B2-MP-1317).
- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted modification of construction permit for installation of new transmitter and vertical radiator and increase in power, for extension of completion date from July 13 to August 13, 1941 (B4-MP-1334).
- WOSU—The Ohio State University, Columbus, Ohio.—Granted modification of construction permit for new transmitter, change in frequency, increase in power, for installation of new transmitter and extend commencement and completion dates to 30 days after grant and 90 days thereafter, respectively; **820 kc.**, 5 KW, limited (B2-MP-1330).
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted license to cover construction permit for increase in power and directional antenna for night use; **790 kc.**, 5 KW, directional antenna night, unlimited (B5-L-1435). Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1073).
- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted license to cover construction permit as modified to install new transmitter, directional antenna for use at night, change hours of operation to unlimited, increase power from 500 watts to 1 KW day and night, and move transmitter (B1-L-1439). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1137).
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-971).
- W2XDY—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, special emission for frequency modulation, with transmitter located at New Scotland, N. Y., and described as General Electric, Type GF103A, Exciter 4GF1A1, Amplifier 4AF2A1, maximum rated carrier power output 2500 watts, for period June 29, 1941, to not later than July 29, 1941.
- WRR—City of Dallas, Tex.—Granted modification of construction permit which authorized new transmitter, installation of directional antenna for night use, increase in power, and move, for extension of completion date from June 30 to September 30, 1941; **1280 kc.**, 5 KW, directional antenna night, unlimited (B3-MP-1323).
- WPBL—Pensacola Broadcasting Co., Pensacola, Fla.—Granted special temporary authority to operate already licensed Ship Station WFLT aboard the yacht *Celestine*, owned by Brown Rainwater of Pensacola, Fla., as a relay broadcast station on **1622, 2058, 2150, and 2790 kc.** in order to relay broadcast program in connection with the Annual Fishing Rodeo to Station WCOA on July 4 and 5, 1941, only.
- WDAY—WDAY, Inc., Fargo, N. D.—Granted special temporary authority to operate with directional antenna during daytime for a period not to exceed 15 days in order to make field intensity coverage survey.
- KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted special temporary authority to remain silent after 4 p. m., CST, on July 4, 1941, only, in order to observe Independence Day.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Upon consideration of request for reconsideration and grant conditioned upon operation with 200 watts power, granted special temporary authority to operate with power of 200 watts from sign-off (July 7:30 p. m., PST) to conclusion

of the Independence Day Celebration of Modesto and Stanislaus County, Calif., on July 3, 4, and 5, 1941, only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m., EST) to the conclusion of the Fritzie Zivic-Al Davis fight on July 2, 1941, only, in the event this bout should run later than 10 p. m.

KFXM—Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from regular sign-off time (7 p. m., PST) to conclusion of the Fritzie Zivic-Bummy Davis fight on July 2, 1941, only, in the event this bout should run later than 7 p. m.

W49D—John Lord Booth, Detroit, Mich.—Granted extension of special temporary authority to operate on RCA 1 KW transmitter on **44900 kc.** and a temporary antenna for period July 6 to not later than September 4, 1941, pending completion of construction in accordance with permit.

Chattahoochee Broadcasting Co., Columbus, Ga.—Placed in pending files pursuant to Order No. 79, the application for construction permit for new standard broadcast station to operate on **1450 kc.**, 250 watts, unlimited time (B3-P-3023).

Fairfield Broadcasting Corp., Lancaster, Ohio.—Placed in pending files pursuant to Order No. 79, application for construction permit for new standard broadcast station to operate on **880 kc.**, 1 KW, daytime only, exact site subject to approval by Commission (B2-P-2976).

KTBC—State Capital Broadcasting Assn., Inc., Austin, Texas.—Placed in pending files pursuant to Order No. 79, application for consent to transfer of control of State Capital Broadcasting Assn., Inc., licensee of station KTBC, from R. B. Anderson, R. A. Stuart, and A. W. Walker, Jr., to J. M. West, J. Marion West and P. M. Stevenson (B3-TC-207).

APPLICATIONS FILED AT FCC

550 Kilocycles

NEW—Bob Jones College, Inc., Cleveland, Tenn.—Construction permit for a new broadcast station to be operated on **550 kc.**, 1 KW, daytime.

570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2706) for installation of new transmitter, changes in directional antenna for day and night use, and increase in power from 1 to 5 KW, requesting changes in directional antenna and extension of completion date to 180 days after grant.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-2547) for new transmitter, installation of directional antenna for night use, increase in power, and change in hours, requesting authority to install new transmitter.

590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—License to cover construction permit (B-P-3069) for move of formerly licensed RCA 1-D, 1-KW transmitter for use as auxiliary transmitter.

610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified, for a new broadcast station, requesting extension of completion date from 7-1-41 to 8-15-41.

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Construction permit to make changes in directional antenna system, change frequency from **1530** to **640 kc.**, and change transmitter site from near Crescent Springs, Ky., to near New Burlington, Ohio, contingent on WCLE's change to **600 kc.** and WHKC's change to **610 kc.**

620 Kilocycles

NEW—Yankee Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new broadcast station to be operated on **620 kc.**, 1 KW, unlimited time, directional antenna for day and night use. Amended: re directional antenna.

640 Kilocycles

NEW—Northern Ohio Broadcasting Co., Elyria, Ohio.—Construction permit for a new broadcast station to be operated on **640 kc.**, 1 KW, limited time (S-KFI), contingent on grant of WHKC's application (B2-P-2833) for change in frequency; facilities of WHKC requested. Amended: to omit request for sharing time with KFI, request facilities of WCLE, and specify studio site.

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Construction permit to increase power from 50 to 650 KW, make changes in W8XO's transmitter for use by WLW, and install directional antenna for night use.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—License to cover construction permit (B5-P-2437) as modified, for new transmitter, installation of directional antenna for day and night use, increase in power from 1 to 50 KW, and move of transmitter.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Authority to determine operating power by direct method.

790 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct method. (Auxiliary transmitter.)

830 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to install new automatic frequency control equipment.

910 Kilocycles

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit for increase in power from 250 watts to 1 KW, change in frequency from **1450 kc.** to **910 kc.**, install new transmitter and directional antenna for day and night use, and change transmitter site from Springfield to West Springfield, Massachusetts.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Authority to transfer control of corporation to Sheldon F. Sackett by transferring 5 shares of stock from D. Elwood Caples.

950 Kilocycles

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to cover construction permit (B5-P-2848) as modified, for increase in power and installation of directional antenna for night use.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct method.

980 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—License to cover construction permit (B1-P-243) as modified, for increase in power and installation of directional antenna for night use.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Authority to determine operating power by direct method.

1080 Kilocycles

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

1110 Kilocycles

WCBD—WCBD, Inc., Chicago, Ill.—License to cover construction permit (B4-P-2974) as modified, for change in frequency and change in hours of operation.

WCBD—WCBD, Inc., Chicago, Ill.—Authority to determine operating power by direct method.

1140 Kilocycles

KSQO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. D.—Construction permit to change power from 5 to 10 KW,

time from limited to unlimited, change directional antenna, and move transmitter. Amended: To make changes in directional antenna.

1170 Kilocycles

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Special service authorization to operate on **1170 kc.**, 5 KW, *unlimited time*, for period ending 2-1-42.

1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified, for a new transmitter and increase in power from 10 to 50 KW, requesting extension of completion date from 7-6-41 to 8-5-41.

1230 Kilocycles

WJBW—Charles C. Carlson, New Orleans, La.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Construction permit to change transmitter and studio locations and install new antenna.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Authority to determine operating power by direct method.

1240 Kilocycles

NEW—Key Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts, unlimited time, facilities vacated by WBAX.

KFXM—J. C. Lee and E. W. Lee (Lee Brothers Broadcasting Co.), San Bernardino, Calif.—Voluntary assignment of license from J. C. Lee and E. W. Lee (Lee Brothers Broadcasting Co.) to Tri-City Broadcasting Co.

1260 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—Construction permit to make changes in directional antenna system.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Forth Worth, Texas.—Modification of construction permit (B3-P-2497) as modified, for new transmitter, increase in power from 1 to 5 KW, installation of directional antenna, and move of transmitter, requesting change in frequency under NARBA from **1240 kc.** to **1270 kc.**, make changes in directional antenna, and extension of completion date to 120 days after grant.

1280 Kilocycles

WKST—WKST, Inc., New Castle, Pa.—License to cover construction permit (B2-P-2809) as modified, for installation of directional antenna for night use, increase in hours of operation and power, and change in frequency under NARBA.

WKST—WKST, Inc., New Castle, Pa.—Authority to determine operating power by direct method.

1340 Kilocycles

WTAL—Florida Capital Broadcasters, Inc., Tallahassee, Fla.—License to cover construction permit (B3-P-3175) for changes in transmitting equipment.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—Modification of construction permit (B5-P-2707) as modified, for new transmitter, increase in power from 1 to 5 KW, and change in antenna, requesting extension of completion date from 8-22-41 to 10-22-41.

FM APPLICATIONS

W71SB—South Bend Tribune, South Bend, Ind.—Modification of construction permit (B4-PH-54) for a new high frequency broadcast station, requesting change in transmitter

location, antenna system, and transmitter, increase in coverage from 4,300 to 7,090 square miles, and extension of commencement and completion dates from 4-4-41 and 10-4-41 to 60 days after grant and 180 days thereafter, respectively.

NEW—Portland Broadcasting System, Inc., Falmouth, Maine.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc.**; coverage: 5,050 square miles; population: 256,466.

W47A—Capitol Broadcasting Co., Inc., New Scotland, N. Y.—Modification of construction permit (B1-PH-23) for a new high frequency broadcast station, requesting extension of completion date from 6-30-41 to 7-31-41.

TELEVISION APPLICATIONS

NEW—Philco Radio and Television Corp., Philadelphia, Pa.—Construction permit for a new commercial television broadcast station (formerly W3XE) to be operated on Channel #3, **66000-72000 kc.**, A5 and special emission for frequency modulation, unlimited time.

NEW—General Electric Co., New Scotland, N. Y.—Construction permit for a new commercial television broadcast station (formerly W2XB) to be operated on Channel #3, **66000-72000 kc.**, A5 and special emission for frequency modulation, unlimited time.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new commercial television broadcast station (formerly W3XMB) to be operated on Channel #2, **60000-66000 kc.**, A5 and special emission for frequency modulation, unlimited time.

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) as modified, for a new television station, requesting extension of commencement and completion dates from 1-1-41 and 7-1-41 to 7-1-41 and 1-1-42, respectively.

MISCELLANEOUS APPLICATIONS

NEW—Westinghouse Radio Stations, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020, and 39260 kc.**, power of 2 watts, A3 emission.

NEW—Westinghouse Radio Stations, Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-392) for a new relay broadcast station.

NEW—Westinghouse Radio Stations, Inc., Hull, Mass.—Construction permit for a new developmental broadcast station to be operated on **9570 kc.**, 700 watts, A0 and A1 emission, limited to WBOS.

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.

American Association of Law Book Publishers—Twenty-eight publishers and distributors of law books and other legal publications are charged, in a complaint, with engaging in a combination to suppress and restrain competition in the sale of their products by price fixing and other practices. The complaint also charges their trade association, the American Association of Law Book Publishers, Rochester, N. Y., and its officers, with aiding the respondents in carrying out their undertakings. (4526)

Colonnade Advertising Agency—Ferd T. Hopkins, trading as D. Watson & Company and as Colonnade Advertising Agency, 430 Lafayette Street, New York City, is charged in a complaint

with misrepresentation in the sale and distribution of a medicinal preparation advertised as "Dr. J. Lariviere's Vegetable Compound." (4527)

Louis A. Walton Co., 407 South Market Street, Chicago, Kling Bros. & Co., Inc., 333 West Van Buren Street, Chicago, and Leopold Kling and Samuel Kling, individually and as officers of the corporations, are charged in a complaint with misrepresentation in the sale of clothing. The Louis A. Walton Co. is a wholly owned subsidiary of Kling Bros. & Co., Inc., and is operated as a department of that company. (4528)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

General Grocer Co., St. Louis food wholesaler, has been ordered to cease violations of the brokerage provision of the Robinson-Patman Act.

Commission findings are that the respondent corporation, in connection with purchasing its commodity requirements, received and accepted substantial allowances and discounts in lieu of brokerage from the sellers. (4281)

Hy-Phen Corporation, Matoaka, W. Va., successor to Bradley's Laboratory, Inc., has been ordered to cease and desist from misrepresentation in the sale of "Hy-Phen," a medicinal product.

The Commission finds that through advertisements in newspapers, radio continuities and other means, the respondent has represented that the preparation will prevent colds; is a cure or remedy for colds and is a competent and effective treatment for toothache, neuralgia, and other pains and ailments and that it will relieve the pain attendant upon such conditions more quickly and for a longer period of time than any other preparation. (4418)

Pine Hill Lime & Stone Company—Nineteen southern producers of lime and Hal S. Covert, of Knoxville, Tenn., their former paid representative, have been ordered to cease and desist from engaging in a combination or conspiracy to maintain a delivered price system for their products.

The respondent producers are: Pine Hill Lime & Stone Co., Pine Hill, Ky.; Southern States Lime Corp., Charleston, S. C., and Crab Orchard, Tenn.; Gager Lime Manufacturing Co., Chattanooga and Sherwood, Tenn.; Knoxville Lime Manufacturing Co., Knoxville, Tenn.; Longview-Saginaw Lime Works, Inc., Birmingham, Long View, and Saginaw, Ala.; Cheney Lime & Cement Co., Birmingham, Landmark, and Greystone, Ala.; Ladd Lime & Stone Co., Cartersville, Ga.; Virginia Lime Products Co., Inc., Eagle Rock, Va.; Kimbalton Lime Co., Inc., Shawsville, Va.; Eagle Rock Lime Co., Eagle Rock, Va.; Williams Lime Manufacturing Co., Knoxville, Tenn.; Florida Lime Products Co., Inc., Ocala, Fla.; Dixie Lime Products Co., Ocala, Fla.; Keystone Lime Works, Inc., Keystone, Ala.; M. J. Grove Lime Co., Lime Kiln, Bonsville and Frederick, Md., and Stevensville, Va.; Ripplemead Lime Co., Inc., Ripplemead, Va.; Riverton Lime & Stone Co., Riverton, Va.; Jesse Allen Lime Co., Burns, Tenn., and George L. Scott, Sr., trading as Alabaster Lime Co., Siluria, Ala.

Commission findings are that the respondents' system of identical delivered prices was based on the use of a number of so-called basing points whereby all delivered prices were calculated as though shipments were made by rail from a single basing point or from points having a common or the same freight rate to the respective destination or destinations. (3591)

J. H. Thorp & Co., Inc., 250 Park Avenue, New York City, has been ordered to cease and desist from certain misrepresentations in the sale of textile fabrics.

The Commission finds that the respondent, which has a branch office and place of business at 10 East 34th St., New York City, and is a seller and distributor of various grades and types of textile

fabrics, has represented that certain of its fabrics are "sunfast," "tubfast," "fadeless" or "washable" when, in fact, they will change or lose color when exposed to sunlight and otherwise deviate from their original colors or designs when washed or laundered. (4310)

Wellworth Sales Company—Orders prohibiting the use of lottery methods in connection with the sale of merchandise to ultimate consumers have been issued against Isidore Halperin and Morris Orenstein, trading as Wellworth Sales Co., New York, and Acme Premium Supply Corporation, St. Louis, distributors of novelty merchandise; H. W. Lay & Co., Inc., Atlanta, distributor of food products; and P. D. Meadors and M. M. Meadors, trading as Meadors Manufacturing Co., Greenville, S. C., candy and nut product manufacturers. (3470-4198-4439-4473)

STIPULATIONS

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

Allergy Research Institute, Inc., 809 Walnut St., Cincinnati, has entered into a stipulation to cease certain representations in the sale of devices advertised as being effective in the treatment of hay fever, rose fever and seasonal asthma. (02825)

Derby Knitting Mills, Inc., 122 Fifth Ave., New York, manufacturer of men's hosiery, has entered into a stipulation to cease certain representations in the sale of its product.

The stipulation recites that the respondent caused labels bearing the words "Genuine English Ribbed" to be affixed to hosiery knitted by it in the United States on machines of English style or manufacture, and that the respondent more recently used stencils on the hosiery prominently displaying the words "Genuine English Ribbed", followed by the words "Made in U.S.A.", printed in much smaller letters and less prominent form. (3161)

Lloyd's—John M. Lloyd, trading as Lloyd's, Kansas City, Mo., has entered into a stipulation to cease and desist from certain representations in the sale of textile fabrics.

Under his stipulation, the respondent agrees to cease advertising, branding, labeling, invoicing or selling products composed wholly or partly of rayon without clearly disclosing the rayon content by use of the word "Rayon," and without disclosing in type equally conspicuous as the word "Rayon" each constituent fiber in the order of its predominance by weight when a product consists partly of rayon and partly of other fibers or materials. (3158)

W. H. Long Company—W. H. Long, trading as W. H. Long Company, Chicago, engaged in the sale and distribution of office equipment and supplies, including fluorescent lighting fixtures and bulbs, has entered into a stipulation in which he agrees to cease and desist, in connection with the sale and distribution of his products, from representing that the use of "Fluorescent Daylight Lights" will "Cut Your Electric Bills as much as 85%," that a "15 Watt UNIT will replace any incandescent bulb up to 100 Watts," or that "a double 18"—"30 Watt UNIT replaces any incandescent bulb up to 200 Watts;" and from any other inaccurate, exaggerated or misleading statements tending to confuse or mislead purchasers. (3160)

Multiprint Company—Nettie M. Gorov, trading as Multiprint Company, 666 Lake Shore Drive, Chicago, engaged in the production of illustrative pictures for use by manufacturers of and dealers in furniture, machinery and other products, has entered into a stipulation in which she agrees in connection with the advertisement, offering for sale, sale or distribution of her products

in commerce to cease and desist from the use of the word "Photo" or the word "Photograph" as descriptive of reprints of photographs; and from the use of the word "Photo" or the word "Photograph" or of any other words of similar import in referring to her products, the effect of which may tend to convey the belief to purchasers or prospective customers that the products are photographs. (3157)

National Stamping & Electric Works, 3212 West Lake St., Chicago, stipulated that it will cease certain representations in the sale of electrical heating pads.

The respondent agrees that in the sale of electrical heating pads not equipped with three or more adequate thermostatic or other heat controls calibrated for three distinct temperatures, it will cease using the words "three-heat" as descriptive of the pads or the switches used in connection with them. (3162)

Storm Flooring Company, Inc., 2500 Park Avenue, New York City, engaged in the sale and distribution of flooring and related

products, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from the use of the word "Producers" or "Mills" on its stationery or in its advertising or other printed matter as descriptive of its business, and from the use of any representation, statement or depiction in any way so as to imply that it produces or manufactures such products or that it actually owns and operates or directly and absolutely controls a mill, factory or plant in which such products are produced or manufactured. (3159)

FTC CASE DISMISSED

The Federal Trade Commission dismissed without prejudice a complaint which had charged Lightfoot Schultz Co., New York, Continental Blade Corporation, Brooklyn, and Lawrence Distributing Corporation, Brooklyn, with violation of the Federal Trade Commission Act in the sale of soaps.

ANPA INTERVENES

On Tuesday, July 15, the American Newspaper Publishers Association filed a motion to have the FCC vacate Orders No. 79 and No. 79-A (the "newspaper hearing" orders) and terminate the proceedings. No action had been taken by the Commission through July 17, with the hearings themselves scheduled to begin next Wednesday, July 23, at 10 a. m.

ANPA contends that the Commission is without power under the Constitution to lay down a policy, the purpose of which is to bar persons, firms or corporations engaged in the newspaper publishing business from engaging in the radio broadcast business, and that the terms of the Communications Act prohibit it from laying down such a policy.

The FCC announced that the public hearing, scheduled to begin next Wednesday, July 23, in connection with its inquiry into newspaper operation of radio stations, will be held in the auditorium of the National Archives Building, Pennsylvania Avenue at Seventh Street, Northwest, with entrance on Pennsylvania Avenue. Daily sessions will open at 10 A. M. and close at 4:30 P. M.

DEFENSE PROGRAM PRIORITIES

The broadcasting industry is going to give priority to those government programs dealing with the essentials of national defense.

This was the opinion of the NAB National Defense Committee, following the adoption of a "priorities" resolution for the guidance of the industry.

The committee pointed out that governmental agencies had made so many requests for time on the air that many stations were finding it impossible to grant all of them and, at the same time, to preserve a balanced program service. Such a balanced program service was necessary, the committee said, to continue to attract and hold the large listening audiences, without which governmental programs and announcements would be ineffective.

Therefore, the committee recommended that all stations give priority to governmental programs in substantially the following order:

- (1) Enlistment of man power for both the armed services and national defense industries.
- (2) Defense financing, such as the sale of Defense Bonds.
- (3) Morale building.
- (4) Activities of government agencies not primarily connected with national defense.

The committee also approved the resolution adopted by the NAB Executive Committee reaffirming "the industry's desire to continue its present practice of making its facilities available at no cost to government agencies engaged in promoting the national defense program."

Among other aspects of the relationship between radio and the defense program discussed at the committee's two-day meeting was the development of an adequate supply of radio technicians for both the government and the industry. The committee advised both the War and Navy departments that

the industry was ready to do its part in a large-scale training program to help fill any need.

The NAB National Defense Committee was appointed to assist in making effective radio's "all-out-for-defense" resolution adopted at the NAB convention last May in St. Louis:

"The National Association of Broadcasters reaffirms its position expressed at the time of its 1940 convention with reference to its desire and intention to cooperate in every manner possible with the Federal Government in presenting a united front in the defense of our free institutions and reiterates its desire to cooperate in the coordination and promotion of the country's defense activities."

John Shepard 3rd, of Boston, Mass., Yankee Network, is committee chairman. Other members are: H. Vernon Anderson, WJBO; Leo. J. Fitzpatrick, WJR; A. J. Fletcher, WRAL; Ben Ludy, WIBW; F. M. Russell, NBC, and Harry Butcher, CBS.

DEFENSE RESOLUTION

WHEREAS, in accordance with its traditional policy of public service, the radio broadcasting industry is assisting the National Defense Program of our country; and

WHEREAS a large number of governmental agencies are increasingly requesting time on the stations of the nation to broadcast programs and announcements; and

WHEREAS so many requests in fact have been made that many stations are finding it impossible to grant all of said requests and at the same time maintain balanced program service to the listening public; and

WHEREAS the NAB National Defense Committee recognizes that each station desires to carry as many programs and announcements from governmental agencies as possible, consistent with the imperative obligation of each station to maintain well balanced program service that will continue to attract and hold large listening audiences, without which governmental programs and announcements would lose much of their listener attention and effect;

THEREFORE it appears to be desirable to recommend to the stations a general classification indicating which government programs and announcements should be given priority;

NOW THEREFORE BE IT RESOLVED, that the NAB National Defense Committee recommends to the various stations throughout the country that programs submitted by governmental agencies be given priority substantially in the following order, to wit:

A—Man power:

- (1) Enlistment in armed forces—Army, Navy, Marine Corps
- (2) Civilian employment in National Defense Agencies
- (3) Civilian training for national defense jobs in private industry
- (4) Employment or enlistment in government agencies such as Maritime Service

B—Defense Financing

C—Morale

D—Activities of government agencies not primarily connected with National Defense.

It is recognized that broadcast discussions of public questions are essential to the proper functioning of the democratic process.

(Continued on page 610)



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; Frank E. Pellegrin, Director of Broadcast Advertising; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

WKWK, Wheeling, W. Va.
WSMB, New Orleans, La.
WRLC, Toccoa, Ga.
WMUR, Manchester, N. H.
W-55-M, Milwaukee, Wis.
WJMA, Covington, Va.
WHIP—Hammond, Ind.
WABI, Bangor, Maine
KGBS, Harlingen, Texas
WEDC, Chicago, Ill.
KFBB, Great Falls, Mont.
KVNU, Logan, Utah
WAGE, Syracuse, N. Y.

WPAD, Paducah, Ky.
WMVA, Martinsville, Va.
WLAG, La Grange, Ga.
KSWO, Lawton, Okla.
WHLN, Harlan, Ky.
WMRF, Lewistown, Pa.
W-51-R, Rochester, N. Y.
W-47-A, Schenectady, N. Y.
WERC, Erie, Pa.
WJAG, Norfolk, Neb.
WNEW, New York, N. Y.
WMIS, Natchez, Miss.
WHIS, Bluefield, W. Va.

Within a week of the release of ratification forms for the current blanket license, more than 80 per cent had been signed and returned.

DEFENSE RESOLUTION

(Continued from page 609)

Nothing in this recommendation should be construed as modifying in any manner the industry policy as set out in the Code of the NAB to fairly present both sides of controversial subject.

RESOLVED FURTHER, that this resolution be brought to the attention of all governmental agencies which publicize governmental activities and that the NAB Defense Committee cooperate with the various governmental agencies to accomplish the most effective use of radio for National Defense;

RESOLVED FURTHER, that this committee recognizes that authority to accept or reject programs is properly vested in each station licensee and that good judgment will be exercised in the interest of the broadcast and most effective cooperation for the public welfare.

On July 15, the Executive Committee adopted the following resolution:

The executive committee of the NAB, meeting in Washington Monday, issued the following statement in order to clarify the industry's current position on the promotion of defense activities:

"In view of current trade publicity being given to a proposed advertising campaign in behalf of the Navy Department to be placed thru one of the large advertising agencies, the Executive Committee feels that the purchase of time by defense agencies might tend to restrict rather than enhance the most effective utilization of broadcasting during the present emergency.

"Therefore we wish at this time to reaffirm the industry's desire to continue its present practice of making its facilities available at no cost to Government agencies engaged in promoting the national defense program.

"To inform the public of the industry's position, it is suggested that an announcement that all Government defense programs being carried without charge be used once each day by all cooperating stations."

MEMBERS OF THE EXECUTIVE COMMITTEE

James D. Shouse, WLW; Paul W. Morency, WTIC; Don S. Elias, WWNC; John J. Gillin, Jr., WOW; John Elmer, WCBM; William H. West, WTMV.

BMI NOTES

NEW ARRIVALS

It may be interesting to broadcasters to know that the BMI family has had thirty-two new arrivals since the end of the first BMI year (April 1, 1941) and now totals 663, exclusive of non-commercial stations. They are:

KVSO, Ardmore, Okla.
KLUF, Galveston, Texas
KBIZ, Ottumwa, Iowa

WHOP, Hopkinsville, Ky.
WPAT, Paterson, N. J.
WWDC, Washington, D. C.

Invitation

Broadcasters and program directors seeking ideas and variety for their new musical programs are cordially invited to write to M. E. Tompkins, BMI's Vice President and General Manager. Mr. Tompkins regards the BMI catalogues as veritable treasure chests of beautiful music and is always interested in solving difficult program problems.

Band and Orchestra Catalogue

New BMI Band and Orchestra Catalogue has been issued, listing the music and arrangements of approximately 2500 compositions copyrighted since the formation of Broadcast Music, Inc. The catalogue is divided into three sections, (1) band music, (2) orchestra music, (3) string orchestra music.

Foreword to the 48-page booklet calls attention to BMI's Sweet Swing Series of familiar classics, arranged in modern manner by Jerry Sears. Fifty-three of these arrangements are offered. BMI cross-cueing' is carefully explained and, it is pointed out, BMI is supplying material which can be played by any combination of instruments.

"Instrumentation for the BMI Orchestral Library is uniform", the catalogue explains. "The fundamental sketch for each selection has been prepared with a view to retaining the style of the original work. With the system of cross-cueing, any combination of instruments ranging from string trio to full symphony orchestra will find the selections in the BMI Orchestral Library easy to read and effective in performance."

Listed is the first of the BMI Modern American Classics, Arthur Gutman's "First Suite for String Orchestra". Mr. Gutman, head of BMI's Arranging Department, is known as a writer of modern music and many of his compositions have been performed by leading symphonic groups throughout the country.

ASCAP Attacks

ASCAP has made several vicious and totally uncalled for attacks on BMI recently and has presented a list of questions for BMI to answer. These questions are of the "have you stopped beating your wife" variety and BMI has no intention of answering them. We have read the ASCAP releases and checked on the figures offered in regard to BMI's financial life and find that without exception the figures are inaccurate.

BMI's Gift to Vocalists

By making available new lyrics to familiar tunes, which either have no lyrics or have stilted lyrics, BMI is enriching the repertoire of vocalists. Some 275 such lyrics are wedded to beautiful melodies and provide a useful reservoir for program directors in search of new material. Among the masterpieces which now have words as a result of this phase of BMI's activity are: "False Bluetie, Under the Leaves, Pendant Le Bal, Scarf Dance, Au Printemps, Skater's Waltz, and Le Secret.

Traditional American favorites which have thereby received verses include "Turkey In the Straw, and Home On the Range,

which no longer consists of the one lonely public domain verse containing the line, "Where seldom is heard a discouraging word."

The following lyric by Gertrude Forster for Rimsky-Korsakov's *Song Of India* is attracting attention:

"Within the caverns diamonds lie unnumbered,
Uncounted are the pearls the seas have cover'd,
In that far land, rich India,
Where the sea's ruby ledges show,
Through the sapphire waters' glow,
There 'tis said the sacred bird
O'er the waters oft is heard
Melodies of paradise.
Sweetly from her throat arise,
Wide her plumes outstretching,
On the ocean resting, all remembrance leaving,
Those who hear her singing,
Far India, mystic land of richest treasure,
Uncounted are the gems that lie unmeasured
Within thy realm in earth and sea."

Copyright 1941 by Broadcast Music, Inc.

The chorus of *Turkey In the Straw*:

"Swing out your partner, don't let 'em go,
Tune up the fiddle, get out the bow,
Don't let up to 'hit the hay' till tomorrow morning
At the breakin' of the day."

Copyright 1941 by Broadcast Music, Inc.

BMI FEATURE TUNES

July 21 - July 28

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

In preparation, two great rhythm numbers—*Yo Te Amo*, an unusual novelty, and *Hi, Neighbor*.

A triumvirate of BMI songs leads the three classifications of Billboard's music popularity chart. *The Hut Sut Song* tops national sheet music best sellers, Sammy Kaye's *Daddy* is the country's best selling retail record, *My Sister and I* is Number One on the automatic phonographs. *Just a Little Bit South of North Carolina* shows in the first division of every field. Heading those "coming up" in the Record Buying Guide are *Things I Love*, *Green Eyes* and *Good Bye, Dear, I'll Be Back in a Year*. 'Til *Reveille*, the attractive tune by Bobby Worth and Stanley Cowan, writers of *Do I Worry*, is rated as Number One possibility.

Rum-Trot

Writers of a new BMI hit, *Yo Te Amo, Oh Baby*, introduced by Guy Lombardo on July 14th, had planned a vacation in Mexico to find inspiration for a new rhumba. They became inspired in talking about their proposed trip and decided to write the song first and make the trip later. The result—a combination rhumba and fox trot—and it's headed straight for the Hit Parade.

Question

Will *Have You Changed*, new BMI tune, become the song to be played for draftees home on furloughs? First question the song asks is, "Do you still like to walk in the rain?"

"Pic" Plugs Ahead

Peer International Corporation, PIC to you, has just brought *Maria Elena* to the top of the heap and is now concentrating on *Green Eyes* and *Time Was*. Based on the Latin-American tune, *Duerme*, to which English lyrics have been supplied, *Time Was* has been recorded by Jimmy Dorsey, Kate Smith, Eddie Duchin, Mitchell Ayres, Charlie Spivak and Wayne King, and PIC is enthusiastic about it.

The Hillbilly portion of the PIC catalogue is doing all right, thank you. Led by *You Are My Sunshine*, number one tune of Shreveport's songwriting sheriff, Jimmie Davis, the hillbilly hit parade includes, *Worried Mind*, *Time Changes Everything*, *Some Always Win—Some Always Lose*, and *Sweethearts or Strangers*.

In the Hawaiian idiom, PIC is offering *Island Lullaby*, and *Ginger Flower*, and among the novelties, *The Band Begins To Play* and *Whistler's Mother-in-Law*.

Marks to Concentrate on "Cowboy Serenade"

With *Yours* nearing the top of the heap, Edward B. Marks has picked *Cowboy Serenade* as its next feature tune. Seven recordings by Kay Kyser, Gene Krupa, Charioteers, Art Jarrett, Glenn Miller, Bobby Byrne and Roy Rogers make the prospect very pleasant. The dance arrangement of *Cowboy Serenade* has been done by T. Camarata, chief arranger for the Jimmy Dorsey orchestra, who will be remembered for his arrangements of *Yours* and *The Breeze and I (Andalusia)*.

Singer Meets Contact Man

BMI acquired exclusive performing rights Wednesday (July 16) to the catalogue of Esquire Music Company, 1619 Broadway. Partners of the new company are Sonny Skyler, vocalist with the Vincent Lopez orchestra, and Eddy Kelly, contact man who gets major credit for widespread popularity of *My Little Grass Shack*. Kelly was also associated with Vincent Youmans in music publishing and participated in the promotion of many of Youmans' songs. First number of the new firm is *There's a Voice in the Valley* by partner Sonny, who, by the way, was one of the writers of *Just a Little Bit South of North Carolina*. Next in line will be *The Fellow With the Mellow Trombone* now being played by Will Bradley's orchestra, and *What's Up, Doc?*, currently featured by Charlie Spivak.

Speaking of *Just a Little Bit South of North Carolina*, reminds us that Al Debin of the house of Porgie, Debin & Friedman, its publisher, has the following to say about BMI:

"BMI has enough good music to supply the air indefinitely", and adds,

"The current ten best sellers in sheet music compare favorably with any ten top tunes at any given time in the past twenty years".

New Composer

BMI has accepted Luigi Costantino's *Largo* and is having it arranged for stringed instruments. Costantino is rated as an outstanding composer of serious music. He was a close friend of the late Ignaz Jan Paderewski and was selected by the Polish Government at Paderewski's suggestion to play Chopin's works at the national celebration of Chopin's birthday in Poland. In memory of the friend, Costantino has written *Free Poland*. As a pianist, Costantino ranks as one of the best interpreters of Chopin.

Sales

SALES MANAGERS EXECUTIVE COMMITTEE

The new Sales Managers Executive Committee will meet in New York August 25 and 26.

Per-Inquiry and Free Time

Shapiro & Schoenbrod Agency, Chicago, is seeking per-inquiry deals for **Mouarek Cameras**. A sticker attached to their letter gives call-letters of leading stations "among the many now successfully merchandising" the product, the implication being that these stations handle the business on a per-inquiry basis, when such is not the case.

Lester A. Loeb Agency, New York, is asking for "a special low rate" on behalf of an unnamed client.

Louise Sloane, New York, is seeking free time for **Texolite** paint.

National vs. Local Rates

As a suggested solution to the problem of when "national" or "local" rates should apply, Charles Caley, WMBD, Peoria, gives his method:

"We refer to our rates as 'general' and 'retail.' We absolutely do not permit anyone to call our rates 'national' and 'local.' Then we use a 'retail' rate definition as follows:

"Retail rates apply to the advertising of any strictly bonafide retailers with permanent business or office located in Peoria, selling at retail exclusively, paid entirely by themselves, and offering goods or services direct to the consumer at outlets owned by themselves."

"This has enabled us to put dairies, bakeries and all sorts of advertising such as that on the 'general' rate without any trouble at all. Our ruling is that if one retail store wants to advertise a brand of refrigerators as being sold at its place of business, it has a perfect right to do so, but if it wants to buy time on a retail rate and use Frigidaire transcriptions, for example, which state that Frigidaires are sold at all dealers, or something like that, it cannot be done. We feel that if a manufacturer wants to limit his sales or direct his customers to one retail outlet, that is a limitation he is placing upon himself and we can do nothing about it, but if the advertising specifies more than one dealer, the general rate must be paid."

Engineering

RECORDING STANDARD

The first meeting of the "Recording and Reproducing Standards Committee" was attended by representatives of fourteen companies manufacturing transcriptions and transcription equipment. The meeting was held in Detroit on June 26.

The need for standards (NAB REPORTS, p. 522) was explained in detail by the director of engineering. It was pointed out that the recent NAB recording questionnaire revealed that 30.9 per cent of all broadcasting time originated from records and transcriptions. (See Appendix for more detailed analysis of questionnaire.)

The place of NAB in formulating standards was discussed and it was pointed out that NAB desired to function as a co-ordinating medium for the committee and that it is desirable to have a committee representative of all manufacturers of transcription equipment and users of transcriptions. It was suggested that NAB have only three members on the committee. It was felt by NAB that the best results could be obtained by having the broadcasters tell the committee what they wanted and then leave it up to the committee as to how the desired result could be accomplished.

A five point plan for proceeding was then suggested and adopted.

1. Appoint a permanent chairman.
2. Discuss the suggested "Purposes and Rules of Procedure."
3. Appoint an executive committee to act as a co-ordinating body in carrying out the work.
4. Collect data on present recording and reproducing systems characteristics.
5. Instruct the executive committee to analyze the data and make a recommendation to the main committee as to how the work should be carried on from there.

Following this outline, the Director of Engineering was appointed permanent Chairman of the Committee. After discussion and revision, the following "Purposes and Rules of Procedure" were adopted by the committee:

1. The task of the committee is to formulate "Recording and Reproducing Standards" that will tend to bring about uniform quality of reproduction of transcriptions with a minimum number of equipment adjustments on the reproducing system.

2. All companies interested in the manufacturing of disc recordings, the manufacture of disc recording equipment, the manufacture of disc reproducing equipment, the use of disc recordings, and others properly interested in the subject are entitled to membership on the committee.

3. No company shall have more than one vote in any of the proceedings of the committee and this shall be cast by the regularly designated representative of that company. In the absence of the regularly designated member, a duly authorized alternate may participate and vote for the regular member.

4. Technical advisors to members of the committee may participate fully in meeting discussions; however, they will have no vote in the proceedings.

5. No individual broadcasters will be entitled to a vote in the proceedings of the committee. The broadcasters as a whole will be entitled to representation through three members duly appointed by Neville Miller, President of the National Association of Broadcasters.

6. The chairman of the committee is not entitled to vote except in case of a tie.

7. It is clearly understood that participation in the work of the committee does not bind any individual or company to the formulated recommended standards.

The committee decided that a sub-committee should be appointed for the purpose of formulating and analyzing a questionnaire to be sent to manufacturers in order to obtain data on present recording practices. The following were appointed to the sub-committee: Howard A. Chinn, CBS; C. Lauda, Jr., World; Robert Morris, NBC, Chairman; E. T. Mottram, Bell Telephone Labs; I. P. Rodman, Columbia Recording.

A list of twenty-four items to be covered in the questionnaire was then formulated by the committee.

It was decided to hold the next meeting of the main committee coincidental with the Fall meeting of the Acoustical Society of America in New York City, October 24, 25.

Attendance list:

S. J. Begun, Brush Development; J. R. Bird, Astatic Corp.; E. P. Carter, Recording Consultant; Howard A. Chinn, CBS; R. C. Curtis, Associated Music Publishers; Walter Fagen, Memovox; C. Lauda, Jr., World Broadcasting System; P. A. Loyet, WHO-WOC; M. R. Mitchell, WJR; Robert Morris, NBC; E. T. Mottram, Bell Telephone Labs; Clarence Pell, Radio Devices; Morris Pierce, WGAR; I. P. Rodman, Columbia Recording; F. C. Schmid, Electrical Research Products; Carl E. Smith, United Broadcasting Co.; Lynne C. Smeby, NAB, Chairman.

APPENDIX

NAB RECORDING QUESTIONNAIRE

TABULATION OF RESULTS

Number of stations reporting 182
(Answers are totals for all stations)

REPRODUCERS

How many hours per week are lateral transcriptions used? 4096.99
How many hours per week are vertical transcriptions used? 1512.16
How many hours per week are phonograph records used? 1478.16
Assuming an average of 18 hours of broadcasting per day the 182 stations broadcast 22,932 hours per week. The total number of hours per week transcriptions or records are used is 7087.37, therefore 30.9% of broadcasting is from records or transcriptions. Of this time 57.8% is by lateral transcriptions, 21.3% by vertical transcription and 20.9% by phonograph records.

Indicate your preference for vertical or lateral recording?

<i>In favor of</i>	<i>Number</i>	<i>Per cent</i>
Vertical	76	41.7
Lateral	67	36.8
No Preference	23	12.6
No Answer	16	8.9
Total	182	100.0%

The reason given for preferring lateral recording in some cases was that the station had only lateral equipment. Some answered that a wider selection of records is available on laterals.

RECORDING

How many hours per week are recorded? 695.25

This is an average per station per week of 3.82 hours.

146 or 80.2% of the stations indicated that they have recording equipment.

What is your attitude or pre-emphasis?

In favor of	Number	Per Cent
Yes	106	58.3%
No	8	4.4
Undecided	10	5.5
No Answer	58	31.8
Total	182	100.0%

Many of the "yes" answers were qualified by the statement that the person was in favor of pre-emphasis if it was standardized. The recording questionnaire was formulated by a sub-committee of the NAB Engineering Committee composed of Paul Loyet WHO, Morris Pierce WGAR and Robert Morris NBC.

National Defense

"ARMS FOR THE LOVE OF AMERICA"

In answer to inquiry, the Radio Branch of the War Department Bureau of Public Relations says:

"The Irving Berlin song, *Arms for the Love of America*, official song for the Ordnance Department of the United States Army, may be broadcast by any radio station in the country without special permission.

"All rights to the song were given by Mr. Berlin to the Army Ordnance Association, which not only grants blanket permission for its radio rendition, but hopes to have it broadcast frequently."

ARMY MANEUVERS

One of the big news events of the year will be the Army Maneuvers in Louisiana, September 1-30, involving the Second and Third Armies, comprising some 500,000 troops. These will be the biggest maneuvers, not only in American peacetime, but in all military history.

The Radio Branch of the War Department Bureau of Public Relations (Ed Kirby, chief), is charged with accrediting any individual stations which may desire to cover the maneuvers, or any part thereof, with their own crews and equipment. Last date for making application is August 7.

Because of the limited facilities for correspondents of all media, the War Department is attempting to learn in advance just what will be the requirements for radio coverage.

These limited facilities include not only the available telephone circuits in the maneuver area, but also the housing and personnel facilities of the two Armies. The correspondents, press as well as radio, will be accredited to either the Second or Third Army, not both. They can cover from only one side of the war, just as in the case of actual wars. And just as in the case of real wars, there will be much detail involved in handling correspondence for press and radio, details which must be worked out in advance.

Stations are advised that August 7 is deadline for contacting the Special Events Division, Radio Branch, Bureau of Public Relations, War Department, as to intent of covering the Louisiana maneuvers with individual crews and equipment.

"Who gets the money for the scrap aluminum donated by the citizenry?" is one question many stations have asked. The answer is the United States Treasury.

In order to bring the President's Fourth of July speech to Muncie and eastern Indiana, D. A. Burton, owner of WLBC, paid for a wire from Indianapolis. Mr. Burton made arrangements to halt the local baseball game promptly at four o'clock and the speech was fed over the PA system in the ball park and to a second location where a huge Fourth of July program was in progress.

Arden X. Pangborn, managing director, KGW-KEX, released the President's Fourth of July address to eight movies in Portland and two in Vancouver, Washington. These theaters are a part of the Hamrick-Evergreen chain.

Because Cleveland has been turned into a city with a twenty-four hour work day, WGAR is asking listeners to avoid making unnecessary noises. Carl George, program director, said that part of the campaign also relates to keeping radio volume down at all times. Twenty-four hour working days, he explained, means that people are sleeping at all times of the day and night.

"Keep 'em Flying" is now incorporated in the nightly sign-off at WGAR, Cleveland.

The same practice is also followed at WJSV, Washington.

Jersey Central Power & Light Company, which maintains a daily broadcast schedule over WCAP, Asbury Park, N. J. devotes a part of each program to the various recruiting and manpower announcements distributed through NAB. B. A. Seiple, vice president in charge of sales, ordered the inclusion of the announcements because of the Company's desire to participate additionally in the National Defense effort.

Paul B. Klugh

Paul B. Klugh, who served as Executive Chairman of the National Association of Broadcasters from May 21, 1923 to the September, 1927 Convention, died suddenly this week during a visit to Yellowstone Park.

His years in the active direction of the Association covered the administration of the first president, Comdr. Eugene F. McDonald, Jr., president, Zenith Radio Corp., 1923-1925; Frank W. Elliott, WHO, 1925-1926, and most of the term of Earle C. Anthony, KFI, 1926-1928.

After Mr. Klugh's retirement as Vice President and General Manager of the Zenith Radio Corp., some years ago, he moved to Summit, N. J., where he resided up to the time of his death.

WKRC STRIKE SETTLED

The AFRA strike at Station WKRC, Cincinnati, was settled this week. The four strikers were reinstated; a qualified union shop agreed to; coverage of the contract and wage scales still in dispute were submitted to mediation. William H. Davis, chairman of the Defense Mediation Board, appointed Lillian Poses of New York as mediator. At the same time, MBS announced it had made an agreement with AFRA that the union would strike no network shows because of a dispute with an affiliate if the affiliate would agree to submit all issues to arbitration. AFRA announced it would propose the same agreement to NBC and CBS. AFRA had threatened to strike the agency-built commercials fed by MBS to WKRC.

PEABODY AWARDS

From far away Bangkok, Thailand, an entry has been received for the 1941 George Foster Peabody Radio Awards, administered by the Henry W. Grady School of Journalism, The University of Georgia, and National Association of Broadcasters.

Dean John E. Drewry is just in receipt of a letter mailed last May 16—almost two months in transit—from one who heard the

1940 winners announced in a CBS broadcast last March. Signing himself "an appreciative listener," Allen Bassett suggests a possible 1941 winner.

The letter had been opened and re-sealed by censors en route from Thailand (Siam) to this country.

FEDERAL COMMUNICATIONS COMMISSION

NEW NETWORK RULES

James Lawrence Fly, FCC chairman, told newspapermen this week that he was holding a series of conferences with network officials about the new network rules.

Mr. Fly told the newsmen that he had now had at least preliminary conferences with the head of all of the networks. He reported that progress was being made. Agreeable and constructive talks had resulted from the conversations, he said, and he stated he liked to think that progress was being made in this direction. He said that it was too early to make any further comment at this time. The talks will be continued.

Asked if the question of the postponement of the sale of the Blue network had come up the chairman said he had heard of no formal move in that regard. However, he stated, Blue network was an important subject in the conversations with NBC.

Chairman Fly stressed at the conference what he had already said that whatever time was needed to properly and reasonably permit such sale would be allowed by the Commission and he stated that he never assumed that the network would be disposed of under pressure. If good faith was shown, he said, an orderly procedure would be allowed.

The chairman told the newspapermen that everything was moving toward compliance and adjustment with the new rules and he expressed the opinion that the particular date was not of controlling importance. He denied that the Commission might reconsider its regulations. He stated that no application had been received by the Commission for a time extension for the new regulations becoming effective. The date is August 2 and that deadline still holds up to this time. However he stated that the Commission on its own motion would not postpone the effective date of the regulations. Mr. Fly further stated that he expected compliance with the principle of the rules and there would be no abandonment of the principles and no indefinite postponement of the effective date. There might be some modification of the new regulations, he said, but the major principles were to be preserved. He said that he was very optimistic that things will work out to the satisfaction of all concerned.

Mr. Fly said at the conference that he knows of no application asking for a postponement of the newspaper conference now set for July 23. He said that he thought the conference would last "a number of days."

Educational Station

The University of Illinois was granted a construction permit for a new noncommercial educational broadcast station which will supplement the educational services of that nonprofit State institution. The proposed station will operate with FM (frequency modulation) on 42900 kilocycles, using power of 250 watts.

The university, which is at Urbana, Ill., intends to utilize the antenna of its present standard broadcast station, WILL, located south of Champaign, Ill., for the new service. Its noncommercial educational service will provide supervisory and administrative instruction as well as supplementary educational programs for the Champaign and Urbana elementary and secondary public schools, supplement teaching in the rural schools of Champaign County, and augment the educational services of the University High School in the College of Education. Programs will be determined by the Dean of the College of Education in cooperation with the

supervising head of the unit to which the particular program is directed but, in general, will embrace history, civics, economics, literature, music, and speech.

Commercial FM for California

Construction permits for commercial FM (frequency modulation) stations in California areas were authorized by the FCC.

Metro-Goldwyn-Mayer Studios, Inc., proposes to locate a station in the Santa Monica Mountains to cover the Los Angeles metropolitan district and adjacent basic trading areas of Los Angeles, Orange, and Ventura counties, as well as the western portion of Riverside County. More than 2,500,000 persons reside in this 7,000-mile service area. Pending approval of the antenna site by the Civil Aeronautics Administration, the applicant can arrange to use the frequency 46100 kilocycles.

Columbia Broadcasting System, Inc., of Hollywood, was granted a Class C station construction permit, for extended urban and rural service from an antenna planned atop Mount Wilson, Pasadena, subject to certain engineering and legal requirements. It is authorized to use the frequency 43100 kilocycles for this purpose.

Commercial Television Grant

The Albany-Schenectady-Troy area was brought a step nearer commercial television service when the FCC granted a construction permit to the General Electric Company for such a station to operate on Television Channel No. 3 (66000-72000 kilocycles) to serve 3,320 square miles with some 572,000 residents.

The applicant proposes to remodel its present experimental television station, W2XB, in the Helderberg Hills, New Scotland, N. Y., for commercial purposes by September 1. Incidental experimentation with color television is contemplated.

From the FCC Mail Bag

A New York radio listener has written the FCC on several occasions objecting to the use of the term "*and thirty*" at the conclusion of broadcasts by a certain news commentator.

The Commission does not have authority to order discontinuance of the use of the term. However, it might be explained that "thirty" is a term traditionally used by telegraphers. It means "that is all," "the end," or, in this particular case, "goodnight." It is said to have originated in the following manner: In the early days of news reporting, Washington correspondents wrote by long hand, and their copy was transmitted by telegraph. Operators at the receiving end had to make as many as a dozen copies of each dispatch. To mark the end of an item they adopted the symbols "XXX." Since three X's constitute the Roman numerals for "30," this practice was not only popularized by telegraphers but by copy desk men as well. By the same token, the following numerals have special significance to old-time telegraphers: "4" (where?); "8" (wait); "13" (understand); "19" (railroad order); "31" (other order); "73" (best regards), and "22" (kisses).

Because the Commission is without power to censor radio programs, it cannot

Comply with a Long Island man's request that all radio stations be "instructed" to broadcast the National Anthem at local sunset.

Adopt a suggestion by a New York firm that war commentaries be referred to a Government committee prior to transmission by radio.

Satisfy a Niagara Falls speech-stickler that radio announcers be compelled to use correct pronunciation.

Please a Ypsilanti woman by obligating all broadcast stations to rebroadcast her favorite newscast.

A Pennsylvania lawyer is told that the Commission is not empowered to settle contractual differences between station licensees and other persons and, therefore, it cannot undertake to press an individual claim against a station.

The Commission has to frequently inform inquirers that it is not in a position to recommend the services of a particular attorney or an engineer in connection with prospective applications for broadcast facilities.

Or to recommend radio schools or courses.

897 STATIONS

The Federal Communications Commission issued operating licenses to six stations and granted one permit for the construction of a new station during the month of June. One operating station was deleted. A comparative table by months follows:

	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1
Operating	791	799	806	810	816	825	831	835	836	837	836	849	854
Construction	56	58	57	54	52	51	51	46	54	54	55	48	43
	847	857	863	864	868	876	882	881	890	891	891	897	897

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, July 21. They are subject to change.

Wednesday, July 23

Hearing Before the Commission

To Be Held in the Auditorium of the National Archives Building, 7th Street and Pennsylvania Avenue, N. W.

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, Pursuant to Order No. 79.

Wednesday, July 23

NEW—West Allis Broadcasting Company, West Allis, Wis.—C. P. 1450 kc. (1480 NARBA), 250 watts, daytime.

Thursday, July 24

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Penna.—C. P., 1500 kc., 250 watts, unlimited. Present Assignment: 1340 kc., 100 watts, S-WHAT.

Friday, July 25

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc., 500 watts, S-WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc., 500 watts, S-WTNJ and WCAM.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1310 kc., 500 watts, S-WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—C. P., 1230 kc., 1 KW, unlimited, DA-day and night. Present assignment: 1310 kc., 500 watts, S-WCAM and WCAP.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., 1260 kc., 1 KW night, 5 KW day, DA-night, unlimited.

FUTURE HEARINGS

During the past week the following future hearings have been announced in broadcast cases before the Commission. They are subject to change.

August 12

Consolidated Hearing

KONB—MSB Broadcast Company, Omaha, Neb.—C. P., 1500 kc., 250 watts, unlimited.

KONB—MSB Broadcast Company, Omaha, Neb.—Modification of C. P., 1500 kc., 250 watts, unlimited, under C. P.

August 14

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 680 kc., 50 KW, unlimited, DA-day and night.

Consolidated Hearing

NEW—The Gazette Company, Cedar Rapids, Iowa.—C. P., 1550 kc. (1600 kc. under NARBA), 5 KW, unlimited, DA-night.

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, a partnership d/b as Brainerd-Bemidji Broadcasting Company, Brainerd, Minn.—C. P., 1550 kc., 1 KW, unlimited.

August 15

KORN—Nebraska Broadcasting Corp., Fremont, Neb.—Renewal of license, 1400 kc., 250 watts, unlimited.

KORN—Clark Standiford (Transferor) and C. J. Malmsten, A. C. Sidner, S. S. Sidner & Arthur Baldwin (Transferees), Fremont, Neb.—Transfer of control, 1400 kc., 250 watts, unlimited.

August 27

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, 990 kc., 1 KW, daytime.

September 10

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—C. P., 1070 kc., 50 KW, DA-night, unlimited. Present assignment: 1170 kc., 5 KW, Simul D, S-KVOO-N, S.A.U-DA after LS at Tulsa, Okla.

September 15

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of license, 1220 kc., 1 KW, unlimited, DA-night. Present assignment: 1220 kc., 500 watts, unlimited DA-night.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—C. P., 1230 kc., 250 watts, unlimited.

NEW—Texas Star Broadcasting Company, Houston, Tex.—C. P., 1230 kc., 250 watts, unlimited.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Tex.—C. P., 1230 kc., 250 watts, unlimited.

September 19

KGO & Auxiliary—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license, main: 810 kc., 7½ KW, unlimited; auxiliary: 810 kc., 2½ KW, unlimited.

KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license, 850 kc., 50 KW, unlimited.

WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license, 630 kc., 5 KW, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Southwest Broadcasters, Inc., Las Vegas, New Mexico.—Granted construction permit for new station to operate on 1230 kc., 250 watts, unlimited time (B5-P-3147).

J. Q. Floyd, John Thomas Franklin, & Sam Wesley Anderson, d/b as The Helena Broadcasting Co., Helena, Ark.—Granted construction permit for new station to operate on 1490 kc., 250 watts, unlimited time (B3-P-3164).

General Electric Co., Schenectady, N. Y.—Granted construction permit for new commercial television broadcast station to operate on Television Channel No. 3 (66000-72000 kc) to serve 3,320 square miles, with 572,000 residents (B1-PCT-5).

University of Illinois, Urbana, Ill.—Granted construction permit for new non-commercial educational broadcast station to

operate on **42900 kc.**, 250 watts, unlimited time, special emission for frequency modulation (B4-PED-21).

Metro-Goldwyn-Mayer Studios, Inc., Los Angeles, Calif.—Granted construction permit for new high frequency (FM) broadcast station to operate on **46100 kc.** with a coverage of 7,000 square miles (B5-PH-90).

Columbia Broadcasting System, Inc., Hollywood, Calif.—Granted construction permit for new high frequency (FM) broadcast station to operate on **43100 kc.**; granted subject to certain engineering and legal requirements. (For Class C operation (B5-PH-94).

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted construction permit to make changes in directional antenna and change to directional antenna after sunset at Sacramento, Calif.; **1530 kc.**; 50 KW night and day; unlimited time; directional antenna night and day (B2-P-3212).

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted construction permit to change frequency from **1490 kc.** to **610 kc.**, increase day and night power from 250 watts to 1 KW, and install directional antenna for night use, and move transmitter to Front St. and 63rd Ave., West, Duluth, Minn. (B4-P-3139).

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted construction permit to move transmitter to approximately 14 miles east of the center of Little Rock, Ark., change frequency from **1420 kc.** to **1010 kc.**, install new transmitter, to operate with 5 KW power subject to directional antenna in compliance with NARBA (B3-P-3049).

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted construction permit to install new transmitter, erect a vertical antenna, increase power and hours of operation from 100 watts daytime only, to 250 watts day and night; change frequency from **1150 kc.** to **1230 kc.**; unlimited time (B5-P-3144).

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted construction permit to increase power from 500 watts night, 1 KW day, to 1 KW night and day, and install directional antenna for day and night use, granted with condition with respect to blanket area and without prejudice to any action by the Commission regarding duplicate ownership (B5-P-3100).

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted modification of construction permit to make changes in directional antenna system and extend commencement and completion dates to 30 days after grant and 180 days thereafter, respectively (B3-MP-1129).

WGTM—WGTM, Inc., Wilson, N. C.—Granted construction permit to move studio and transmitter to U. S. Highway 301, 1.3 miles north of Courthouse, Wilson, N. C.; **1340 kc.**, 250 watts; unlimited time (B3-P-3166).

KBKR—Louis P. Thornton (assignor) Baker Broadcasting Co. (assignee) Baker, Ore.—Granted consent to voluntary assignment of license of Station KBKR from Louis P. Thornton to Baker Broadcasting Co., for a total consideration of \$12,000 (B5-AL-313).

W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Granted construction permit for television broadcast station to operate on Television Channel No. 1 (**50000** to **56000 kc.**) on an experimental basis only, conditionally, with completion date October 30, 1941 (B5-MPV-48).

WNBT—National Broadcasting Co., Inc., New York City (Television station)—Granted special authorization to reduce hours of program operation from 15 to 10 hours a week from July 16 to August 31, 1941, to enable licensee to overhaul equipment for improved service when regular schedule is resumed. Commission stressed that this is a particular instance and should not be regarded as a precedent.

WRCA-WNBI—National Broadcasting Co., Inc., New York City.—Granted authority to transmit programs from international broadcast stations WRCA and WNBI for rebroadcast by Station CMQ, Havana, Cuba (B1-FP-88).

DESIGNATED FOR HEARING

George Johnston, Jr., Birmingham, Ala.—Application for construction permit for new standard broadcast station to operate on **1340 kc.**, 250 watts, unlimited time (requests facilities of WSGN) (B3-P-3179). To be heard jointly with applications of WBAM, Inc. (B3-P-3182), and Jefferson Broadcasting Corp. (B3-P-3162), which request identical assignment.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Application for modification of license to change hours of operation to share with WCAM (requests facilities of WTNJ), (B1-ML-1070).

WCAM—The City of Camden, N. J., Camden, N. J.—Application for modification of license to change hours of operation to share WCAP (requests facilities of WTNJ), (B1-ML-1069).

Roy St. Lewis, Norfolk, Va.—Application for construction permit for new standard broadcast station to operate on **1230 kc.**, 250 watts, unlimited time (B2-P-3101). To be heard with application of Colonial Broadcasting Corp. requesting the same facilities (B2-P-3039).

SPECIAL SERVICE AUTHORIZATIONS

The Commission authorized issuance of special service authorizations, each such authority to expire simultaneously with the regular license of the station affected, subject to the express condition that it may be terminated by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises. The Commission directed that, upon the issuance of such special service authorizations, the outstanding special experimental authorizations of said station licensees be cancelled:

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate on **780 kc.**, 10 KW, unlimited; operate synchronously with WBBM from local sunset to midnight.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—To operate on **1090 kc.**, 1 KW night, 10 KW local sunset, simultaneously with WBAL.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—To operate on **1170 kc.**, 5 KW night, 25 KW LS, unlimited, using directional antenna.

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—To operate on **1170 kc.**, 1 KW night, 5 KW LS, unlimited time, using directional antenna after sunset at Tulsa.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—To operate on **1090 kc.** and **770 kc.**, 10 KW, operate simultaneously with KTHS on **1090 kc.**, sunrise at Baltimore to local sunset at Hot Springs; operate alone local sunset Hot Springs to 9 p. m. EST, and synchronously with WJZ on **770 kc.** from 9 p. m. EST, using 2½ KW and directional antenna.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—To operate on **780 kc.**, 50 KW, synchronously with KFAB from local sunset at Lincoln, Nebr., to 12 midnight CST.

MISCELLANEOUS

WAFM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to operate a composite 150 watt transmitter, formerly licensed at W9XTC, as relay broadcast station on **1606, 2074, 2102, and 2758 kc.**, for the purpose of the transmission of orders pertaining to the relay broadcasting of programs concerning the Minneapolis Aquatennial for a period not later than July 20, 1941.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of construction permit for approval of directional antenna system, and install new transmitter.

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1115).

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1145).

KNET—Bonner Frizzell.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-906).

KFJM—University of North Dakota, Grand Forks, N. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-928).

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1104).

KXOX—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1144).

- WCLS—WCLS, Inc., Joliet, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-960).
- WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted request to retire to closed files application for modification of license to increase power from 50 to 500 KW on 790 kc.
- National Broadcasting Co., Inc.—Granted petition for postponement of hearing on application for renewal of licenses of KGO and auxiliary, San Francisco, Calif.; KOA, Denver, Colo.; and WMAL, Washington, D. C.; granted 60 days continuance, to September 19, 1941.
- KORN—Nebraska Broadcasting Corp., Fremont, Nebr., Clark Standiford (transferor); Malmsten, A. C. Sidner, S. C. Sidner & Arthur Baldwin (transferees).—Granted petition of applicant, transferor and transferees for continuance of hearing on application for renewal of license and for transfer, to August 15, 1941.
- KONB—MSB Broadcast Co., Omaha, Nebr.—Granted petition for continuance of hearing on application for construction permit and modification of construction permit to operate on 1500 kc., 250 watts, unlimited, to August 12, 1941.
- Mid-American Broadcasting Corp., Louisville, Ky.—Dismissed without prejudice petition for leave to amend application for construction permit for new station; on Commission's own motion continued hearing now scheduled for July 16 to July 30, 1941.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Passed until next week action on petition of WTIC to intervene in hearings in re application of Mid-American Broadcasting Corp. for new station at Louisville, Ky., and application of Northside Broadcasting Corp. (WGRC), New Albany, Ind., for change from 1400 kc., 250 watts, unlimited, to 1030 kc., 5 KW, unlimited, using directional antenna.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion to remove from hearing docket application for construction permit to operate on 680 kc., 5 KW, unlimited, using directional antenna (new application to be submitted).
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Petition to intervene in re above hearing (KFEQ) was withdrawn inasmuch as above action made KWK petition become moot.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted motion for continuance of hearing on application for renewal of license to August 27, 1941. Also granted motion for leave to amend application, to be filed within 10 days.
- WGRC—Northside Broadcasting Corp., New Albany, Ind.—Dismissed without prejudice petition for leave to amend application for construction permit to change operation from 1400 kc., 250 watts, unlimited to 1080 kc., 5 KW, unlimited, using directional antenna; on Commission's own motion continued hearing now scheduled for July 16 to July 30, 1941.
- The Gazette Co., Cedar Rapids, Iowa.—Granted motion for leave to amend application for new station (amendment to be filed within 10 days), for retention of hearing date.
- Brainerd-Menidji Broadcasting Co., Brainerd, Minn.—Granted petition for order to take depositions in re hearing on application for new station to operate on 1550 kc., 1 KW, unlimited.
- KFXM—L. C. Lee & E. W. Lee, d/b as Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted motion to dismiss without prejudice application for construction permit to change operation from 1240 kc., 250 watts, S-KPPC, to 1420 kc., 1 KW, unlimited.
- WGNC—F. C. Todd, Gastonia, N. C.—Granted authority to install automatic frequency control equipment (B3-F-228).
- WATR—The WATR Co., Inc., Waterbury, Conn.—Granted modification of construction permit which authorized changes in directional antenna for day and night use, increase power, install new transmitter, for changes in directional antenna and extension of commencement and completion dates from June 22, 1941 and December 22, 1941, to 30 days after grant and 180 days thereafter, respectively; 1320 kc., 1 KW, unlimited time, directional antenna day and night (B1-MP-1325).
- WFDF—Flint Broadcasting Co., Flint, Mich.—Granted license to use old Collins 300-B 100-watt main transmitter as an auxiliary transmitter, with power of 100 watts (B2-L-1442).
- W53PH—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit which authorized construction of a new high frequency broadcast station, for change in type of antenna and specifying the operating constants to provide a coverage of 9,300 square miles; 45300 kc. (B2-MPH-19).
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted license to cover construction permit to make changes in equipment and increase power; 1240 kc., 250 watts, unlimited (B3-L-1428). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1111).
- WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted license to cover construction permit which authorized the use of formerly licensed W.E.310-B 250-watt transmitter as an auxiliary and installation of a new crystal oscillator for 1360 kc. (B3-L-1385).
- W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate an additional transmitter located at Alpine, N. J., on 43 mc. with a power not to exceed 40 KW using frequency modulation for a period of 30 days beginning July 10 and ending not later than August 9, 1941, in order to conduct further experiments on adjacent channel operation of high frequency broadcast stations and to demonstrate such operation to certain engineering committees of the Radio Manufacturing Association.
- WAPQ—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate 15-watt relay transmitter on 2150 kc. on July 11, 12, and 13, 1941, in order to relay to Station WHLS programs in connection with the Port Huron Blue Water Festival only.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate on 790 kc., with power of 5 KW day, 250 watts night, unlimited time, for a period not to exceed 30 days, pending completion of construction in accordance with construction permit.
- WALB—The Herald Publishing Co., Albany, Ga.—Granted license to cover construction permit as modified for new station; 1590 kc., 1 KW, directional antenna night, unlimited (B3-L-1429). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1023).
- WIBU—William C. Forrest, Poynette, Wisc.—Granted petition to cancel hearing on application for renewal of license of Station WIBU, cancelled hearing, and granted renewal of said license.
- WCBS—WCBS, Inc., Springfield, Ill.—Adopted order denying petition for rehearing filed by WCBS for reconsideration and modification of Commission order granting construction permit to Stephenson, Edge and Korsmeyer, Jacksonville, Ill., for new station.

APPLICATIONS FILED AT FCC

580 Kilocycles

- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Authority to install automatic frequency control equipment.

630 Kilocycles

- WMAL—National Broadcasting Co., Inc., Washington, D. C.—Voluntary assignment of license from National Broadcasting Company, Inc. to M. A. Leese Radio Corporation.

640 Kilocycles

- WOKO—WOKO, Inc., Albany, N. Y.—Construction permit for new transmitter and directional antenna for day and night use, change in frequency from 1460 to 640 kc., increase in power from 500 watts and 1 KW to 5 KW, and move transmitter from Albany to Couse Corners, New York.

680 Kilocycles

- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to increase power from 5 to 50 kc., install new transmitter, make changes in directional antenna for day and night use, and move transmitter from Andover to Burlington, Massachusetts. Amended re directional antenna and height of towers.

700 Kilocycles

- WLW—The Crosley Corporation, Cincinnati, Ohio.—Authority to determine operating power by direct method.

760 Kilocycles

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Authority to determine operating power by direct method.

790 Kilocycles

KVOS—KVOS, Incorporated, Bellingham, Wash.—Construction permit to install new transmitter (KIRO's old transmitter), install directional antenna for night use, change frequency from 1230 to 790 kc., increase power from 250 watts to 1 KW, and move transmitter.

850 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Construction permit for increase in hours of operation from limited to unlimited and installation of directional antenna for night use.

1050 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to make changes in auxiliary transmitter and move same to site of new main transmitter.

1190 Kilocycles

KEX—Oregonian Publishing Co., Portland, Oregon.—Construction permit to install new transmitter, install directional antenna for day and night use, change frequency from 1180 to 1190 kilocycles under NARBA, increase power from 5 to 50 kilowatts, change hours of operation from Simultaneous-KOB day and Shares-KOB night, to unlimited, and move transmitter from North Portland to near Clackamas, Oregon. Amended: re directional antenna system.

1220 Kilocycles

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Modification of construction permit (B1-P-2948) to install new transmitter, increase power, and change frequency, requesting authority to install automatic frequency control equipment and modulation monitor.

1230 Kilocycles

NEW—Southwest Broadcasting Corp., Pulaski, Va.—Construction permit for a new broadcast station to be operated on 1230 kc., 250 watts, unlimited time.

1240 Kilocycles

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Construction permit to install new transmitter and move transmitter and studio.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit for increase in power to 250 watts and installation of new transmitter.

1280 Kilocycles

KFXJ—R. G. Howell & Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Construction permit to increase power from 250 watts to 500 watts night, and 1 KW day, change frequency from 1230 kc. to 1280 kc., make changes in antenna, and install new equipment.

1310 Kilocycles

WIBA—Badger Broadcasting Co., Madison, Wisc.—Modification of construction permit (B4-P-2689) as modified, for new transmitter, change in directional antenna for night use, increase in power from 1 KW night, 5 KW day, to 5 KW, and change transmitter and studio site, requesting change in frequency from 1280 kc. to 1310 kc. under NARBA, and changes in directional antenna accordingly.

1320 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Texas.—Modification of construction permit (B3-P-3011) for a new transmitter, directional antenna, change in frequency, increase in power, and move of transmitter, requesting approval of directional system and installation of new transmitter.

1340 Kilocycles

KPDN—R. C. Hoiles, Pampa, Texas.—Authority to determine operating power by direct method.

1400 Kilocycles

WINC—Richard Field Lewis, Jr., Winchester, Va.—License to cover construction permit (B2-P-3005) for a new broadcast station.

WINC—Richard Field Lewis, Jr., Winchester, Va.—Authority to determine operating power by direct method.

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) as modified, requesting changes in directional antenna, 1410 kc. under NARBA, increase in power from 1 KW night and 5 KW day to 5 KW (directional antenna day and night), and extension of commencement and completion dates to 30 days after date of grant and 180 days thereafter respectively. Amended: To change directional antenna.

1430 Kilocycles

KTRN—Michael J. Mingo, Tacoma, Wash.—Modification of construction permit (B5-P-1979) for a new broadcast station, requesting 1 KW power on 1430 kc., unlimited time, approval of new transmitter, and approval of directional antenna system for day and night use.

1450 Kilocycles

KNET—Bonner Frizzell, Palestine, Texas.—Voluntary assignment of license from Bonner Frizzell to Palestine Broadcasting Corp.

1460 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Authority to determine operating power by direct method.

1470 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—License to cover construction permit (B3-MP-833) as modified, for increase in power and installation of directional antenna for night use.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Authority to determine operating power by direct method.

1480 Kilocycles

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of license to move studio.

1490 Kilocycles

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Authority to determine operating power by direct method.

1520 Kilocycles

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter, installation of directional antenna, increase in power, and move of transmitter, requesting extension of completion date from 8-17-41 to 10-17-41.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter, installation of directional antenna, increase in power, and move of transmitter, requesting changes in directional antenna and change in frequency from 1480 kc. to 1520 kc. under NARBA.

FM APPLICATIONS

NEW—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 19,622 square miles; population, 4,099,385. Amended: To increase coverage to 20,290 square miles, change population to 4,260,280, and make change in antenna system.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 6,564 square miles; population, 1,531,182. Amended: To change frequency to 45500 kc.; coverage, 11,301 square miles; population, 1,797,700; make changes in antenna system and change type of transmitter.

W49D—John Lord Booth, Detroit, Mich.—Modification of construction permit (B2-PH-20) for a new high frequency broadcast station, requesting changes in antenna system.

TELEVISION APPLICATIONS

W3XWT—Allen B. Du Mont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) as modified, for a new television station, requesting extension of commencement and completion dates from 1-1-41 and 7-1-41 to 7-1-41 and 1-1-42, respectively.

W3XWT—Allen D. Du Mont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) as modified, for a new television station, requesting change of transmitter location, change in type of visual and aural transmitters, and extension of commencement and completion dates from 7-1-41 and 1-1-42 to 30 days after grant and 180 days thereafter, respectively.

MISCELLANEOUS APPLICATIONS

NEW—Frontier Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., power of 2 watts, A3 emission.

NEW—Frontier Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, and 37980 kc., power of 2 watts, A3 emission.

KRME—Merced Broadcasting Co., Portable-Mobile.—License to cover construction permit (B5-PRY-245) for a new relay broadcast station.

NEW—Portland Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, and 2790 kc., power of 150 watts, A3 emission.

NEW—Portland Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, and 2790 kc., power of 40 watts, A3 emission.

NEW—Wichita Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, and 37980 kc., power of 2 watts, A3 emission.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Authority to determine operating power by direct method.

NEW—The Birmingham News Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, and 37980 kc., power of 2 watts, A3 emission.

NEW—American Broadcasting Corp. of Ky., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, and 2790 kc., power of 75 watts, A3 emission.

WRUM—World Wide Broadcasting Corp., Boston Mass.—Modification of construction permit (B1-PIB-30) for increase in power, requesting extension of completion date from 7-15-41 to 11-15-41.

NEW—World Wide Broadcasting Corp., Boston, Mass.—Construction permit for a new international broadcast station to be operated on 6040, 11790, 11730, 15130, 15350, and 17750 kc., power of 100,000 watts, A3 emission, share time on all frequencies with WRUL and WRUW.

NEW—Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to transmit programs to Station CKLW, stations owned and operated by Canadian Broadcasting Corporation, and stations licensed by Canadian Minister of Transport.

WGHB—The Tribune Co., Portable-Mobile.—License to cover construction permit (B3-PRY-240) for a new relay broadcast station.

to show cause why cease and desist orders should not be issued against them.

Blue Ribbon Hatcheries Corp.—Alleging misrepresentation in connection with the business of hatching, breeding and selling chickens, especially baby chicks, a complaint has been issued against Blue Ribbon Hatcheries Corporation, also trading as Bockenstette's Blue Ribbon Farms, Sabetha, Kans.

The complaint alleges that through advertisements in newspapers and trade journals and by other means, the respondent represents directly or by implication that it is a "United States Record of Performance" poultry breeder, when such is not a fact. A United States Record of Performance breeder, according to the complaint, is understood by the poultry industry to be one operating a poultry breeding plant under an official state agency cooperating with the United States Department of Agriculture, Bureau of Animal Industry. (4537)

Capital Paint and Varnish Works, Inc., 1346 West Concord St. Chicago, is charged with misrepresentation in the sale of paints in a complaint.

The complaint alleges that in advertising matter and on labels the respondent uses the words "Pure Lead—Pure Zinc—Pure Oil" in designating the ingredients of its paints, these words being employed in a conspicuous place in type larger than and distinctive from the type and lettering which purport to give the actual composition of the paints. (4536)

Chumanie Medicine Company—A complaint has been issued charging Charles Roehm, trading as Chumanie Medicine Co., New Richmond, Ohio, with misrepresentation in the sale of medicinal preparations.

The complaint alleges that the respondent advertises "Chumanie's Triple XXX Tablets," "Chumanie's Iron Tonic Pills," "Chumanie's Yellow Jacket Pills," "Chumanie's Double RR Tablets," and "Chumanie's Plantation C.M.Q. Capsules" as effective treatments, respectively, for irregular and delayed menstruation, anemia, kidney and bladder trouble, rheumatism and inflamed joints, and common colds, when they are not in fact effective treatments for these ailments. (4530)

Eureka Fibre Company—Alleging misleading representation in the sale of an insulating material, a complaint has been issued against Judd A. Brown and Barry A. Brown, trading as Eureka Fibre Co., Eureka, Calif., and Charles H. Brown, Neenah, Wis., their agent and salesman and an active participant in the business. (4534)

Dr. A. M. Loughney—Charging misrepresentation in the sale of a regimen for the treatment of asthma, hay fever, constipation, and other diseases, a complaint has been issued against Al Modey Loughney, trading as Dr. A. M. Loughney, and his employee, Roger G. Loughney, all of 318 Henshaw Building, Oakland, Calif. (4531)

Pacific Undergarment Company—Abraham Radin, doing business as Pacific Undergarment Company, 135 Madison Avenue, New York City, is charged in a complaint with misrepresentation in the sale of certain women's garments. (4533)

Specialty Accounting Supply Manufacturers Association, Chicago, and O. L. Moore, its secretary, and 29 of its members who manufacture and sell sales books and sales records stationery, are charged, in a complaint, with a combination to restrain and eliminate competition.

Respondent member manufacturers are: Acme Register Co., Minneapolis; Adams Bros. Sales Book Co., Topeka, Kans.; American Sales Book Co., Inc., Niagara Falls, N. Y.; Autographic Register Co., Hoboken, N. J.; Atlantic Register Co., Waltham, Mass.; Baltimore Sales Book Co., Baltimore; Bonnar-Vawter Fanform Co., Cleveland; Craft Sales Book Co., Inc., Philadelphia; Egry Register Co., Dayton, Ohio; W. S. Gilkey Printing Co., Cleveland; Stephen Greene Co., Philadelphia; Hamilton Auto-

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity

graphic Register Co., Hamilton, Ohio; Hanna Register Co., Springfield, Ill.; Philip Hano Co., Inc., Holyoke, Mass.; and Lisbon Sales Book Co., Lisbon, Ohio.

Los Angeles Register & Printing Co., Los Angeles; McCaskey Register Co., Alliance, Ohio; The Miami System Corp., Cincinnati; National Carbon Coated Paper Co., Sturgis, Mich.; The Potter Press, Waltham, Mass.; C. W. Potter, Inc., Waltham, Mass.; The Rotary Printing Co., Norwalk, Ohio; Schwabacher-Frey Co., San Francisco; Shelby Salesbook Co., Shelby, Ohio; The Snapout Forms Co., Chardon, Ohio; The Standard Register Co., Dayton, Ohio; Sunset-McKee Sales Book Co., Oakland, Calif.; United Autographic Register Co., Chicago; and The Wallace Press, Inc., New York. (4538)

Taylor School of Bio-Psychology—Misrepresentation in the sale of correspondence courses in psychology, philosophy, religion and allied subjects, is alleged in a complaint issued against The Taylor School of Bio-Psychology, Inc., The Taylor University of Bio-Psycho-Dynamic Sciences, and William Marcus Taylor and Ruby Shearer Taylor, officers of the two corporations, all of Chattanooga, Tenn. (4529)

Tennessee Products Corp.—Three hardwood charcoal producers occupying a dominant position in the sale and distribution of that commodity in the Southern and Southwestern States, and their exclusive sales agent, are charged in a complaint with a combination and conspiracy to restrain trade through price fixing and other practices.

The respondents are: Tennessee Products Corporation, Nashville; Forest Products Chemical Co., Memphis; and Crossett Chemical Co., Crossett, Ark., hardwood charcoal producers, and Hardwood Charcoal Co., Memphis, exclusive sales agent for the producers, which maintains distribution warehouses in Atlanta, Birmingham and Chattanooga. (4535)

Utilities Engineering Institute—A complaint alleging misrepresentation in the sale of correspondence courses in air conditioning, electric refrigeration, welding, and automobile body repairs, has been issued against Utilities Engineering Institute, 1314 Belden Ave., Chicago.

According to the complaint, the respondent, through the use of the words "Engineering Institute" in its corporate name, represents or implies that it is a group or organization of engineers, when in fact it is a business organization operating for profit. (4532)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Reuben Barkow, 45 West 45th St., New York, who conducts an advertising agency, has entered into a stipulation to cease certain representations concerning the preparation "Vitey Perles" in behalf of its distributor, H. Pierce Weller, trading as Weller Co., Atascadero, Calif.

The respondent Barkow agrees to cease disseminating advertisements which represent that Vitey Perles will increase energy, and to cease representing that the product has any effect whatever, without expressly limiting such claims to cases where there is a deficiency of Vitamin E. The respondent further stipulates that he will desist from representing that Vitey Perles stimulates sexual desire or ability. (02826)

Batt Brothers Tobacco Products, Inc., 21 West 30th St., New York, entered into a stipulation to cease using words or phrases connoting that it maintains a factory in London, England, and that from such factory certain imported tobaccos are employed in the manufacture of its cigarettes. The respondent corporation further stipulates that it will desist from representing, directly or inferentially, that its cigarettes are made from Russian or French tobaccos. According to the stipulation, the respondent does not now and has not for many years maintained a London factory and its cigarettes are made neither of Russian or French tobaccos nor in Russia or France, but in the United States. (3168)

Benson & Hedges, New York, entered into a stipulation to discontinue certain representations in the sale of cigarettes. The respondent corporation agrees to cease using the term "non-nicotine" as descriptive of the mouthpieces of cigarettes in a manner tending to convey the impression that the mouthpieces have the effect of either denicotinizing the cigarette tobacco or appreciably removing the nicotine from the tobacco smoke which passes through them. (3163)

David Custage, Inc.—Two New York distributors of textile fabrics have entered into stipulations to cease certain representations in the sale of their products. The respondents are Drcss-maker Fabrics-David Custage, Inc., 666 Fifth Ave., and Jerome V. Dctmcr, trading as J. H. Hcnrikson & Co., 300 Fourth Ave., New York. (3165-3166)

Johnson Furniture Co., and Johnson-Handley-Johnson Co., both of 1101 Godfrey St., Grand Rapids, Mich., have entered into a stipulation to cease disseminating certain representations in connection with the sale of furniture. According to the stipulation, the two companies have jointly distributed the advertising in question. They agree to cease and desist from the use of the letters or initials "F H A" to describe their business or merchandising plan; or representing directly or inferentially, by use of the letters "F H A" or otherwise, that the Federal Housing Administration has sponsored or endorsed their products or that the products may be purchased or financed through, or on terms similar to those offered by, the Federal Housing Administration. (3164)

Medical Products Institute, Inc., 809 Walnut St., Cincinnati, entered into a stipulation to cease representing by use of the word "Institute" in its trade name, that it conducts an institute devoted to scientific study of ailments and conditions of the body.

The respondent further agrees to cease representing that its device "Hayrin Nasal Filters" will prevent or cure, or constitutes a medical treatment for, hay fever, rose fever or seasonal asthma; that this device, when used in combination with a filter pad impregnated with "Hayrin Nasal Filter Pad Fluid," will overcome the symptoms due to pollens and molds which might enter the body; and that Hayrin Nasal Filters purify or completely filter the air breathed, or prevent pollens or molds from reaching the sensitive membranes. The respondent further stipulates that it will cease representing that Hayrin Nasal Filters will be of aid in the treatment or prevention of colds. (02827)

Vit-O-Net, Inc., 1652 West Ogden Ave., Chicago, stipulated that it will cease certain representations in the sale of electric blankets. The respondent agrees to cease employing representations which imply that its electric blanket is a cure for nephritis, an effective treatment for infections, dropsical conditions, Addison's diseases, chronic or inflammatory rheumatism, and high blood pressure; that the product is a cure for or will correct obesity, and that it is of value for treating sluggish liver. (3167)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

Berland Supply Company, Inc.—A group of glassware manufacturers and their representatives and an association of wholesale dealers have been ordered to cease and desist from combinations and agreements to suppress competition in the glassware trade in Milwaukee and the surrounding trade area.

Respondents are: Berland Supply Co., Inc., S. J. Casper Company, Incorporated, I. Shapiro, Inc., and National Beverage Distributing Co., wholesalers of glassware and other products, Milwaukee; Louis M. Mintz, trading as Mintz Supply Co., and W. A. Reinemann, trading as Hotel and Restaurant Supply Co., dealers in hotel and restaurant supplies, including glassware, Milwaukee; Anchor Hocking Glass Corporation, Lancaster, Ohio; West Virginia Glass Speciality Co., Inc., Weston, W. Va.; Indiana Glass Co., Dunkirk, Ind.; Roseware, Inc., factory agent of the West Virginia Glass Specialty Co., Inc., and the Indiana Glass Co.,

Milwaukee; W. H. Peterson, factory agent of Anchor Hocking Glass Corporation, and the Hotel, Restaurant & Tavern Equipment Association, and its members. (3861)

Burtley Company—I. Burman, trading as Burtley Co., 245 Fifth Ave., New York, has been ordered to cease and desist from misrepresentations in the sale of "Marrillis," a drug or cosmetic preparation advertised as a weight reducer. (3665)

Columbia Pencil Company—Bertram A. Strauss, trading as Columbia Pencil Company, 29 West 17th St., New York City, engaged in the sale and distribution of mechanical and ordinary lead and crayon pencils, has been ordered to cease and desist from misrepresentation in connection with the sale of pencils. (4083)

Deniston Company, 4856 South Western Ave., Chicago, engaged in the manufacture and sale of lead head roofing nails of various kinds, has been ordered to cease and desist from misrepresentations in the sale of lead head roofing nails designated as "drive screw" and as "ring shank." (4219)

Farmers Vaccine & Supply Company—John H. Oesterhaus, trading as Farmers Vaccine & Supply Co., Kansas City, Mo., has been ordered to cease and desist from misleading representations in the sale of a drug preparation designated "Abortion Vaccine," intended for use as a means of rendering cattle immune to "Bang's Disease." (4137)

Irvin Novelty Company—Two Illinois concerns have been served with orders to cease and desist from the use of lottery methods in connection with the sale of merchandise to consumers. The respondents are Irving Cohn, trading as Irvin Novelty Co., 125½ East Main St., Danville, Ill., distributor of candy and novelty merchandise, and Sisco-Hamilton Co., 514 South Loomis St., Chicago, candy manufacturer. (4464-4471)

Merck & Company, Inc.—A complaint has been dismissed which had charged Merck & Co., Inc., manufacturer of laboratory, medicinal and other chemicals, with violation of the Robinson-Patman Act. The company operates plants in Rahway, N. J., and Philadelphia, and maintains offices in those cities and in New York and St. Louis. (3373)

Motor Tire Retread Company, Inc., trading as Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, and Zephyr Tire Company, and Benjamin Duchon, president of the corporation, having their principal place of business at 2441 South Indiana Avenue, Chicago, and engaged in selling and distributing retreaded or recapped used tires, have been ordered to cease and desist from certain misrepresentations.

The Commission finds that the respondents, by means of letters, order blanks, and other printed and written material, represented, among other things, that tires purchased from the respondents will be identical in kind, size, make and quality with samples displayed by the respondents' agents; that the respondents' tires will be free from boots and patches; that the carcasses used in their retreaded or recapped tires are less than one year old; that the tires ordered will be shipped from points in the vicinity in which the purchaser is located, thereby effecting substantial savings in freight; that the tires will give many miles of service in the normal course of usage at a fraction of the cost of a like amount of service from new tires; and that the tires are sold under a warranty that the respondents will replace them within certain periods at one-half the prevailing price, should they prove defective. (4325)

National Institute, Inc., a corporation trading as Diesel Engines Training, and its officers, Clayton R. Hastings and John C. Smith, Muncie, Ind., have been ordered to cease and desist from certain representations in connection with the sale or distribution of a

course of study and instruction on the subject of Diesel engines. (3417)

Philip R. Park, Inc., San Pedro, Calif., has been ordered to cease and desist from certain representations in the sale of its dehydrated kelp product known as "Granular Parkelp" and "Parkelp Tablets." (3815)

Pioneer Mattress Company—William E. Evans, trading as Pioneer Mattress Company, Spartanburg, S. C., has been ordered to cease and desist from certain misrepresentations in the sale and distribution of mattresses. (4483)

Plomb Tool Company—Orders directing the cessation of lottery methods in connection with the sale of merchandise to consumers were issued against Samuel Nitke, 345 West 86th St., New York, dealer in novelty merchandise, and Plomb Tool Co., 2209 Santa Fe Ave., Los Angeles, tool distributor. (3567-4384)

Smoke Conditioner Company—Henry M. Salisbury and Frank R. Johnson, trading as Smoke Conditioner Company, 254 West 31st St., New York City, have been ordered to cease and desist from misrepresentation in the sale of a cigarette holder. (4166)

Watch-My-Turn-Signal Company—A complaint has been dismissed which had charged L. B. Patterson, trading as Watch-My-Turn Signal Co., Des Moines, Iowa, with violation of the Federal Trade Commission Act in the sale of an electric signalling device for automobiles. The Commission order recites that it appears the evidence is not sufficient to sustain the allegations of the complaint. (4331)

Weaver Real Estate Appraisal Training Service—Howard S. Weaver, trading as Weaver Real Estate Appraisal Training Service, Kansas City, Mo., has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of home study courses in rural and city real estate appraisal training.

The Commission finds that in advertising published in newspapers and magazines and broadcast by radio, and through his agents, the respondent represented that the demand for land appraisers greatly exceeded the supply; that land appraising was an uncrowded field, lacking qualified men; that various loan agencies of the Government, as well as private industry, were seeking men trained by the respondent; that the Civil Service Commission was holding examinations for land appraisers from time to time, and that salaries up to \$3800 were obtainable; that men trained by the respondent were earning \$175 to \$300 a month, and that choice money-making positions were available to them. (4353)

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FEDERAL TIME SALES TAX

The House Ways and Means Committee late Wednesday wrote into the new revenue bill an unjust and discriminatory provision to tax radio time sales.

According to best estimates, the tax would cost the industry about \$4,500,000 a year, net.

The bill, as approved by the committee, provides for the following taxes on net time sales of stations or networks:

5 per cent	\$100,000—\$500,000
10 per cent	\$500,000—\$1,000,000
15 per cent	\$1,000,000 or more

Affiliates would have to pay the tax on their payments from networks, as well as their own sales.

Earlier in the week, the NAB was assured by committee members that this discriminatory tax, first proposed by a small group of men purporting to represent printing trades unions, had been abandoned.

It was revived shortly before the bill was completed, however, when the committee was searching for items to replace some that had been discarded.

Although the NAB on Thursday made every effort to get the committee to reconsider its action, it appeared probable that the tax would be reported favorably to the House on Friday or Saturday. It probably will be approved by the House sometime next week under a rule which forbids amendment.

The bill then will go to the Senate Finance Committee, made up of the following:

Walter F. George, of Georgia	Clyde L. Herring, of Iowa
David I. Walsh, of Massachusetts	Edwin C. Johnson, of Colorado
Alben W. Barkley, of Kentucky	George L. Radcliffe, of Maryland
Tom Connally, of Texas	Robert M. La Follette, Jr., of Wisconsin
Josiah W. Bailey, of North Carolina	Arthur Capper, of Kansas
Bennett Champ Clark, of Missouri	Arthur H. Vandenberg, of Michigan
Harry Floyd Byrd, of Virginia	James J. Davis, of Pennsylvania
Peter G. Gerry, of Rhode Island	John A. Danaher, of Connecticut
Joseph F. Guffey, of Pennsylvania	Henry Cabot Lodge, Jr., of Massachusetts
Prentiss M. Brown, of Michigan	Robert A. Taft, of Ohio

The NAB is certain that the broadcasting industry is glad to pay its just share of the cost of the Defense Program. But the NAB will present to the Senate Committee the industry's case against such a rankly discriminatory tax that will, in the long run, militate against every station in the country, large or small.

Neville Miller addressed the following letter to Chairman Doughton (D-NC) and all other members of the House committee:

The broadcasting industry today was greatly disturbed by published reports that the Ways and Means Committee of the House of Representatives has *(Continued on page 624)*



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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

FEDERAL TIME SALES TAX

(Continued from page 623)

decided to submit to Congress a recommendation to levy a special and discriminatory tax upon radio advertising.

Doubtless every industry whose tax payments are to be increased by the pending proposal will urge reasons against the action taken affecting their particular field. I wish to emphasize, therefore, that the broadcasting industry does not and will not seek to evade its just and proportionate share of the tax burdens which of necessity must be increased because of the present emergency. What we do object to most strenuously is the discrimination which is involved in imposing this special burden upon radio which places the industry at a disadvantage in competing for business with newspapers and magazines. I have received numerous telegrams and other communications from broadcasters throughout the country urging that I submit to you the views of the industry and request reconsideration of the action that has been taken.

I, therefore, respectfully submit for your consideration certain factors which I believe should convince you that this penalty on radio advertising is unwarranted and that the committee should reconsider its action. These factors include:

(1) This special penalty on radio advertising will undoubtedly drive many advertisers to newspapers and magazines or other forms of advertising. This loss of revenue would result in lessening the ability of stations to serve the public. The inequity of a special tax on only certain forms of advertising seems obvious.

(2) Although the tax appears to be in the nature of an excise, it is in reality a tax upon the gross income of radio stations. It is standard practice for the industry to enter into yearly contracts with advertisers at a fixed rate. Many of these contracts contain provisions protecting the rate to the advertiser for periods even in excess of a year. Even if the advertiser would pay an increased rate, many stations will be prohibited by contract from attempting to pass the increase along to the advertiser. Thus the certain result would be decreased profits and in many instances no profits. This would create a pressure to divert revenues which are now used in the development of a better radio service.

(3) Under the proposals as suggested by the committee, many broadcast stations would suffer a reduction of 50 per cent or more in their net income. This is true even after allowing for any saving that would result from a reduction in the amount to be paid under the excess profit tax provisions.

(4) Radio broadcasting, under general corporate levies, is paying its share of federal taxes and would of course continue to do so, under any general increase in these schedules which Congress might adopt.

(5) Earlier proposals for a special, punitive tax upon radio broadcasting originated with a small group purporting to represent certain unions in the printing trades field. Radio employs many thousands of persons who are members of labor organizations. I have been advised by the American Federation of Labor that it does not favor a special tax on broadcasting which would have the effect of penalizing certain of their members for the dubious advantage of other members employed by competing industries.

I know it is obvious to you that radio has a most important function to perform in this crisis. Unnecessary obstacles which will impair our ability to do a real job must be avoided. We are willing, as all American industry must be, to make whatever sacrifices may be necessary. All we ask is equality of treatment and, I am confident, that upon reflection you will agree we are entitled to no less. We are advised that Treasury estimates indicate that less than \$5,000,000 in additional revenue will be collected from this source. Therefore the fiscal program of the government could not be seriously affected by eliminating this discriminatory levy. We are convinced that the harm that will be done to broadcasting because of the penalty upon radio advertising greatly outweighs any advantage to the government because of the revenues deriving from this source.

I am transmitting these views on behalf of the National Association of Broadcasters, to the chairman and each member of the Ways and Means Committee of the House of Representatives.

Newspaper Hearings

Hearings by the FCC on the question of whether newspapers should be permitted to acquire either FM or standard band stations in the future started Wednesday, July 23, in the auditorium of the Archives Building.

Just before the start of the hearings, the FCC announced that it had denied the petition of the American Newspaper Publishers Association to terminate the proceedings. This action was taken in the form of the following order:

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

Docket No. 6051

In re Orders No. 79 and 79-A

Decision and Order on Motion to Vacate Order

This is a petition by American Newspaper Publishers Association to vacate Commission Order No. 79 and Order No. 79-A and to terminate the proceedings instituted thereunder.

Order No. 79, issued on March 20, 1941, directed that an investigation be undertaken to determine what statement of policy or rules, if any, should be made concerning applications for high-frequency broadcast stations (FM) by persons also associated with the publication of one or more newspapers, and concerning the future acquisition of standard broadcast stations by such persons. This order was supplemented by Order No. 79-A, issued July 1, 1941, setting forth the issues on which testimony would be taken. The hearing was originally scheduled for June 25, 1941, but was continued to July 23, 1941, on the petition of a committee representing certain newspaper publishers.

The instant petition, filed July 15, 1941—eight days before the date set for the hearing—requests the Commission to vacate its Orders No. 79 and 79-A on the ground that the Commission lacks authority to conduct proceedings of the type contemplated by the Order.

Our jurisdiction to issue Order No. 79 and Order No. 79-A was carefully considered prior to the promulgation of those orders. It seems inconceivable to us that an argument could be seriously advanced against the inherent power of any administrative agency, endowed by statute with power to hold hearings, issue subpoenas, etc., to conduct general hearings of the type involved here. One of the principal reasons for the establishment of administrative agencies is the expertness which such agencies are expected to develop in the administration of difficult and complicated matters. If problems involved in the regulation of an agency are complex enough to induce Congress to establish an administrative agency to administer them, it would seem unlikely that Congress would limit its usefulness by denying to it the power to hold general hearings for the purpose of acquainting itself with the problems of the industry and the best solution therefor. Such an intention is not to be imputed to Congress unless the statute creating the agency explicitly so provides.

But our jurisdiction does not rest alone on this inherent power of administrative agencies. The Communications Act explicitly confers on us the power to conduct such proceedings as that involved in Orders 79 and 79-A.

Section 403 of the Act provides:

"The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, *in any case and as to any matter* or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or *concerning which any question may arise under any of the provisions of this Act*, or relating to the enforcement of any of the provisions of this Act." (Italics supplied.)

In the administration of Section 309 of the Act, authorizing the Commission to grant or deny applications for station licenses, the question whether the public interest, convenience, and necessity is served by the granting of a license to newspaper interests has arisen from time to time. (e.g. *Port Huron Broadcasting Co.*, 5 F.C.C. 177; *Dorrance D. Roderick*, 3 F.C.C. 616, 5 F.C.C. 563; *The South Bend Tribune*, 6 F.C.C. 783; *Barnes & Weiland et al.* — F.C.C. — (Decided April 15, 1940).)

With the recent advent of frequency modulation (FM) broadcasting, this question has taken on an increased importance. Out of 116 applications for FM licenses 45, filed by newspaper interests, confront the Commission with the necessity of determining whether or not the granting of FM licenses to such interests will serve the public interest, convenience or necessity. The Commission's duty to act upon these applications for licenses carries with it the duty to determine the qualifications of the applicants. Under Section 309 each of these applications would have to be set for hearing if the Commission could not determine from the examination thereof that public interest, convenience or necessity would be served by a grant. To deny the Commission the power to institute a general inquiry into the same matter under Section 403, as urged by petitioner, would deprive Section 403 of all meaning, and would lead to the unreasonable result that we are empowered to hold scores of particular hearings in order to arrive at a determination of policy but are not empowered to hold one general inquiry for the same purpose. The power conferred by Section 403, and the further power conferred by Section 4(j) to conduct proceedings "in such manner as will best conduce to the proper dispatch of business and to the ends of justice" were hardly intended to impose such a procedural straitjacket on the Commission.

The Commission's authority under Section 403 to institute the proceedings covered by Orders 79 and 79-A is not, moreover, limited to matters arising under Section 309. An inquiry may be authorized as to "any matter" concerning which "any question" may arise under "any of the provisions of this Act." Thus the issues to be examined pursuant to Order No. 79 may be broad enough to include subjects concerning which the Commission may wish to consider recommending additional legislation in its annual report to Congress, as directed by Section 4(k) of the Act. Even if the questions arising under Order No. 79 and 79-A were not clearly matters arising under Section 309, the Commission could conduct such a general inquiry preliminary to determining whether to make recommendations to Congress for additional legislation.

The instant petition appears to be less concerned with Order No. 79 and Order No. 79-A than with some possible regulations, the precise nature of which petitioner does not state, which it fears the Commission may promulgate at some future date. It would certainly not be conducive to the proper dispatch of business to permit petitioner at this time to argue the validity of purely supposititious regulations which may or may not be promulgated after the hearings are closed. If at the close of the hearings we do determine that the public interest makes regulations necessary or advisable, our procedure allows ample opportunity to argue the validity or invalidity of such regulations at that time.

It Is ORDERED, this 23rd day of July, 1941, that the petition filed by American Newspaper Publishers Association to vacate Commission Order No. 79 and 79-A BE, AND IT IS, HEREBY DENIED.

FEDERAL COMMUNICATIONS COMMISSION.

In opening the hearings, Mr. Fly said he "should like to comment briefly on two or three matters." He said:

"The general question of joint control over newspapers and broadcasting stations has been a topic of interest, both in Congress and elsewhere, for a long time. When the Radio Act of 1927 was being debated, for example, Senator Dill, the Senate sponsor of the bill, pointed out the need for deciding such questions as whether one newspaper in a city should have a radio station when other newspapers do not, and urged that such questions indicated the need for a federal commission to regulate broadcasting. (67 Cong. Rec. 12353, June 30, 1926.) There was discussion of newspaper ownership of broadcasting stations before the Senate Committee on Interstate Commerce in January, 1930, at which time Senators Wheeler, Dill, and Brookhart indicated an awareness of the problem. (Hearings before the Senate Committee on Interstate Commerce on S. 6, 71st Cong., 2nd sess., pp. 1643, 1718, 1744, 2077.) Senator Neeley expressed opinions on the subject in January, 1935, during the *Hearings on the Confirmation of the Members of the Federal Communications Commission* (74th Cong. 1st sess., p. 195). Representative Monaghan expressed outspoken opposition to newspaper ownership of broadcasting stations in August, 1935. (79 Cong. Rec. 14310-14316.) On January 28, 1937, Representative Wearin introduced H.R. 3892, entitled 'A Bill to amend the Communications Act of 1934 by adding thereto provisions designed to prohibit unified and monopolistic control of broadcasting facilities and printed publications, and for other purposes.'

"On March 15, 1937, Senator White commented at some length on newspaper ownership of radio stations, in the course of which he suggested that the Commission ought to formulate views on the subject. He said in part: 'If the Commission senses the situation, and if it has views as to what our policy should be, it has skillfully concealed the fact from Congress.' (81 Cong. Rec. 2334-2335.)

"The importance which has thus been continuously attached to the problem and the further fact that the Commission is now faced with a group of newspaper applications for FM facilities, have caused us to conclude that a general inquiry is advisable. Out of 99 applicants for FM licenses as of June 30th, 43 are newspaper interests. These newspaper applications raise the common question of the extent to which and the circumstances in which grants to newspapers will serve the public interest. We could, of course, have considered the question separately as to each of the 43 applicants. The proper dispatch of business, however, as well as the need to achieve that degree of uniformity, consistency, and informed judgment properly expected of administrative bodies, clearly indicate the advisability of these general hearings.

"I would like particularly to emphasize that the purpose of these hearings is to inform the Commission. No conclusions or opinions have been formulated by the Commission. The facts and circumstances which will be developed in these hearings may lead us to the conclusion that no rules or policies whatsoever need to be developed. Or they may lead us to the conclusion that recommendations to Congress should be made, and the problem handled by way of legislation. Or we may conclude that certain policies or regulations can and should be developed within the jurisdiction already committed to us by Congress.

"The Commission believes that discussion of its jurisdiction under existing law to take action with respect to joint control of newspapers and radio stations would be premature at this time. The jurisdictional question itself must be determined partly in the light of the facts and circumstances which the hearings develop, and argument should be based on concrete rather than supposi-

tious proposals. The Commission will afford ample opportunity for the expression of views on the jurisdictional question if and when it contemplates the issuance of any rules.

"I have emphasized the fact that the sole purpose of these hearings is to inform the Commission. I want to add, with equal emphasis, that the Commission is determined to be informed. Our jurisdiction to formulate rules will be determined subsequently; our jurisdiction to make a study of the problem we think clear, as stated in our decision released today on the petition filed by the American Newspaper Publishers Association. Government commissions have a duty to inform themselves of problems pertinent to the field in which they function. The public and the Congress would rightly criticize us for passing over without consideration problems basic to the welfare of the radio industry and the public which it serves. It is for just such reasons that Congress has empowered this Commission to hold hearings concerning any question which may arise under the Act which we administer, and to require the attendance and testimony of witnesses and the production of relevant documents and to pay the attendant expenses of such proceedings. Furthermore, it is wholly in accord with the traditions and institutions of our form of government that we should carry on such a study, and it has been familiar practice at least since the establishment of the Interstate Commerce Commission half a century ago.

"In the interests of comprehensiveness the Commission has itself conducted field investigations in sample localities, and will call witnesses competent to describe various local situations. Let me emphasize that such local matters will be entered into wholly for the light they cast upon the general issues. This is not an inquiry into the activities of particular licensees but into a nation-wide situation. Also the Commission will call some expert witnesses—scholars of recognized authority who will present evidence based on their independent studies.

"The following appearances have been filed in the present hearing and have been allowed:

"Oregonian Publishing Company, licensee of Radio Stations KGW and KEX, Portland, Ore.

"FM Broadcasters, Inc.

"Hildreth & Rogers Company, licensee of Radio Station WLAW, Lawrence, Mass.

"The American Network, Inc.

"In addition, Station WGN, Chicago, Illinois, and KOOS, Marshfield, Oregon, and the Newspaper-Radio Committee have given notice that they desire to be heard. They have been informed that their appearances will be allowed upon the filing of statements showing the nature and relevance of the evidence which they propose to present, and in the case of the Newspaper-Radio Committee, upon the furnishing also of a statement of the persons who are represented by that committee. As contemplated in the Commission's public notice of July 1, 1941, setting forth the 'Procedure for hearings under Order No. 79', requests to appear may be filed at any time during the course of the hearings, and, if in the proper form, will be allowed.

"The present sessions will be devoted to the calling of witnesses by the staff of the Commission and to its presentation of exhibits and documentary evidence. Persons whose appearances have been allowed will be permitted, in the discretion of the Commission, to cross-examine witnesses with respect to phases of the inquiry as to which they themselves propose to adduce evidence. Those persons who have appeared or who hereafter appear will be given notice at some later date as to when they will be afforded an opportunity to introduce evidence.

"It is not contemplated that all the hearings will be held consecutively. Following the calling of certain witnesses by the Commission, an opportunity will be given for those other witnesses who wish to testify at that time. Thereafter we will adjourn for a period to be then determined and then reconvene for the taking of additional testimony.

"One final matter: since the hearings are concerned with the relationship between broadcast stations and newspapers, some understanding of the latter industries is necessary. Inquiry will be made into the operations and functions of each. The Commission does not, of course, contemplate any action with respect to the newspaper industry apart from its relationship to broadcasting. Evidence as to the internal workings of the newspaper inquiry will be adduced therefore only insofar as it throws light upon the relationship which has existed or should exist between the broadcast and newspaper industries.

"We are confident that on the basis of evidence to be submitted by representatives of the broadcasting industry and the newspaper publishing industry, by scholarly authorities, and by persons

especially cognizant of local situations in communities of various sizes and kinds, a record will be developed which will aid us in the performance of our duties hereafter, and will enable us to reach a sounder solution of the problem than would be possible if we proceeded without this general inquiry to the determination of particular cases. It is in this spirit of *fact-finding* that the Commission desires to proceed."

Elisha Hanson, counsel for the ANPA, arose to argue his motion to dismiss, but was informed at that time that it already had been overruled. He started to discuss the matter, but was summarily refused the opportunity. Mr. Fly advised him that he and his clients would be permitted to contest the Commission's jurisdiction if and when the Commission proposed any rules and regulations affecting the clients' interests. Judge Thatcher, representing the Newspaper Radio Committee, likewise was refused opportunity to contest the legality of the hearings.

The Commission, however, granted Mr. Hanson permission to file the following statement:

Mr. Chairman and Gentlemen of the Commission:

I appear specially as Counsel for the American Newspaper Publishers Association to address myself to the motion filed on behalf of that Association on July 15, 1941, to vacate Orders Nos. 79 and 79A and terminate this proceeding.

Because of the serious question raised in the body of that motion, I also request that pending your decision thereon all further proceedings herein be stayed until the issue as to your authority to proceed at all is determined.

We are all familiar with the fact that on March 20 last, the Federal Communications Commission entered its Order No. 79, wherein it ordered that an immediate investigation be undertaken "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 the publication of one or more newspapers" and also what "statements of policy or rules, if any, should be issued concerning future acquisition of standard broadcast stations by newspapers."

I think it will be conceded at the outset that if the Commission has the power to prohibit persons engaged in the newspaper business, because of that fact and only that fact, from receiving approval of applications for licenses for the operation of radio broadcast stations, either in the high frequency or the standard broadcast band, there can be no question as to your authority to conduct a proper inquiry for the purpose of determining a policy in respect of such applicants and promulgating rules barring them from receiving licenses if, in your judgment, they should be barred.

Also, I think, under our settled jurisprudence, it will be conceded that if you do not have the power to prohibit persons engaged in the newspaper business from receiving approval of applications for broadcast licenses on the sole ground that they are engaged in that business, then you do not have any power to make an investigation for the purpose of adopting any statement of policy or rules on the subject.

It has been judicially determined that you do not have such authority.

The United States Court of Appeals for the District of Columbia in a controversy between a licensee and this Commission arising over the granting of an application for a proposed station filed by the owner of a newspaper stated that it knew of no provision of statute or rule of law which forbids broadcasting by the owner of a newspaper. *Tri-State Broadcasting Company v. FCC*, 96 F. (2d) 564.

At this point it is pertinent to inquire as to who may or may not hold radio broadcast licenses.

The limitations on the holding and transfer of licenses are specifically and precisely set forth in Section 310 and 311 of the Act.

Under Sec. 310 (a) a station license cannot be granted to or held by

- (1) Any alien or the representative of any alien;
- (2) Any foreign government or the representative thereof;
- (3) Any corporation organized under the laws of any foreign government;
- (4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by any corporation organized under the laws of a foreign government;
- (5) Any corporation directly or indirectly controlled by any of those precluded from a license in the preceding paragraph, if

the Commission finds that the public interest will be served by the refusal or revocation of such a license.

Sec. 310 (b) provides that a license shall not be transferred, assigned or disposed of, voluntarily or involuntarily, directly or indirectly, to any person unless the Commission shall, after securing full information, decide that the transfer is in the public interest and give its consent in writing.

Sec. 311 provides for the refusal of licenses and permits in certain cases, those cases being those of persons "finally adjudged guilty by a Federal Court" of certain violations of the Anti-Trust laws.

Such gentlemen, are the limitations of the statute under which your body functions on the holding or transfer of licenses. Solely by reason of being engaged in the newspaper publishing business, a newspaper publisher, whether an individual or a corporation, does not ipso facto become either an alien, a representative of an alien, a foreign government or the representative thereof. Neither does such an individual or corporation become a criminal solely by reason of being engaged in the newspaper publishing business.

Insofar as the application of the Anti-Trust Laws to licensees or applicants for licenses is concerned, this Commission does not have any original jurisdiction whatsoever. Proceedings under those laws must originate elsewhere and this Commission is without power to act until there has been a final judgment of guilt. Then its authority is limited to the person or persons finally adjudged guilty. It cannot be extended to others.

As I have pointed out, the limitations on the holding and transfer of licenses and on the refusal of licenses and permits, are specifically set forth in the statute. So are the limitations on the revocation of licenses and on the application of the Anti-Trust Acts.

This Commission has no power either to exceed or to extend the Act. It must operate within the confines of its authority. It cannot trespass beyond.

Being without authority to extend or increase the limitations of the statute it is without authority to conduct an inquiry to determine whether or not it shall adopt any policy or rules to that end.

Therefore it should vacate its Order No. 79 and terminate this proceeding without further ado.

It may be argued on behalf of that order that the Commission has general powers of inquiry (a) for the purpose of determining if the public interest will be served in the granting of licenses and (b) for the purpose of making reports to the Congress.

An analysis of the statute and a consideration of the controlling decisions of our courts, however, cannot be otherwise than convincing that the Commission in its consideration of the public interest must give consideration to that interest, insofar as applications for broadcast station licenses are concerned, as the facts are developed in connection with a particular application. There is no statutory authority empowering the Commission on its own motion to make general classifications of persons, otherwise qualified under the statutes, for the purpose of laying down a policy or adopting rules either for the purpose of prohibiting persons belonging to a certain class from holding licenses or limiting the number of persons within a certain class who may hold licenses.

Insofar as its reports to Congress are concerned, again the Commission's authority is limited.

One is a general power to be found in Section 4 (k) of the statute. This section requires the Commission to make an annual report to the Congress, just as similar sections in other statutes require such reports from all other legislative agencies. There is nothing in this section that either by inference or implication can be construed as authorizing an inquiry such as that initiated by the Commission's Order No. 79.

Two other sections of the statute namely 215 (a) and 307 (c) provide for reports to Congress. The provisions of Section 215 (a) are limited to common carriers engaged in wire and radio communication and subject to the Act. It does not extend to broadcast stations of any kind or description.

The provisions of Section 307 (c) are limited to non-profit programs and activities, on which the Commission was required to report not later than February 1, 1935.

The foregoing discussion should satisfy that the Commission does not have any authority under the Communications Act of 1934, as amended, to make the inquiry provided for in its Order No. 79. Consideration of the Commission's Order No. 79-A outlining the matters concerning which the Commission proposes to take testimony and receive other evidence shows that that order exceeds any power which the Commission has under the Act and runs into headlong conflict with an adjudication of the powers of the Commission by the Supreme Court of the United States.

Nowhere in the Communications Act of 1934, As Amended, is any power vested in the Commission to regulate the business of any broadcast station licensee, or exercise any supervisory control over any licensee's programs, business management or policy.

The Commission's powers in respect of broadcast station applicants are limited to consideration of specific applications for the purpose of determining (a) if there be an available frequency over which the applicant can broadcast without interference to others, (b) if the applicant is financially able to make good use of the assigned channel, (c) if his equipment is adequate and (d) if his proposed program service is competent to serve his listening public.

That is not my statement, gentlemen, but a summary of a statement made by the Supreme Court of the United States in a case which you yourselves asked that Court to review in order to construe your own powers, when you were not content with a decision in the controversy as rendered by the United States Court of Appeals for the District of Columbia.

I quote a few excerpts from that decision:

"The Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

Again, as the Court said:

"The Act recognizes that broadcasters are not common carriers and are not to be dealt with as such. Thus the Act recognizes that the field of broadcasting is one of free competition. The sections dealing with broadcasting demonstrate that Congress has not, in its regulatory scheme, abandoned the principle of free competition, as it has done in the case of railroads, in respect of which regulation involves the suppression of wasteful practices due to competition, the regulation of rates and charges, and other measures which are unnecessary if free competition is to be permitted.

Finally the Court said:

"An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts." *F. C. C. v. Sanders Bros. Radio Station*, 309 U. S. 470.

Gentlemen, that case arose when the licensee of a radio station appealed from an order of this Commission granting approval to the application of a newspaper for the construction of another station in the area that the first station served and in the same city where the newspaper was published.

Now what do we find in respect of your Order No. 79-A? In that order you set forth 10 specific subjects on which you say that you desire information in order to determine what policy you shall lay down or what rules you shall adopt concerning applications for high frequency broadcast stations or the future acquisition of standard broadcast stations by newspapers.

In the order of their presence in Order No. 79-A your questions are as follows:

1. To what extent broadcast stations are at present associated with persons also associated with publication of one or more newspapers, the classification (in terms of power, location, network affiliation, etc.) of broadcast stations so associated, the circumstances surrounding such association, and the tendency toward such association in the future.
2. Whether joint association of newspapers and broadcast stations tends or may tend to prejudice the free and fair presentation of public issues and information over the air, or to cause editorial bias or distortion, or to inject editorial policy or attitude into the public service rendered by broadcast stations as a medium of public communication.
3. Whether joint association of newspapers and broadcast stations tends or may tend to restrict or distort the broadcasting of news, or to limit the sources of news to the public, or to affect adversely the relation between news-gathering services and broadcast stations.
4. Whether the joint association of newspapers and broadcast stations has or may have any effect upon freedom of access to the radio forum, for the discussion of public issues.
5. Whether the joint association of newspapers and broadcast stations tends or may tend to lessen or increase competition

among broadcast stations or to result in the monopolization of local broadcast facilities.

6. Whether the joint association of newspapers and broadcast stations tends or may tend to increase or decrease concentration of control over broadcast facilities or the use thereof.
7. Whether the joint association of newspapers and broadcast stations constitutes or may constitute an undue concentration of control over the principal media for public communication.
8. Whether joint association of newspapers and broadcast stations tends or may tend to result in the utilization of improved facilities and skilled, experienced personnel for the procuring and dissemination of information and opinions by broadcast stations.
9. Whether joint association of newspapers and broadcast stations tends or may tend to insure greater economic stability for broadcast stations and to encourage the maximum technological development of radio.
10. What considerations influence newspaper interests to acquire broadcast stations.

I submit that in the light of the decision of the Supreme Court of the United States in the Sanders Bros. case you have no power to inquire into any one of those matters.

Furthermore, I also submit that the questionnaire which the Commission sent out on June 28 to present licensees deals with subject matter over which the Commission has no authority either under the statute or as construed by the courts. That questionnaire is nothing more nor less than an impertinent effort on your part to inquire into the newspaper publishing business, the business policies of newspapers, the editorial policies of newspapers, the advertising practices of newspapers, the promotional activities of newspapers, the news policies of newspapers, the nature of the work performed by newspaper employees, and the business connections of newspapers over none of which does this Commission have any authority whatsoever. If it be argued that the questionnaire is designed to obtain information for use in connection with the administration of the broadcast provisions of the Communications Act of 1934, As Amended, then again I submit that the questionnaire shows on its face that it is an effort to inquire into matters which the Supreme Court says this Commission has no business with. You do not have a supervisory control over the programs, or the business management, or the policies of radio stations and you are not empowered to make any general inquiry into the nature of programs, business management or policies of radio stations such as you have attempted in this inquiry, as is forcibly illustrated in that questionnaire.

In conclusion I desire to call your attention to the fact that several years ago the Chairman of this Commission asked its General Counsel to submit an opinion on the question as to whether the Commission has authority to deny an application of a newspaper for radio facilities on the ground that it is against the public interest for newspapers to operate stations. Your own General Counsel as of that time told you you had no such authority. Since then the United States Court of Appeals for the District of Columbia has given you the same word and also the Supreme Court of the United States has told you just what your powers are.

Your powers do not embrace authority to adopt any policy or rules the purpose of which is to prohibit persons engaged in the newspaper publishing business from operating radio stations. Being without power to adopt any such policy or rules you are without power to conduct an inquiry for the purpose of determining whether or not you should adopt such a policy or rules.

Therefore, I respectfully submit that my motion to vacate Orders Nos. 79 and 79-A should be granted and this proceeding terminate.

I further submit that if the Commission is not at this time prepared to rule upon that motion it should stay all further proceedings in this inquiry until it determines this question. In the event the Commission decides to stay the inquiry then I should like a reasonable time if your body so desires within which to file a brief in support of my statement this morning.

Insertion in the record of a vast number of Commission exhibits dealing with the relationship of newspapers and radio stations consumed the rest of the Wednesday morning session and a part of the afternoon session. The other Wednesday witness was Elmo Roper, public opinion expert, who discussed at length the survey he made for *Fortune* magazine dealing with the public's opinion about news on the radio and news in the newspapers. He was questioned at length by members of the Commission as to

whether these figures represented the facts. He insisted, in all instances, that he represented only the public's opinion.

The first witness Thursday morning was Professor Mitchell V. Charnley of the Minnesota School of Journalism who testified to the different techniques in processing news for newspapers and radio broadcasting. He stated it was his belief that separate staffs to select news for the two media are desirable. On cross examination by Judge Thatcher it was brought out that the witness had not made or supervised any study as to the facts of whether it is usual or unusual for radio stations and newspapers to operate with the same staffs, and that the witness had not made or supervised any study as to the relative merits of service to the public by stations under newspaper management and stations under other management. He stated that he was, therefore, unable to express an opinion on the relative merits of such service.

The next witness was Mr. Marco Morrow who stated he was associated with the Capper newspaper interests and titular head of Senator Capper's radio stations. He testified that in his opinion radio is just another means of reaching the people, as necessary for newspapers as fast presses and cable service, and "inherently a part of journalism." When questioned by Chairman Fly as to whether or not in the case of a single newspaper and a single radio station in a community better service to the public would not be rendered if the two were under separate ownership, he stated that he believed that the better service would be rendered by the radio station owned by the newspaper as the advantages more than offset any danger of abuse by virtue of joint ownership. Commissioner Craven inquired if there was any reason why newspapers as a class should not own radio stations and the witness answered "no."

The next witness, Dr. Albert McClung Lee, assistant professor of marketing at New York University, stated that in his opinion the political and economic views of newspapers affect the enthusiasm of the response to their advertisements; that the long-term trend has been towards elimination of competition in the daily newspaper field and also towards fewer daily newspapers, due to economic restriction. In the course of a lengthy statement on the meaning of freedom of the press, he stated his belief that the present concentration of newspaper ownership prohibits a free press in the sense that that was understood at the time of the adoption of the Constitution.

When pressed under cross examination by Louis G. Caldwell, counsel for the Chicago *Tribune*, the witness stated that a free press under the first amendment of the Constitution means freedom from interference by Congress, as does freedom of speech.

The final witness was de Quincy Sutton of the Commission staff who discussed at length numerous summaries of various financial reports by licensees to the Commission.

The hearing was recessed until 10 a. m., Wednesday, July 30, in the Auditorium of the Archives Building.

Sales

Per-Inquiry and Free Time

Shapiro & Schoenbrod Agency of Chicago, reported here last week, continue to seek per-inquiry deals on behalf of **Monarek Cameras**. Investigation shows that FTC complaint No. 4169, still pending, involves Arnold F. Shapiro, Robert D. Schoenbrod and the Monarch Manufacturing Co. along with others in a "group of Chicago manufacturing corporations which have operated at different times in cooperation with Henry T. Schiff in the sale of radios, cameras, talking machines, electric sunlamps, clocks, razors and lighters, and electric and other novelties." The Shapiro & Schoenbrod address, 711 West Lake St., Chicago, is one of the addresses listed in the complaint, which was published in NAB REPORTS for June 28, 1940, page 4387, titled "Elgin Razor Corporation." Copies may also be secured from

the FTC. Stations are advised to check Monarch copy against the terms of this complaint. Attached to their letters soliciting per-inquiry deals is a sticker reading "The stations listed below are among the many now successfully merchandising the nationally famous Monarck Camera," and the list includes some of the country's leading broadcasters. The NAB has written each of these advising that many stations have misinterpreted the sticker and believe the stations mentioned are doing business on a per-inquiry basis. Of the replies received to date, every one states that the Monarck business it received was placed by the Henry J. Handlesman Agency of Chicago, at full published rates.

Pitluk Advertising Co. of San Antonio, Tex., on behalf of the Patriotic Plaque Co., is seeking *guaranteed* returns from stations in a variation of an attempt at per-inquiry buying.

National Defense

Radio Appeal Gets Auto

During the "Aluminum Man On the Street Broadcast," over WFMJ, Daytona Beach, Fla., last Wednesday, Ray Clancy, program director, received a telephone call from the Halifax Motors, automobile dealers. The call announced that the company was donating a 1926 all aluminum body Franklin sedan to the cause. The aluminum weighed two hundred pounds.

Hold "Aluminum Maneuvers"

On Friday, July 25, WRAL, Raleigh, will hold "Aluminum Maneuvers" for a full hour during the evening. Solicitation of scrap aluminum will be built around red and blue armies, according to Fred Fletcher, program manager.

Two locally prominent citizens were named Generals of the Red and Blue Armies, respectively. These "Maneuver" Generals will make frequent appeals to the audience to join and give "weapons" to their respective armies. A Priorities Administrator and a Military Strategist will work hand-in-hand in recording contributions (by phone) of aluminum (weapons) and listeners (recruits).

Aluminum articles will be designated by these two in terms of weapon equivalents, such as a turkey roaster equals a 50-ton tank, a Jello mould equals a hand grenade, and a coffee pot equals a machine gun, etc.

"Weapons" given to the Red or Blue Armies will be called for by "Army Supplies Transports" (cars) driven by local members of the Junior Chamber of Commerce and Young Business Men's Club, and will be deposited at a central collecting point where the two Generals are "maneuvering" their "aluminum" armies.

The officers of the local Military Recruiting Stations will be the final judges and choose the winner at the completion of the broadcast. Their decision will be based on the superiority of "recruits" (listeners calling in) and "military weapons" (aluminum) contributed to their selected favorite Army by the listener.

Strong Hoosier Campaign

In Indianapolis, Lester W. Lindow, manager, WFBM, is head over heels in the promotion of aluminum collection. He began broadcasting announcements last week. During the current week 5-minute programs are being aired.

Big Cast in N. D. Show

At KQV, Pittsburgh, Manager G. S. Wasser is broadcasting "We're in the Army Now," Mondays, Wednesdays and Fridays, 2:00-2:30 p. m. Talent consists of a cast of five and a twelve-piece orchestra. The program plugs the various services of the

Army and Navy as well as giving interesting national defense information. "The program has a splendid following," said Mr. Wasser. He also plugs the "Keep 'em Flying" announcements and others.

"Be assured," he said in a recent letter, "that KQV will continue to cooperate with NAB and the United States Government in this great emergency."

"Keep 'em Flying" Sign-Offs

WAGE, Syracuse, N. Y., WTAW, College Station, Texas, and KVNU, Logan, Utah, are all signing off with "Keep 'em Flying." At KVNU, Manager Reed Bullen, follows "Let's Go U. S. A. . . . Keep 'em Flying" with the playing of the Star Spangled Banner. "It has met with enthusiastic approval."

John Rosser, program director, WTAW, also asserted that the slogan sign off is well received by listeners.

Jack Kern of WAGE is also building a program around the slogan "Keep 'em Flying" for presentation at Loew's theater in Syracuse. This is to be a weekly feature.

Junior Chamber Thanks Radio

A note from Walter A. Bass, Grand Rapids, Mich., president, Michigan Junior Chamber of Commerce, said:

"Throughout the State the Junior Chambers have had splendid support of local broadcasting stations. All radio stations have given generously to the promotion of Flying Cadet courses which the Junior Chambers have helped to create.

"I want to express sincere appreciation and gratitude to the broadcasting industry for the support you advocate in your bulletin as well as the generous support the Junior Chambers receive from all radio stations for the varied and many activities throughout the year."

Mr. Bass paid special compliment to Stanley Barnett, manager, WOOD-WASH, Grand Rapids, for his support of the Grand Rapids Junior Chamber of Commerce in its campaign to recruit Flying Cadets.

10,000 Repeat Pledge

The Association and the city now has its third group of Air Corps students in training.

Chet Wheeler, manager, KWIL, Albany, Ore., fed the Fourth of July celebration program to the state owned station, KOAC, at Corvallis. The program was also released over a PA system at the local Fourth of July celebration and heard by more than ten thousand people watching the Timber Carnival events. The ten thousand stood at attention and repeated the pledge in unison with the Chief Justice.

BMI NOTES

Song Birthdays

Many songs people have been singing all their lives would seem to be old enough to be in the public domain, but research into copyright records reveals that some of them have to wait a few years before their fifty-sixth birthday.

Under terms of the Copyright Law of 1909 an initial copyright protects a musical composition for a period of twenty-eight years. A renewal of this copyright can then be secured for an additional twenty-eight years, after expiration of which the song enters the public domain.

Still under the second copyright are *Rock-A-Bye Baby*, which becomes public property next year, and *Oh, Promise Me*, originally copyrighted in 1890.

Other American favorites that have been sung since grandfather's

day and will become available in the next few years are *Be Home When The Clock Strikes Ten*, *Boy's Best Friend Is His Mother*, *Brown October Ale*, from Reginald De Koven's Opera *Robin Hood*, *Down Went McGinty*, *I Believe It For My Mother Told Me So*, *In the Evening By the Moonlight*, and *Her Golden Hair Was Hanging Down Her Neck*.

Tin Pan Alley Into Main Street

Just as radio has widened the horizons of music, so has BMI taken songwriters out of that narrow little square in New York known as Tin Pan Alley into the broad highways of the nation.

A glance over the addresses of the writers who have produced BMI originals shows that it is no longer necessary to live in New York to make a living at songwriting. A glance over the BMI songs which are broadcast most frequently outside of New York shows that the big city does not necessarily determine what the nation whistles and sings. Many tunes which never reach the Hit Parade are played over and over again for the home town folks and return their writers some worthwhile checks for performance rights. Every state in the union is represented by a BMI writer. Many outstanding hits have come from west of the Hudson.

California is the new Mecca with many of its writers clustered around Hollywood, but a few from San Francisco and two from Sierra Madre. Denver is represented by the writers of *Shy Ann From Old Cheyenne* and *X Marks the Spot*; Iowa by *When the Night Was New* and *Years From Now*; Oklahoma by *Stars Went To Sleep*; Texas by *Walking On Air* and *Eloise*; Canada by *Too Late* and *Coast-To-Coast*; Illinois comes through with too many tunes to mention, but among the better known are *You're A Double Lovely*, *There's An Old Easy Chair By The Fireplace* and *Rip Schottische*.

When we come east, Baltimore does the honors for Maryland, the best known tunes from the city of the little white stoops being *Stompin' Room Only*, *I Do Mean You* and *Business In Baltimore*. New Jersey has so much talent that we suspect that some of it is only sleeping there. One of the best of the Jersey tunes is *Let's Dream This One Out* by Eddie Lane, while Johnny Messner, the rhythm king of Ridgefield Park didn't do so badly with *Clarinet In A Haunted House*, not to speak of *Toy Piano Minuet* and *Toy Piano Jump*. Northern Ohio will be remembered as the home of Helen Bliss, writer of *I Went Out of My Way*, who lives in Cleveland and shares honors with the two Cleveland boys who collaborated with Ray Herbeck on *Time Stood Still*. Southern Ohio reports George Dunning, writer of *To Be Continued* and *I Can't Remember To Forget*. Pennsylvania is the home of one of BMI's two blind songwriters, Mabel Helen Toole, who wrote *Why Am I Still Dreaming*, while the City of Brotherly Love contributed *A Penny For Your Thoughts*.

Coast-to-Coast

The parade is on for *Hi, Neighbor* and the song is winning acceptance as a "welcomer" the country over. Virtually every beach resort in Southern California is featuring a cordial "Hi" to visitors, and Jones Beach, New York's own, is offering the song as a greeter from Guy Lombardo's band playing there. Ted Lewis, head liner at Loew's State, New York, is billing it right close to his *Is Everybody Happy?*

Thanks

Letter to BMI:

"We received our first royalty check from BMI for the months of Jan., Feb., and March, which showed that they had played our tunes 5600 times. If I had to buy the station time to play these tunes 5600 times it would take a great deal of money—but BMI did this gratis.

"In addition, BMI paid me three cents for each playing instead of two as my contract called for.

"What more fair treatment could anyone ask?

"We also wish to thank you personally for your splendid co-operation."

(signed) O. B. CLOW.

U. S. O. Tune

Melody Moderne, Inc., a BMI affiliate, is releasing for public performance a new patriotic tune, *Land of the Free*, with lyrics by Lee Ryer and music by Noel Marchant, dedicated to the United Service Organizations. The U. S. O. has accepted the dedication and has stated its willingness to promote the tune.

New Subscribers

Four new stations bring the BMI list to a total of 668: KBUR, Burlington, Iowa; WTNJ, Trenton, N. J.; W-39-B, Mt. Washington, New Hampshire; W-43-B, Boston, Mass.

Page Boy to Publisher

Versatile Ted Steele, who three years ago was a page boy at NBC and who now plays the Novachord, sings, announces, and is the young man in "Young Man With A Band", an NBC program, has added the formation of a publishing house to his many accomplishments. Ted, frequently referred to as 'A one-man program department', wrote the music of the first offering, *Home Town Blues*. His wife, Doris Brooks, has written the words and added a little touch of something which she thinks will make it a hit.

Say It With a Song

Not the least of the profitable adventures with which BMI has been identified is Greeting Card Hit Parade, Inc. Tying a friendly greeting to a hit tune, the card offers both music and lyric of the song. For example:

"There's nothing like a song of cheer
To clear a dismal atmosphere.
A lively tune will do the trick
(And, incidentally, do it quick).
So, when you find that things are wrong,
Just hum yourself a little song,
And presto! In the shortest while
Your face once more will wear a smile!"

Then you turn the page and find a song.

More than 200,000 of the cards have been sold through both chain stores and independents. The idea was tried a few years ago and flopped. Apparently, blending of the entertaining lines of the BMI lyrics with the verses did the trick the second time around or perhaps the country is just enjoying a wave of friendliness.

The cards are circulated after the songs have run the gamut of popularity. BMI receives a percentage of the gross revenue which it divides equally with the writers. So, when you think of greetings, think of BMI and pick a card carrying one of the following tunes: *Practice Makes Perfect*, *So You're the One*, *Accident'ly On Purpose*, *There I Go*, *I Give You My Word* or *Keep An Eye On Your Heart*.

BMI FEATURE TUNES

July 28 - August 4

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

Two great numbers—"Yo Te Amo," an unusual novelty, and "Hi, Neighbor!" will be ready next week.

Bright Idea

Laurette Carroll, 14 year old writer of BMI's *Phantom In the Dark*, will be interviewed on the NBC program, *Bright Idea*, some Saturday afternoon soon. Laurette won a beauty prize at the age of three. To disprove the notion that brains can't live with beauty, she has made the record of a brilliant student and is so dependable and so popular that she is a monitor in her school. She draws so well that she will probably become a commercial artist; she is a good swimmer; and she loves best of all to teach tricks to her wirehaired terrier, Mr. Smith.

Daddy and Sister

Sammy Kaye, the pride of Ohio, leads all of the national and regional retail record sales this week with his *Daddy* which takes first place with every member of the geographic family except the west coast where the record buyers place it second to *Maria Elena*. In sheet music best sellers, the *Hut Sut Song* continues to lead the national parade, with *Intermezzo* in second place and *Maria Elena* third. *My Sister And I* is the biggest money maker in the automatic phonographs.

INSURANCE COVERAGES

Additional copies of "Insurance Coverages" are now available to members by request from headquarters. This pamphlet describes the various coverages available from insurance companies. It was prepared by the Insurance Committee under the direction of Roger Clipp, chairman.

FEDERAL LEGISLATION

HOUSE

H. R. 5343 (LEA, D.—Calif.) DAYLIGHT SAVING TIME—To promote the national defense and the conservation of electrical energy by permitting the establishment of daylight-saving time. Referred to Committee on Interstate and Foreign Commerce.

FEDERAL COMMUNICATIONS COMMISSION

Network Rules Postponed

Following a conference held on Monday of this week between Chairman James Lawrence Fly of the FCC and network heads the following joint statement was made public:

"On petition from National and Columbia, without opposition by Mutual, the Commission is being requested to postpone the effective date of its Order of May 2, 1941, from July 30 to September 16, 1941. This postponement is being requested by National and Columbia in order to permit more time for the discussions that have been going on during the past ten days in which the various problems that confront the Commission and the networks are being explored.

"The officials of the networks are hopeful that the additional time will permit of a satisfactory solution of the various problems involved."

The FCC at its meeting on Tuesday took favorable action on the petition and issued the following announcement:

At a meeting of the Federal Communications Commission held at its office in Washington, D. C., on the 22nd day of July, 1941, the Commission having under consideration the petitions of the National Broadcasting Company and of the Columbia Broadcasting System requesting that the Commission postpone the effective date of its order entered in Docket No. 5060 promulgating regulations applicable to radio stations engaged in chain broadcasting:

IT IS ORDERED, That the last paragraph of the said order of May 2, 1941, entered in Docket No. 5060, BE, AND THE SAME IS HEREBY, AMENDED to read as follows:

"IT IS FURTHER ORDERED, That these regulations shall become effective immediately: *Provided*, That, with respect to existing contracts, arrangements, or understandings, or network organization station licenses, or the maintenance of more than one network by a single network organization, the effective date shall be deferred until September 16, 1941: *Provided further*, That the effective date of Regulation 3.106 with respect to any station and of Regulation 3.107 may be extended from time to time in order to permit the orderly disposition of properties."

FM Station for Lansing; Hollywood Grant

Construction permit for a new FM (frequency modulation) broadcast station, to serve the Lansing, Mich., basic trade area, was granted by the FCC to WJIM, Inc., of that city. The proposed station is authorized to use 47,700 kilocycles to cover an area of 3,800 square miles with more than 250,000 population. The proposed antenna location is the Olds Tower. The applicant now operates standard broadcast station WJIM, affiliated with the Michigan Radio Network.

In connection with grant to Columbia Broadcasting System, Inc., for a Class C FM station at Hollywood, Calif. (announced July 16), to use 43,100 kilocycles for a service area of 38,000 square miles embracing San Diego and Bakersfield, the Commission stipulates that prior to issuance of construction permit the applicant shall obtain approval by the Commission of the exact coverage pattern and shall submit proof satisfactory to the Commission that the applicant's lease agreement of December 3, 1940, with Mount Wilson Hotel Company is so modified as to eliminate the provisions therein pertaining to exclusivity of use for broadcasting purposes of property on Mount Wilson controlled by the lessor.

Broadcast Measurements

During June experts of the FCC measured 689 broadcast stations, leaving 201 not measured that month.

Of the 689 stations, 636 showed a maximum deviation within 0-10 cycles; 48 stations maximum deviation within 11-25 cycles; 5 stations within a maximum deviation of 26-50 cycles. No stations showed a maximum deviation over either 20 or 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 28. They are subject to change.

Monday, July 28

- KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license, **930 kc.**, 1 KW night, 5 KW day, unlimited.
NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.**, 250 watts, unlimited.
WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.**, 100 watts, unlimited.

Friday, August 1

- NEW—Symons Broadcasting Company, Ellensburg, Wash.—C. P., **1110 kc.** (**1140 kc.** NARBA), 1 KW, unlimited time.

To Be Held in Atlanta, Georgia

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

FUTURE HEARINGS

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

August 22

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., 1260 kc., 1 KW night, 5 KW day, DA-night, unlimited. Present assignment: 1400 kc., 250 watts, unlimited.

August 28

NEW—West Allis Broadcasting Company, West Allis, Wis.—C. P., 1480 kc., 250 watts, daytime.

September 12

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., 1500 kc., 250 watts, unlimited time. Present assignment: 1340 kc., 100 watts, S-WHAT.

September 17

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., 1370 kc., 5 KW, unlimited time, DA-night. Present assignment: 1370 kc., 1 KW, unlimited time, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WJIM, Inc., Lansing, Mich.—Granted construction permit for new high frequency (FM) broadcast station to operate on 47700 kc. with a service area of 3800 square miles (B2-PH-86).

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Granted consent to transfer of control of Tucson Broadcasting Co. (Station KTUC), from John Merino and Carleton W. Morris to Glenn Snyder, George R. Cook, Burrige D. Butler and Ralph W. Bilby; Carleton Morris is to sell his entire holdings (30 shares or 10%) to Butler for a cash consideration of \$1,333 and the assumption by Butler of the obligation of Morris to the corporation in the amount of \$2,000; Merino is to sell one share to Butler and 49 shares to Bilby, Butler and Bilby are to assume stock subscription obligations of Morris and Merino to the license corporation aggregating \$7,000; station operates on 1400 kc., 250 watts, unlimited time (B5-TC-269).

KMAC—W. W. McAllister & Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Granted modification of license to change frequency from 1400 kc. to 1240 kc. and increase hours of operation from shares KONO to unlimited time; 250 watts night and day (B-3-ML-1072).

KLCN—Fred C. Grimwood, Blytheville, Ark.—Granted construction permit to install new transmitter and antenna, increase power from 100 watts daytime to 1 KW daytime and move transmitter locally; 1320 kc. (B3-P-3037).

RENEWAL OF LICENSES

The Commission granted the following applications for renewal of broadcast station licenses:

KABR, Aberdeen, S. D.; KDFN, Casper, Wyo.; KERN, Bakersfield, Calif.; KFAC, Los Angeles, Calif.; KFH, Wichita, Kans.; KGIR, Butte, Mont.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KGNO, Dodge City, Kans.; KIDO, Boise, Idaho; KINY, Juneau, Alaska; KLO, Ogden, Utah; WAAB and auxiliary, Boston, Mass.; KGHF, Pueblo, Colo.; KIEM, Eureka, Calif.; KQV, Pittsburgh, Pa.; KRIS, Corpus Christi, Tex.; KRNT, Des Moines, Iowa; WMBD, Peoria, Ill.; KSCJ and auxiliary, Sioux City, Iowa; KSLM, Salem, Ore.; KWK, St. Louis, Mo.; WBYN, Brooklyn, N. Y.; WAWZ, Zarephath, N. J.; WBRY, Waterbury, Conn.; WDRC, Hartford, Conn.; WEVD and auxiliary, New York, N. Y.; WFEA, Manchester, N. H.; WFNC, Fayetteville, N. C.; WHIS, Bluefield, W. Va.; WKBH, LaCrosse, Wisc.; WMBG and

auxiliary, Richmond, Va.; WMPS, Memphis, Tenn.; WNBC, New Britain, Conn.; KTSM, El Paso, Tex.; WOKO and auxiliary, Albany, N. Y.; WQBC, Vicksburg, Miss.; WSAN, Allentown, Pa.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; WTJS, Jackson, Tenn.; WGES, Chicago, Ill.; WHBL, Sheboygan, Wisc.; KUJ, Walla Walla, Wash.; KSO, Des Moines, Iowa; KPMC, Bakersfield, Calif.; KMO, Tacoma, Wash.; KMED, Medford, Ore.; KXYZ, Houston, Tex.; KLRA, Little Rock, Ark.; WALA, Mobile, Ala.; WADC, Tallmadge, Ohio; WAGA, Atlanta, Ga.; WAKR, Akron, Ohio; WBIG, Greensboro, N. Car.

The Commission granted extension of the following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, to not later than September 1, 1941:

KCMO, Kansas City, Mo.; KGB, San Diego, Calif.; KTBS and auxiliary, Shreveport, La.; KTUL, Tulsa, Okla.; WBCM, Bay City, Mich.; WBNS, Bay City, Mich.; WBNX, New York City; WCBA, Allentown, Pa.; WCSC, Charleston, S. C.; WFBC, Greenville, S. C.; WFBL, Syracuse, N. Y.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHP, Harrisburg, Pa.; WING, Dayton, Ohio; WKAT, Miami Beach, Fla.; WPAB, Ponce, P. R.; WSAI, Cincinnati, Ohio; WTSP, St. Petersburg, Fla.

The Commission granted extension of the following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, to not later than October 1, 1941:

WROK, Rockford, Ill.; WSMB, New Orleans, La.; WTAQ, Green Bay, Wisc.; KFRO, Longview, Tex.; KID, Idaho Falls, Idaho; KLPM, Minot, N. Dak.

The Commission granted further extension upon a temporary basis only, pending determination upon applications for renewal of licenses, to not later than September 1, 1941, of the following television station licenses:

W3XE, Philadelphia, Pa.; W3XP, portable (area of Philadelphia).

The Commission granted further extension upon a temporary basis only pending determination upon applications for renewal of licenses, to not later than September 1, 1941, of the following high frequency broadcast station licenses:

W2XVP, New York, N. Y.; W9XLA, Denver, Colo.; W4XA, Nashville, Tenn.; W5XAU, Oklahoma City, Okla.

DESIGNATED FOR HEARING

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Application for construction permit to make changes in equipment, install directional antenna for day and night use, increase hours of operation from simultaneous day and shares night with WWVA to unlimited time, and increase power from 10 KW night and day to 50 KW night and day; 1190 kc. (B4-P-2635).

Designated for joint hearing the following four applications:

Air Waves, Inc., Baton Rouge, La.—Application for construction permit for new station to operate on 1400 kc., 250 watts night and day, unlimited time, exact site to be determined subject to Commission's approval (B3-P-3203).

Henry Norman Saurage, Baton Rouge, La.—Application for construction permit for new station requesting same facilities as above; exact site and antenna system to be determined subject to Commission approval (B3-P-3192).

Louisiana Communications, Inc., Baton Rouge, La.—Application for construction permit for new station requesting same facilities as above (B3-P-3242).

William J. Bray, James L. Ewing, T. B. Lanford and John C. McCormack, d/b as The Capitol Broadcasting Co., Port Allen, La.—Application for construction permit for new station requesting same facilities as above (B3-P-3191).

South Florida Broadcasting, Inc., Miami, Fla.—Application for construction permit for new station to operate on 1450 kc., 250 watts, unlimited time (B3-P-2942). To be heard jointly with:

Pan American Broadcasting System, Inc., Hollywood, Fla.—Application for new station requesting same facilities as above (B3-P-2768).

DENIAL

WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Denied request for special temporary authority to operate with main studios located at 132 West 43rd St., New York City, pending grant of application for same.

MISCELLANEOUS

- WBRY—American-Republican, Inc., Waterbury, Conn.—Application for modification of construction permit to change frequency from 1590 kc. to 560 kc., decrease power from 5 KW night and day to 1 KW night and day, move transmitter to East Waterbury Road, Newhaven County, Naugatuck, Conn., make changes in directional antenna, and extend commencement and completion dates to 60 days after grant and 180 days thereafter, respectively (B1-MP-1195).
- KLCN—Fred O. Grinwood, Blytheville, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1134).
- WGOV—E. D. Rivers, Valdosta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1017).
- KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1037).
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1015).
- KWSC—State College of Washington, Pullman, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1068).
- KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1085).
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted license to cover construction permit as modified to install new transmitter, new antenna, increase in power from 500 watts to 1 KW (B2-L-1423).
- WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—Granted modification of construction permit for approval of antenna system, approval of transmitter site; 920 kc.; 1 KW; daytime (B3-MP-1321).
- WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted modification of construction permit for installation of new transmitter, directional antenna for day and night use, increase in power, and unlimited time, for change in frequency to 1470 kc., change in directional antenna system, and change in type of transmitter (B2-MP-1332).
- KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted license to cover construction permit for changes in equipment and increase power to 250 watts on 1340 kc. (B3-L-1404).
- W6XEA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of construction permit for new television broadcast station for extension of commencement and completion dates from January 15, 1941, and July 15, 1941, to July 15, 1941, and January 15, 1942, respectively (B5-MPVB-47).
- 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 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 July 18 to not later than August 17, 1941, in accordance with construction permit.
- WNBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak tower, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WNBT on Channel No. 1 in order to make comparisons on FM and A3 emissions and to obtain engineering data for period July 19 to not later than August 17, 1941.
- WMIP—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter KHCNH, aboard plane owned by Northwest Airlines, Inc., as a relay broadcast station on 2790 kc., to relay broadcast program in connection with the Aquatennial to radio station WCCO on July 16, 1941, only.
- WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover construction permit to increase night power and make changes in directional antenna system (B4-L-1401). Granted authority to determine operating power by direct measurement of antenna input (B4-Z-892).
- WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1069).
- KLPM—John B. Cooley, Minot, N. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1006).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1138).
- KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1108).
- KSTR—KSTP, Inc., St. Paul, Minn.—Granted special temporary authority to operate already licensed ship station WOWB aboard the Yacht *Standick*, owned by Stanley E. Hubbard of St. Paul, Minn., as a relay broadcast station on 2058 kc. with power of 25 watts in order to relay broadcast program in connection with the Minneapolis Aquatennial to station KSTP on July 15, 1941, only.
- W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on 47100 kc., 1000 watts, special emission for frequency modulation at 444 Madison Ave., New York City, using Western Electric No. 503-A1 transmitter, 1000 watts driver for No. 504-A1 transmitter, for the period July 17 to not later than September 14, 1941.
- W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on 43990 kc., 1000 watts, special emission for frequency modulation, using the transmitter of high frequency experimental station W1XER at summit of Mt. Washington, Sargents Purchase, N. H., for a period July 17 to not later than September 14, 1941, pending completion of construction permit.
- KFXM—J. C. Lee and E. W. Lee; Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the boxing matches presented by Mike Jacobs in Madison Square Gardens, New York City, on July 23, 1941, only.
- KFXM—J. C. Lee and E. W. Lee; Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the Billy Soose-George Abrams non-championship overweight title fight to be held in Madison Square Gardens, New York City, on July 30, 1941, only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension of special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a. m. Monday through Friday from July 16 to August 15, 1941, provided WSVS remains silent.
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of construction permit to install directional antenna for night use and increase power, for changes in directional antenna and extend completion date from September 14, 1941, to 180 days after grant; 1320 kc. (B3-MP-1234).
- WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 8 a. m. to 12 noon and from 5 p. m. to 9 p. m. CST, daily except Sunday, for a period not to exceed 10 days, instead of unlimited time, due to shortage of licensed radio operators.
- KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 10:45 to 11:30 a. m. CST, July 16, 1941, in order to broadcast Luther College summer session convocations only (B4-S-320).
- Thomas J. Watson, Endicott, N. Y.—Granted petition to intervene in hearing re application of Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y., for construction permit for new station to operate on 1420 kc., 250 watts, unlimited time.

The following action was taken by Wakefield, Commissioner, under authority of Paragraph 6 of Administrative Order No. 2, on July 17:

- Mid-American Broadcasting Corp., Louisville, Ky.—Granted petition for leave to amend application and remove from hearing docket; amendment to be filed within seven days; application is for a new station.
- WGRC—Northside Broadcasting Co., New Albany, Ind.—Granted petition for leave to amend application and remove from hearing docket; amendment to be filed within 15 days; application is for change in facilities.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Withdrawn petition to intervene in above two cases (Mid-American Broadcasting Corp. and WGRC).
- James F. Hopkins, Inc., Ann Arbor, Mich.—Granted motion to dismiss without prejudice application for new station to operate on 1600 kc., 1 KW, unlimited, using directional antenna.
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition to continue hearing on application for construction permit to operate on 1500 kc., 250 watts, unlimited time, now set for July 24, to September 12, 1941.
- Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition for order to take depositions in re hearing on application for new station to operate on 1550 kc., 1 KW, unlimited time.
- KORN—Nebraska Broadcasting Corp., Fremont, Nebr.; Clark Standiford (transferor) and C. J. Malmsten, A. C. Sidner, S. S. Sidner, & Arthur Baldwin (transferees).—Granted requests for order to take depositions in Fremont, Nebr., and Phoenix, Ariz., in re hearings on applications for renewal of license of Station KORN and for transfer of control of KORN.
- WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion to dismiss without prejudice application for construction permit to operate on 1230 kc., 1 KW, unlimited time, directional antenna day and night (Docket No. 5951).
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted motion to sever Dockets 5951 (above mentioned) and 6049 (application for construction permit to operate on 1260 kc., 1 KW night, 5 KW day, directional antenna night, unlimited time) and granted continuance of hearing now scheduled for July 25 on applications of WCAM, Camden, N. J., for renewal of license, WCAP, Asbury Park, N. J., for renewal of license, WTNJ, Trenton, N. J., for renewal of license, and WDAS, Philadelphia, Pa., for construction permit to operate on 1260 kc., 1 KW night, 5 KW day, unlimited time, directional antenna night, until August 22, 1941.
- KFRO—Voice of Longview, Longview, Tex.—Granted petition for continuance of hearing on application for modification of construction permit to operate on 1370 kc., 5 KW, unlimited time, directional antenna night, now scheduled for August 4, to September 17, 1941 (Docket 5954).
- Frontier Broadcasting Co., Cheyenne, Wyo.—Granted special temporary authority to operate two 2-watt pack transmitters on 30820, 33740, 35820 and 37980 kc. from July 22 to July 27, 1941, in order to relay broadcast to station KFBC programs in connection with the "Frontier Days" celebration at Cheyenne, Wyoming, only.
- WRCA—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate on 9670 kc. with effective power of 100 KW, using separate power amplifiers feeding separate directional antennas for the period July 20 to not later than August 18, 1941.
- WABP—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted special temporary authority to operate already licensed relay broadcast station WABE on 2758 kc., 12 watts, from July 23 to July 26, 1941, in order to relay to station WTRY programs in connection with the New York State Amateur Open Golf Tournament, only.
- W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate frequency modulation station commercially on 45.1 mc., 5000 watts, special emission for frequency modulation with transmitter at 135 South LaSalle St., Chicago, from July 17 to not later than September 14, 1941.
- WABA—Agricultural Broadcasting Co., Chicago, Ill. (WLS).—Granted special temporary authority to operate a special laboratory transmitter as a relay broadcast station on 37980 kc. with power of ½ watt in order to record on the ground and to rebroadcast over WLS the human voice and the rate of the heart beat, and other scientific data during a free fall in the air prior to the opening of a parachute, from July 17 to not later than August 15, 1941.
- KBJA—Golden Empire Broadcasting Co., Redding, Calif.—Granted special temporary authority to operate relay transmitter KRME on 1646, 2090, 2190 and 2830 kc. with power of 15 watts, from July 19 to July 21, 1941, in order to relay to station KVOV program in connection with the Lake Redding Regatta, only.
- 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 frequency modulation, maximum band width not over 200 kc., for period August 1, 1941, to not later than October 30, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.
- W55M—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Granted extension of special temporary authority to operate frequency modulation station commercially on 45500 kc., 1 KW, special emission for frequency modulation, with transmitter located at 606 West Wisconsin Ave., Milwaukee, Wisc., from July 30 to not later than October 27, 1941, and subject to any rules and regulations that may be adopted by the Commission.
- WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Granted modification of construction permit for new station, for additional time for commencement and completion of construction from January 14, 1941, and July 14, 1941, to October 14, 1941, and 180 days thereafter, respectively (B2-MP-1335).
- West Allis Broadcasting Co., West Allis, Wis.—Continued hearing now scheduled for July 23, until August 28, 1941, in re application for construction permit for new station to operate on 1480 kc., 250 watts, daytime (Docket No. 5098).
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m. EST, July, 9:45 p. m. EST, August) to the conclusion of the Fritzie Zivic-Freddy Cochrane boxing match on July 28, 1941, the Billy Soose-George Abrams bout on July 30, 1941, and the Abe Simon-Buddy Baer bout on August 14, 1941, in the event these bouts run later than the regular sign-off time.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 6:30 p. m. EST, to 12 midnight EST, on August 2, 9, 16, 23 and 30, 1941, only, in order to broadcast both local and network programs (provided WOSU remains silent).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate additional time from sign-off (August 7:15 p. m. EST), until 11 p. m. EST, on the nights of August 24, 25 and 26, 1941, in order to participate in the Sharon Centennial Week, using 250 watts, only.
- WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from sign-off time (July, 9 p. m., August, 8:15 p. m. EST), to conclusion of the broadcast of the New York Philharmonic Lewisohn Stadium Concerts, approximately 9:30 p. m. EST, on July 18, 20, 25, 26, and 27, and August 1, 8, and 10, 1941, only.
- KBZA—KBZB—Telegraph-Herald, Dubuque, Iowa.—Granted special temporary authority to operate already licensed relay transmitters on 1622, 2058, 2150 and 2790 kc., with power of 125 watts for KDJB and 2 watts for KQHS from July 21, 1941, to August 15, 1941, only, in order to relay to Station KDTH special events, particularly the Darlington, Wisconsin, Fair.
- WWNY—The Brockway Co., Watertown, N. Y.—Denied request for special temporary authority to operate from sign-off time (July, 8:45 p. m. EDST) to 9:30 p. m. EDST, July 19, 1941, only, in order to broadcast the NBC Spin and Win program from 9 to 9:30 p. m. EDST.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 8 p. m. to 9:30 p. m. MST, on Thursday nights, July 24 and 31, and August 7, 14 and 21, 1941, in order to broadcast musical programs of the Sterling High School Band.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7 to 9 p. m. CST July 19, 1941, in order to broadcast the Purdue University Music Festival, only.

E. Anthony & Sons, Inc., New Bedford, Mass.—Placed in pending files pursuant to Order No. 79, application for new high frequency (FM) broadcast station (B1-PH-98).

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Dismissed without prejudice petition for rehearing of the order of the Commission granting application of WBEN, Inc., Buffalo, N. Y., for construction permit and order of the Commission of September 4, 1940, granting application of WSAZ, Inc., Huntington, W. Va., for construction permit: Denied petition insofar as it requested rehearing of Order of June 4, 1941 granting modification of construction permit of WSAZ, Inc.

APPLICATIONS FILED AT FCC

570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2706) for installation of new transmitter, changes in directional antenna for day and night use, and increase in power from 1 to 5 KW, requesting changes in directional antenna and extension of completion date to 180 days after grant. Amended: to change type of transmitter.

580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-3019), for increase in power from 1 KW and 5 KW to 5 KW, and changes in directional antenna for day and night use, requesting changes in directional antenna.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Modification of construction permit (B2-P-2898), for increase in daytime power from 1 to 5 KW and installation of new transmitter, requesting change in type of transmitter.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—License to cover construction permit (B2-P-2898) as modified, for increase in daytime power from 1 to 5 KW and change in type of transmitter.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Authority to determine operating power by direct method.

600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814) to install new equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from 1310 to 600 kc., requesting new transmitter, increase in power from 1 to 5 KW, change in directional antenna, change of transmitter site, and extension of commencement and completion dates from 1-26-41 and 7-26-41 to 60 days after grant and 180 days thereafter, respectively. Amended: to make changes in directional antenna and change transmitter site.

620 Kilocycles

NEW—Newark Broadcasting Corp., Newark, N. J.—Construction permit for a new broadcast station to be operated on 620 kc., 5 KW, directional antenna for day and night use, unlimited time.

660 Kilocycles

KSKY—Chilton Radio Corp., Dallas, Texas.—Modification of construction permit (B3-P-2487) for a new broadcast station, requesting approval of antenna system and approval of studio and transmitter sites.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Construction permit to change frequency from 1230 to 660 kc., increase power from 250 watts to 1 KW, and install new transmitting equipment and antenna.

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 night, 2½ KW day, to 5 KW day and night, change hours of operation from daytime (local sunset at San Francisco, Calif.), to

unlimited time, and move transmitter. Amended: to make changes in directional antenna (day pattern).

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Construction permit for changes in equipment.

770 Kilocycles

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to make changes in equipment.

790 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Construction permit to reinstate construction permit (B1-P-2037), as modified, for changes in directional antenna and increase in power, which expired 6-8-41.

850 Kilocycles

KOA—National Broadcasting Co., Inc., Denver, Colo.—Construction permit to make changes in equipment.

860 Kilocycles

WSO—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of construction permit (B2-P-3149) for approval of antenna and approval of studio and transmitter site.

910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—License to cover construction permit (B2-P-2451) as modified, for a new transmitter, directional antenna for day and night use, increase in power, change in frequency, and move of transmitter.

WFDF—Flint Broadcasting Co., Flint, Mich.—Authority to determine operating power by direct method.

980 Kilocycles

WSIX—WSIX, Incorporated, Nashville, Tenn.—Modification of construction permit (B3-P-3053) for a new transmitter, directional antenna for night use, increase in power from 250 watts to 1 KW night and 5 KW day, change in frequency, and move of transmitter, requesting approval of transmitter site, increase in power from 1 KW night and 5 KW day to 5 KW day and night, changes in directional antenna, and installation of new transmitter.

WSIX—WSIX, Inc., Nashville, Tenn.—Modification of construction permit (B3-P-3053) for a new transmitter, directional antenna for night use, increase in power from 250 watts day and night to 1 KW night and 5 KW day, change in frequency, and move of transmitter, requesting approval of transmitter site, increase in power from 1 KW night and 5 KW day to 5 KW day and night, changes in directional antenna, and installation of new transmitter.

990 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Modification of construction permit (B3-P-2839) for installation of directional antenna for night use, increase in power to 10 KW, and installation of new transmitter, requesting changes in transmitter and approval of directional antenna.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) for changes in equipment and increase in power, requesting extension of completion date from 8-5-41 to 10-3-41.

1090 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to Southland Radio Corporation.

KTHS—Southland Radio Corp., Hot Springs, Ark.—Construction permit to increase power from 5 to 50 KW, with 250-watt synchronous amplifier, change hours of operation from shares KRLD equally to unlimited time, install new transmitter and directional antenna for night use, and change location of transmitter from Hot Springs National Park to near Wrightsville, Ark.

1100 Kilocycles

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Construction permit to make changes in equipment.

1200 Kilocycles

NEW—H. Ross Perkins & J. Eric Williams, d/b as New Haven Broadcasters, New Haven, Conn.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 1 KW, limited time.

1230 Kilocycles

NEW—Edwin A. Kraft, Kodiak, Alaska.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

NEW—Paul Forman Godley, Newark, N. J.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

KRLH—Clarence Scharbauer, Midland, Texas.—License to cover construction permit (B3-P-2981) as modified, for increase in power, new antenna, changes in equipment, move of transmitter, and change in frequency.

KRLH—Clarence Scharbauer, Midland, Texas.—Authority to determine operating power by direct method.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2582) as modified, for a new broadcast station, requesting extension of completion date from 8-12-41 to 1-12-42.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Construction permit to move transmitter and studio, and install new antenna. Amended: Re antenna.

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct method.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by direct method.

1240 Kilocycles

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—License to cover construction permit (B4-P-3133) for change in type of transmitter, changes in antenna, and move of transmitter. Amended: Re number of tubes.

NEW—John R. Crowder, tr. as Dimple Broadcasting Co., Columbia, Tenn.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited time, facilities of WSIX requested when vacated.

WIBU—Wm. C. Forrest, Poynette, Wisc.—Authority to make changes in automatic frequency control equipment.

1250 Kilocycles

WREN—The WREN Broadcasting Co., Inc., Topeka, Kans.—Construction permit to install directional antenna for night use, change frequency from **1250 to 1060 kc.**, increase power from 5 to 50 KW, change hours of operation from shares-KFKU to unlimited time, change location of transmitter from southwest of Kansas City to near Jarbola, Kansas, and change location of studio from Kansas City, Missouri, to Topeka, Kansas, and install new transmitter. Amended: to make changes in directional antenna.

1260 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—License to cover construction permit (B1-P-3033) for move of old W.E. Type 301-B transmitter from Washington, D. C., to near Chillum, Maryland, and use as auxiliary transmitter with 100 watts power for emergency purposes only.

1310 Kilocycles

WRR—City of Dallas, Texas, Dallas, Texas.—Modification of construction permit (B3-P-2229) as modified, for new equipment, installation of directional antenna for night use, increase in power, and move of transmitter, requesting change in frequency from **1280 to 1310 kc.** under NARBA, changes in directional antenna system, change type of transmitter, and extension of completion date to 180 days after grant.

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to change hours of operation from shares with WCAM and WCAP to unlimited, requesting facilities of WCAM and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Authority to determine operating power by direct method.

1320 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—License to cover construction permit (B5-P-2721) for increase in power and installation of directional antenna.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Authority to determine operating power by direct method.

1350 Kilocycles

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. C.—Construction permit for a new broadcasting station to be operated on **1350 kc.** under NARBA, 250 watts, daytime. Amended: to specify transmitter and studio sites.

1380 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Modification of license to change hours of operation from shares with WAWZ to unlimited, requesting facilities of WAWZ.

1390 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license for increase in hours of operation from shares with WSBT to unlimited time.

1400 Kilocycles

KENO—George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Los Vegas, Nev.—Voluntary assignment of construction permit (B5-P-3135) for move of transmitter and studio, from George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Company, to Nevada Broadcasting Company.

WINC—Richard Field Lewis, Jr., Winchester, Va.—License to cover construction permit (B2-P-3005) for a new broadcast station.

WINC—Richard Field Lewis, Jr., Winchester, Va.—Authority to determine operating power by direct method.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to determine operating power by direct method.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Authority to transfer control to W. E. Walker by purchase of 5 shares of stock from M. F. Chapin.

NEW—Louisiana Communications, Inc., Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts power, unlimited time.

KTEM—Bell Broadcasting Co., Temple, Texas.—Construction permit for changes in equipment.

1410 Kilocycles

WKBH—WKBH, Inc., LaCrosse, Wisc.—Modification of construction permit (B4-P-2733), as modified, for move of transmitter, installation of new transmitter, directional antenna for night use, increase in power, and change of frequency to **1410 kc.** under NARBA, requesting change of transmitter location from Shelby Township to Campbell Township, and extension of commencement and completion dates from 6-23-41 and 12-20-41 to 30 days after grant and 180 days thereafter, respectively.

WKBH—WKBH, Incorporated, La Crosse, Wisc.—Modification of construction permit (B4-P-2733) as modified, for changes in directional antenna and change of transmitter site, requesting extension of commencement and completion dates to 30 days after grant and 180 days thereafter, respectively.

1420 Kilocycles

WMDF—Grenco, Inc., Greenwood, S. C.—Modification of construction permit (B3-P-2930) for a new broadcast station, requesting installation of new transmitter, changes in antenna move of studio, and frequency of **1450 kc.** under antenna system, move of studio, and frequency of **1450 kc.** under NARBA.

1430 Kilocycles

WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Construction permit to install new transmitter, increase power from 500

watts day and night to 500 watts night and 1 KW night, and move studio from Brooklyn to 132 West 43rd Street, New York City.

1450 Kilocycles

- WKEU—Radio Station WKEU, Griffin, Georgia.—Construction permit for increase in power and hours from 100 watts day to 250 watts unlimited, move transmitter, and make changes in antenna.
- NEW—Coastal Broadcasting Co., Inc., New Bern, N. C.—Construction permit for a new broadcast station to be operated on **1450 kc.**, 250 watts power, unlimited time.
- KWAL—Chester Howarth & Clarence Berger, Wallace Idaho.—Authority to determine operating power by direct method.

1460 Kilocycles

- WBNS—WBNS, Inc., Columbus, Ohio.—Authority to install automatic frequency control equipment for auxiliary transmitter.
- KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2727) as modified, for installation of new transmitter and new directional antenna for night use, move of transmitter, and increase in power, requesting use of old transmitter at new site.

1600 Kilocycles

- NEW—The Gazette Co., Cedar Rapids, Iowa.—Construction permit for a new broadcast station to be operated on **1600 kc.**, 5 KW, directional antenna for night use, unlimited time. Amended: to make changes in directional antenna.

FM APPLICATIONS

- W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PH-5) for a new high frequency broadcast station, requesting change in coverage from 10,800 to 10,950 square miles and changes in antenna system. Amended: to change population from 4,645,500 to 4,913,756.
- NEW—WHEC, Inc., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; Coverage: 2,318 square miles; Population: 551,374. Amended: to change coverage to 3,200 square miles and population to 599,256.
- NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for a new frequency broadcast station to be operated on **44700 kc.**; Coverage: 8,500 square miles; Population: 11,212,416. Amended: to change frequency to **47900 kc.**

TELEVISION APPLICATIONS

- W9XBT—Balaban & Katz Corp., Portable-Mobile, Area of Chicago, Ill.—Reinstatement of construction permit (B4-PVB-72) for a new television relay station to be operated on **204000-210000**, and **210000-216000 kc.**, requesting change in equipment and reduction in power from 250 to 40 watts.
- NEW—Don Lee Broadcasting System, Hollywood, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XAO), to be operated on Channel No. 1, **50000-56000 kc.**, A5 and special emission for frequency modulation, ESR 3840, unlimited time.
- NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Construction permit for a new television (commercial) broadcast station (formerly W2XWV) to be operated on Channel No. 6, **78000-84000 kc.**, A5 and special emission for frequency modulation, ESR 1750, unlimited time.
- W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-42) as modified, for a new television broadcast station, requesting extension of commencement and completion dates from 1-22-41 and 7-22-41 to 8-22-41 and 1-22-42, respectively.

MISCELLANEOUS APPLICATIONS

- WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—License to cover construction permit (B1-PIB-28) as modified, for change in frequencies, equipment, and increase in power.

- WSAZ—WSAZ, Inc., Portable-Mobile, area of Huntington, W. Va.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150 and 2790 kc.**, power of 40 watts, A3 emission. Amended: To change frequencies to **1606, 2074, 2102 and 2758 kc.**
- NEW—First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Michigan, to radio station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-41.
- WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Reinstatement of construction permit (B2-PRE-361) for new relay broadcast station, changing equipment and power from 50 to 100 watts.
- NEW—Golden Empire Broadcasting Co., Portable-Mobile, area of Redding, Calif.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190 and 2830 kc.**, power of 15 watts, A3 emission.
- NEW—Golden Empire Broadcasting Co., Portable-Mobile, area of Chico, Calif.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190 and 2830 kc.**, power of 15 watts, A3 emission.
- NEW—Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, and 37980 kc.**, power of 2 watts, A3 emission.
- WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Modification of construction permit (B1-PED-18) for change in frequency, power, emission, and equipment, requesting change in type of transmitter and extension of commencement and completion dates from 5-25-41 and 11-25-41 to 90 days after grant and 180 days thereafter, respectively.
- W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—License to cover construction permit (B1-PH-23) as modified, for a new high frequency broadcast station.
- NEW—Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, and 37980 kc.**, power of 25 watts, A3 emission.
- NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new studio transmitter broadcast station to be operated on **333400 kc.**, power of 25 watts, special emission for frequency modulation.
- KEIV—Oregonian Publishing Co., Portable-Mobile, area of Portland, Ore.—Construction permit to make change in equipment and decrease power from 4.5 to 3.5 watts.
- KEIZ—Oregonian Publishing Co., Portable-Mobile, area of Portland, Ore.—Construction permit to make changes in equipment and decrease power from 4.5 to 3.5 watts.
- WTHB—The Tribune Company, Portable-Mobile, area of Tampa, Florida.—License to cover construction permit (B3-PRY-241) for new relay broadcast station.
- KEMA—May Broadcasting Co., Portable-Mobile, area of Shenandoah, Iowa.—License to cover construction permit (B4-PRY-243) for a new relay broadcast station.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit (B1-P-2730) as modified, for a new transmitter, increase in power, and changes in directional antenna, requesting extension of completion date from 8-4-41 to 10-3-41 (**1370 kc.**).
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corporation (period 9-15-41 to 9-15-42).
- NEW—Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—License to cover construction permit (B5-PRE-393) for a new relay broadcast station.
- NEW—Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—License to cover construction permit (B5-PRE-394) for a new relay broadcast station.
- NEW—Evansville on the Air, Inc., Portable-Mobile, area of Evansville, Ind.—Construction permit for a new relay broadcast station to be operated on **156750, 158400, 159300, and 161100 kc.**, power of 30 watts, special emission for frequency modulation.
- NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for a new studio transmitter broadcast station to be operated on **331000 kc.**, power of 25 watts, special emission for frequency modulation.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Middlebrook Hospital & Clinic—James R. Middlebrook, M. D., individually and doing business under the name of Middlebrook Hospital and Clinic, Del Rio, Tex., is charged, in a complaint with false advertising and misrepresentation.

The complaint charges that the respondent allegedly specializes in the surgical and medical treatment of diseases and disorders of the prostate gland and has caused to be disseminated through the United States mails various letters, circulars and other advertising literature purportedly descriptive of the conditions giving rise to the need for such operations or treatments and further designed to induce prospective patients to travel to the respondent's places of business for treatment. (4539)

Spangler Candy Company—Arthur G. Spangler, Ernest D. Spangler and Mrs. Faie Spangler, trading as Spangler Candy Co., Bryan, Ohio, are charged in a complaint with the use of lottery methods in the sale and distribution of candy manufactured by them. (4540)

STIPULATIONS

During the past week the Commission has announced the following cease and desist orders:

American Poultry Journal—Henry G. Eisert, B. M. Eisert, and Henry F. Eisert, doing business under the trade name of American Poultry Journal, 536 South Clark St., Chicago has entered into a stipulation to cease certain representations in the sale of their periodical the "American Poultry Journal."

The respondents agree to cease representing that one must subscribe to the American Poultry Journal to become eligible to participate in a chick raising contest sponsored by them, and to desist from the representation that a person, by subscribing to the American Poultry Journal, will become eligible to participate in a chick raising contest or any other contest or in contest prizes when there are not disclosed in connection with such representation conditions which must be met before eligibility is established. (02828)

Associated Writers—Howard N. Rose, trading under the name of Associated Writers, 816 Oakwood Ave., Columbus, Ohio, which he terms an unincorporated association of free lance writers, and engaged in the sale and distribution of membership certificates, press cards and press car signs to persons allegedly engaged in the business of writing, has stipulated to cease and desist from making use of the word "Associated" in any way so as to import or imply that the business conducted by him is that of an association, and from representing that "Associated Writers" has authority to issue press cards, press car signs for automobile windshields, or any other documents which permit the holder thereof to go within police or fire lines during fires, accidents or other situations where the public is excluded. (3169)

Borin Art Products Corporation, 1325 South Cicero Ave., Chicago, a corporation engaged in the production of framed pictures and mirrors, has entered into a stipulation in which it agrees to

cease and desist from use of the term "Shcct" or "Sheet Glass" or any other words of similar import as descriptive of mirrors made of window glass without clearly disclosing that the glass in such mirrors is in fact window glass; from describing, branding, labeling or otherwise directly or indirectly representing any mirror as being made of or containing crystal glass or as being crystal when in fact such glass is not crystal glass, and from use of the term "Copper Colored Backs" or other words of similar implication as descriptive of its mirrors so as to imply that the coloring of the backs is the result of the application thereto by the electrolytic process of a paint which contains metallic copper. (3170)

Colombet-Werk, Inc., 58 West Fortieth St., New York, textile fabrics distributor, has entered into a stipulation to cease advertising, branding, labeling, invoicing or selling products composed in part of rayon and in part of silk without disclosing in immediate connection and in equally conspicuous type each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. If, according to the stipulation, the rayon content predominates, the word "Rayon" should precede the word "Silk," and if the silk content predominates, the word "Silk" should precede the word "Rayon." (3172)

Lampson's, Inc., 115 Chauncy St., Boston, operator of a chain of men's haberdashery stores, has entered into a stipulation to cease and desist from the use on labels or in printed or advertising matter of any fictitious or exaggerated sales price which is in excess of the price for which its products are customarily sold. According to the stipulation, the respondent corporation advertised certain shirts and hosiery at prices in excess of the regular prices and offered them at purported reductions. (3176)

Lucien Lelong, Inc., 55 East Washington St., Chicago, a corporation engaged in the sale of cosmetic and toilet preparations, has stipulated to cease and desist from representing through the use of the words "Paris" or "London" or other terms, symbols or picturizations indicative of French or other foreign origin of such products, that the perfumes, colognes or other cosmetic preparations are compounded or made in France or in any other foreign country; provided, however, that the country of origin of the various ingredients may be stated when immediately accompanied by a statement that such products are compounded or made in the United States. (3174)

Martin Stringer, Inc., 665 Fifth Ave., New York, textile fabrics distributor, stipulated that in the sale of its products it will cease employing the words "Pure Dye" or other silk-connoting words to describe a product not composed of silk. If, according to the stipulation, the product consists partly of silk and partly of other fibers or materials, the word "Silk" or other silk-connoting word, used properly to describe the silk content, shall be accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight. (3175)

Steve Stuart, Elkhart, Ind., trading under his own name and engaged in selling perfume oils in interstate commerce, has entered into a stipulation in which he agrees to cease and desist from further use of the word "Imported" or other words of similar implication or meaning on labels affixed to his products or in any other way as descriptive of such products which are not of foreign origin; from use, in the labeling of the products, of trade names used by nationally or widely known perfumers the effect of which may tend to convey the belief to purchasers that the products are those of such perfumers, if and when such is not the fact; and from labeling or otherwise referring to the products as "Flower Oils" or through the use of the name of a flower so as to imply that the products have been made or compounded from the absolute or true oil of flowers or of the named flower, when such is not the case. (3171)

J. & R. Wilson, Inc., 133 Steuart St., San Francisco, a corporation engaged in the sale and distribution, both individually and as agent for The Beldam Packing & Rubber Co., Ltd., an English firm, of packing material for steam engines, designated "V Packing," has stipulated in connection with the sale or offering for sale of the product, to cease and desist from the use of the words or

phrases "Imitations have Limitations but Beldam's 'V' Pilot Packing for Steam and Water is Genuine," "Only Genuine when Bearing this Seal" or "Sole Patentees & Manufacturers" or other words or phrases of similar meaning. (3173)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Golf Products Company—Ben Gordon (also known as Benjamin Gordon) and Louis Gordon trading as Bengor Products Company and as Golf Products Company, 878 Broadway, New York City, have been ordered to cease and desist from false advertising and misrepresentation in the sale and distribution of two medicinal preparations, one being designated as "Dupree Pills" and as "Dr. Gordon's Single Strength Pills," and the other as "Dupree Pills Double Strength" and as "Dr. Gordon's Double Strength Pills." (4479)

Wilbert W. Haase Co., Inc., Forest Park, Ill., which licenses the manufacture and sale of the "Wilbert" burial vault, and two of its officers and three licensee manufacturing companies has been ordered to cease and desist from making misleading representations in the sale of concrete burial vaults.

The other respondents are Wilbert W. Haase, president and majority stockholder of the Haase and American Vault corporations; Sidney L. Schultz, secretary-treasurer of the Haase corporation; American Vault Works, Inc., Forest Park, Ill.; Lee A. Wolfkill, trading as Washington Vault Works, Rockville, Md.; and Baltimore Concrete Products Co., trading as Baltimore Wilbert Vault Co., Baltimore. (3808)

Hollywood Racket Manufacturing Company, Inc., 7462 Melrose Avenue, Hollywood, Calif., sellers and distributors of tennis,

badminton and squash rackets, has been ordered to cease and desist from misrepresentation in the sale of rackets. (3931)

National Grain Yeast Corporation, Belleville, N. J., and Republic Yeast Corporation, Newark, N. J., have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act, in the sale of bakers' yeast.

The order against National Grain Yeast Corporation also prohibits violation of the brokerage provision of the Robinson-Patman Act and the giving of secret gratuities to employees of prospective buyers without the knowledge of such buyers in contravention of the Federal Trade Commission Act. (3903-4367)

Refrigeration & Air Conditioning Institute, Inc., Chicago, has been ordered to cease and desist from making misleading representations in the sale of courses in refrigeration and air conditioning which consist mainly of home study instruction and include also several weeks of shop training in Chicago. (3811)

Rex Drug Company, a corporation, and Louis Podrofski, individually and trading as Rex Drug Company, and as an officer of Rex Drug Company, 201 East 35th St., Chicago, have been ordered to cease and desist from false advertising in connection with the sale of a medicinal preparation. (4342)

Helena Rubinstein, Inc., 715 Fifth Ave., New York City, has been ordered to cease and desist from the dissemination of certain misleading representations in the sale of cosmetic preparations. (4254)

Stetson China Co., Inc., 1801 West 74th St., Chicago, distributor of dinnerware, has been ordered to cease and desist from misrepresentation concerning its products. (4477)

RADIO TIME SALES TAX

Possibility that the House Ways and Means Committee, on its own motion, would remove the radio time sales tax from the new revenue bill developed Thursday.

The committee was scheduled to meet Saturday, and again Monday. At one of these meetings, the committee was to vote on a proposal to offer an amendment on the House floor to remove the radio tax. Only committee amendments can be considered under the rule governing debate and amendment on the floor.

The NAB legislative committee has been at work in Washington throughout the week, explaining the effect this discriminatory bill would have on the industry.

The NAB board of directors will meet next Wednesday and Thursday to review the situation and to map plans for carrying the fight to the Senate if the tax is not removed in the House.

The House Ways and Means Committee is made up of the following:

Robert L. Doughton, of North Carolina
 Thomas H. Cullen, of New York
 Jere Cooper, of Tennessee
 John W. Boehne, Jr., of Indiana
 Wesley E. Disney, of Oklahoma
 Frank H. Buck, of California
 Richard M. Duncan, of Missouri
 John D. Dingell, of Michigan
 A. Willis Robertson, of Virginia
 Patrick J. Boland, of Pennsylvania
 Milton H. West, of Texas
 Raymond S. McKeough, of Illinois
 Knute Hill, of Washington

Arthur D. Healey, of Massachusetts
 Aaron Lane Ford, of Mississippi
 Allen T. Treadway, of Massachusetts
 Frank Crowther, of New York
 Harold Knutson, of Minnesota
 Daniel A. Reed, of New York
 Roy O. Woodruff, of Michigan
 Thomas A. Jenkins, of Ohio
 Donald H. McLean, of New Jersey
 Bertrand W. Gearhart, of California
 Frank Carlson, of Kansas
 Benjamin Jarrett, of Pennsylvania

Some members of the House were under the impression that the tax carried the approval of the American Federation of Labor because several *(Continued on page 642)*

Application of Proposed Radio Time Sales Tax to Affected Groups of Stations and Networks, 1940 Basis

(Compiled by NAB Research Department)

Time Sales Group	No. of Stations	Net Time Sales Retained	Rate of Tax	Amount of Tax
1,000,000 or More	8	\$ 12,301,466	15%	\$ 1,845,220
500,000 to 1,000,000	42	26,651,476	10%	2,665,148
100,000 to 500,000	188	39,555,996	5%	1,977,800
Total	238	78,508,938		6,488,168
3 National Networks . . . . .	...	33,275,943	*15%	4,991,391
5 Regional Networks . . . . .	...	771,833	** 5%	38,592
Total . . . . .	...	\$112,556,714		***\$11,518,151
Industry Total	765	\$133,964,769		

* Assumes all 3 National Networks have retained time sales of over \$1,000,000.

** Assumes all 5 Regional Networks have retained time sales of over \$100,000 but less than \$500,000.

*** It now appears that 1941 sales will run about 15 per cent above 1940. If 1942 sales increase 5 per cent above 1941, the tax for 1942 will be approximately \$13,900,000.



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

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Neville Miller, *President*

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

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

RADIO TIME SALES TAX

(Continued from page 641)

small printing trades unions affiliated with the A. F. of L. had proposed a similar levy. William Green, A. F. of L. president, notified both the Ways and Means and Senate Finance committees that the A. F. of L. had not endorsed the tax. Unions in the radio field have taken an active role in fighting the tax.

Using as a basis the FCC releases of 1940 operating data, it is found that the proposed tax on radio time sales will affect 238 stations with time sales of \$100,000 or over. The affected stations constitute 31% of the total of 765 reporting stations for the year 1940. The retained time sales of the 238 stations taxed in the three brackets of 5%, 10% and 15% amount to \$78,508,938 or 79% of the retained time sales of \$99,916,993 of the total of 765 stations.

The amount of tax payable by the 238 stations is calculated to be \$6,488,168 on the 1940 basis. This represents an additional expense deductible from income to the extent of 28% of the net income (before Federal income taxes) of \$23,533,440 reported in 1940. This percentage naturally varies between the three tax brackets. For the 8 stations in the 15% bracket (time sales of \$1,000,000 or more) the tax payable is \$1,845,220 or 40% of the net income of \$4,587,798. For the 42 stations in the 10% tax bracket (time sales of \$500,000 to \$1,000,000) the tax payable is \$2,665,148 or 29% of the net income of \$9,336,703. For the 188 stations in the 5% tax bracket (time sales of \$100,000 to \$500,000) the tax payable is \$1,977,800 or 21% of the net income of \$9,608,939. Included in this latter group of 188 stations are 13 which had an aggregate operating deficit of \$522,444. For these stations the effect of the proposed bill is to further increase the amount of such deficits by the amount of tax payable.

It is assumed that the retained time sales of the 3 national networks will be taxed at 15%. CBS and NBC retained time sales are many times the lower limit of \$1,000,000 of the 15% bracket. Mutual is questionable, but lacking definite information, the rate of 15% is applied to the total reported for the 3 networks. The amount taxable is \$33,275,943 and the tax at 15% is \$4,491,391. This represents 60% of the net income before Federal income taxes of \$8,342,450 reported by the 3 networks. These network figures apply to network operations only. M&O stations are included with the data covering all stations.

In addition, there are 5 regional networks included in the FCC data. Combined time sales amounted to \$771,883. Assuming all had retained time sales of over \$100,000 (the average is \$154,377) the tax rate applicable is 5% and the amount of the tax is \$38,592. This represents 23% of the net income of \$169,610.

Recapitulating for the entire industry, retained time sales of \$112,556,714 or 84% of the total of \$133,964,769 are subject to the tax. The total of the tax computed in the 3 brackets is \$11,518,151, which represents 35% of the net income before Federal income taxes of \$33,296,708.

This tax will be a deduction from income prior to the calculation of Federal income and excess profits taxes. Consequently it will

reduce the amounts of such taxes payable to the Federal Government in proportion to the reduction of net income in individual cases. The net tax yield to the Federal Government or net Federal taxes payable by the industry, cannot be calculated in the absence of detailed information by individual stations. The Treasury Department apparently has estimated the reduction in income and excess profits taxes to be in the neighborhood of \$7,000,000, which accounts for the estimate of the net yield of \$5,000,000 from the time sales tax.

In these calculations it has not been possible to take into account the provision which acts as a cushion when a station's net time sales are just over the lower limit of a bracket or move from one bracket to the next highest one. This constitutes a possible error of a very minor nature. If there are any stations whose net time sales are just over the lower limit of any of the three brackets, they will not have to pay, in effect, the full percentage of tax called for within that bracket. Not having individual figures, it is not possible to determine whether there are any stations within the narrow limits where this cushioning provision operates.

Revenue Bill of 1941

TITLE VI—RADIO BROADCASTING AND NETWORK TAX

SECTION 601

Tax on Radio Broadcasting Stations and Networks

Subtitle B of the Internal Revenue Code is amended by inserting after Chapter 6 the following new chapter:

“CHAPTER 6A

“SEC. 1220. TAX ON RADIO BROADCASTING STATIONS AND NETWORKS.

“(a) RATE.—For each calendar year beginning after December 31, 1941, there shall be imposed upon every person with respect to operating a radio broadcasting station or engaging in network broadcasting for any part of such year, an excise tax computed as follows:

“(1) If the net time sales exceed \$100,000 and do not exceed \$500,000, an amount equal to 5 per centum of the net time sales, or an amount equal to the net time sales in excess of \$100,000, whichever is the lesser.

“(2) If the net time sales exceed \$500,000 and do not exceed \$1,000,000, an amount equal to 10 per centum of the net time sales, or an amount equal to \$25,000 plus the amount of the net time sales in excess of \$500,000, whichever is the lesser.

“(3) If the net time sales exceed \$1,000,000, an amount equal to 15 per centum of the net time sales, or an amount equal to \$100,000 plus the amount of the net time sales in excess of \$1,000,000, whichever is the lesser.

“(b) DEFINITIONS.—For the purposes of this section—

“(1) ‘Network broadcasting’ means the making of arrangements with persons operating radio broadcasting stations for the simultaneous broadcast of an identical program by two or more connected stations and the distribution of programs by wire or radio to such persons.

“(2) ‘Time sales’ means the gross amount received or accrued from the sale of broadcast time. Where the sale is for a consideration other than money the gross amount considered to be received or accrued shall be the seller's published card rate for broadcast time. Where the sale is for a consideration, less a commission to an advertising agency (whether such sale is made to such agency or its principal) the amount of such commission (not in excess of 15 per centum of such consideration) shall be excluded in determining the gross amount received or accrued with respect to such sale.

"(3) 'Net time sales' means time sales minus the amounts paid or incurred for broadcast time to other persons operating radio stations or engaged in network broadcasting.

"SEC. 1221. RETURNS.

"(a) REQUIREMENT.—Every person liable for tax under section 1220 shall make a return under oath. Such return shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

"(b) TIME FOR FILING.—

"(1) GENERAL RULE.—Such return shall be made within two months after the close of the year with respect to which such tax is imposed.

"(2) EXTENSION OF TIME.—The Commissioner may extend the time for making the returns, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than sixty days.

"(c) PLACE FOR FILING.—The return shall be made to the collector for the district in which is located the principal place of business of the taxpayer, or, if it has no principal place of business in the United States, then to the collector at Baltimore, Maryland.

"SEC. 1222. OTHER LAWS APPLICABLE.

"All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 6 shall, insofar as not inconsistent with this chapter, be applicable in respect of the tax imposed by this chapter."

Committee Report

TITLE VI—RADIO BROADCASTING STATIONS AND NETWORKS

Section 601

Radio Broadcasting Stations and Networks

This section imposes an excise tax for the calendar year 1942 and each succeeding calendar year upon every person who during the year operates a radio broadcasting station or engages in network broadcasting at any time during such calendar year. The tax is equal to a given percentage of net time sales during the year. A net time sale is the gross amount received or accrued from a sale of radio time, not including the amount of any commission to an advertising agency (up to 15 percent of the gross amount), and minus any amounts paid or incurred by the taxpayer, pursuant to the sale of radio time by him, for broadcasting time to other persons operating radio stations or engaged in network broadcasting. Such other persons are in turn liable with respect to the amounts so paid to them. If the taxpayer is on a cash basis of accounting, net time sales are computed with reference to amounts received and amounts paid. In the case of a taxpayer on an accrual basis of accounting, net time sales are computed with reference to amounts accrued and liabilities incurred.

The rates of tax are 5 percent where the net time sales during the year exceed \$100,000 and do not exceed \$500,000, 10 percent where the net sales exceed \$500,000 and do not exceed \$1,000,000, and 15 percent where the net sales exceed \$1,000,000. The tax is measured in each case by the entire amount of the net time sales but the liability of a taxpayer in one classification cannot exceed the maximum liability under the next lower classification plus the amount of the taxpayer's net time sales in excess of the maximum net time sales taxable under the lower classification. If the net sales do not exceed \$100,000 no tax is imposed.

A return for the calendar year must be made prior to March 1 of the succeeding year.

Taxes on Advertising

EXTENSION OF REMARKS

OF

HON. FRANK E. HOOK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 1941

TELEGRAMS FROM MICHIGAN CITIZENS

Mr. HOOK. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following telegrams:

IRONWOOD, MICH., July 29, 1941.

HON. FRANK E. HOOK,
House of Representatives,
Washington, D. C.:

In behalf our two radio stations, WATW, Ashland, Wis., and WJMS, Ironwood, Mich., we protest as unfair, confiscatory, and discriminatory, the proposed taxing of radio and outdoor advertising revenue in occupational tax provision of general tax bill. Urgently request you consider carefully all points brought to your attention by National Association of Broadcasters and proceed to drastic modification or elimination of advertising taxation feature of the bill. Certainly due consideration should be given to great demands made by Government Department and defense program for free radio and billboard publicity. We have always complied with each request and propose to continue to do so, but such discriminating taxes, omitting newspapers, magazines, direct mail, etc., will make our costs much higher. Though applying to large stations now, the step will affect small stations as well.

UPPER MICHIGAN-WISCONSIN
BROADCASTING Co., INC.,

N. C. RUDELL,
Vice President and General Manager.

White Introduces Sweeping FCC Law Amendments

Senator White (R-Maine) on Thursday introduced a bill to make sweeping changes in the Communications Act of 1934, and urged Congress to act upon it immediately.

The senator made the following detailed explanation of the measure:

The bill today introduced by Senator White has its source in S. 1268, a bill introduced by Senator Wheeler in the last Congress; in S. 1520 introduced in the last Congress by Senator White; in recommendations recently made to the Federal Communications Bar Association by a committee thereof; in court decisions; and in recommendations found in the Report of the Attorney General's Committee on Administrative Procedure. This measure should not be regarded as a general revision of our Communications Act of 1934, but the changes in the organization of the Federal Communications Commission, in procedure, in the sections of present law with respect to appeals to the courts, in the efforts made to assure equality of right and opportunity among those who utilize radio for public discussion and finally the attempt to further provide against censorship, make this bill of supreme importance and justify, indeed demand, its study and approval in substantially its present form by the present Congress.

There follows an explanation of the Sections of the bill.

Section 1

This section defines the terms "license," "station license" or "radio station license," appearing throughout the Act, as that instrument of authorization required by the Act or the Commission's Rules and Regulations for the use or operation of radio apparatus. This definition is made necessary because of a recent tendency upon the part of the Commission to treat what are in fact licenses as instruments of a different character thereby making possible avoidance of compliance with procedural and appellate provisions of the Act intended as safeguards against arbitrary administrative action, provisions necessary to be respected if orderly procedure is to be had. This broad definition of the term license tends to insure that result.

Sections 2 and 3

Sections 2 and 3 basically change the administrative setup and functions of the Commission. They can be summarized as the separation of the Commission of seven members into two statutory divisions of three members each and a clarification of the status and functions of the Chairman or seventh man of the Commission.

Under this plan, the whole Commission would have power and authority to adopt and promulgate any rule or regulation of general application required or authorized by the Act, including procedural rules and regulations for the Commission and each division. The whole Commission would have plenary authority over amateur services, emergency services, the qualification and licensing of operators, the selection and control of personnel, the assignment of bands of frequencies to the various radio services and many other subjects and services as at present. But the present judicial and quasi-judicial functions of the Commission would be vested in the proposed divisions insofar as those functions relate to the most important and controversial subjects within the jurisdiction of the Commission.

Jurisdiction to hear and determine all cases arising under the Act or regulations, relating to broadcast, television, facsimile and kindred communications intended for public reception is vested in the Division of Public Communications. Similar jurisdiction with respect to common carriers and communications intended for a designated addressee is vested in the Division of Private Communications. This plan not only recognizes the basic and fundamental differences between the two types of communications involved and the nature of the questions presented by each but it also provides a method for obtaining proper consideration of those cases by persons who will be able to devote their time and attention to the questions committed to them without undue interruption or interference occasioned by the demands of basically different problems.

Under the plan proposed, the status of the Chairman would be that of an executive officer and coordinator participating fully in all matters within the jurisdiction of the Commission except the determination and decision of contested matters which are made the exclusive business of the divisions. Experience has amply demonstrated that the Chairman can not be expected to devote the time and attention necessary to the proper handling and disposition of these matters and also efficiently to discharge the many other duties which are unavoidably his under the Act. As to these other duties, an attempt has also been made to clarify the status of the Chairman and to make him, and him only, the official spokesman and representative of the Commission in certain important respects.

When the present Act was before the Congress in 1934, the bill passed by the Senate provided for a mandatory separation of the Commission into divisions as is now proposed but this plan was later abandoned and the present Commission has been operating under a law which permitted but did not require it to organize itself into divisions. For the last two or three years the division plan has been entirely abandoned and it seems certain that such abandonment has operated to the detriment of orderly procedure. We believe students of our legislation are thoroughly convinced of the wisdom of the mandatory division plan for at least two important reasons. They recognize that there are fundamental differences in the two classes of communications above referred to; that rate making and public utility concepts are the very essence of private communications but have little, if any, application to communications with the public directly; that there has been a tendency upon the part of the Commission to confuse the two and to apply the same concepts and philosophies in the regulation of the two. This must be avoided. In the second place, it is apparent that the subject of public or mass communications and the problem incident to the regulation thereof are so interesting and attractive that they draw public attention; that on the other hand, there is very little of news value or opportunity for publicity in the regulation of

common carriers and that this has had the result of centering the attention of the Commission and its personnel almost exclusively on broadcasting and related problems and of preventing the giving of sufficient attention to equally important problems relating to private communications.

The changes proposed in these two sections would bring about a much needed and desired separation of the judicial and legislative functions of the Commission; would contribute to a sounder knowledge on the part of the Commissioners of the communication problems committed to them; would make for orderly procedure and harmony of decision; and would speed up the disposition of cases before the Commission and the divisions thereof.

Sections 4 and 5

These sections proposed certain amendments to the procedural sections of the present Act (Sections 308 and 309). These amendments are made necessary by the restrictive character of the language now employed and by the disposition of the Commission to give that language an extremely literal rather than a broad interpretation. The result has been to deprive applicants for certain types of licenses of the right to be heard before their application is denied and to deprive persons who are adversely affected by the action of the Commission in granting the application of others, of an opportunity to be heard before the Commission.

The amendment to Section 308 will make it clear that all instruments of authorization granted by the Commission entitling the holders to construct or operate radio apparatus should be the subject of a written application. The amendments to Section 309 make it clear that any person filing an application described in Section 309 is entitled as a matter of right to have his application handled in a definite procedural way.

The procedure to be followed in the handling of applications is that which was successfully followed by the Commission for a considerable period of time pursuant to rules and regulations enacted by it but which method was recently abandoned apparently upon the theory that the Commission was according to applicants and others in interest greater rights than those which the Act guaranteed to them. Since the right to notice and hearing is of the very essence of orderly procedure, amendments to the Act which leave no doubt that such right is secured are absolutely imperative. The amendments proposed would assure this result.

Section 6

This section proposes a redraft of the transfer section of the present Act (Section 310 (b)). As now drafted, this section in terms relates only to station licenses and does not apply to construction permits or other instruments of authorization which the Commission may issue under its rules and regulations. The redraft would remedy this deficiency. The present transfer section is also silent concerning the procedure to be employed by the Commission in passing upon such applications and the proposed amendment would remedy this defect by providing that transfer applications be handled in the same manner and in accordance with the same procedure employed in the handling of applications for original instruments of authorization.

Aside from these questions of procedure, the decisions of the Commission relating to transfer applications have given rise to the theory that the proposed transferee of a station license may be subjected to conditions not required of an applicant for an original license. This is believed to be unsound and has been due, at least in part, to the fact that the statutory standard employed in the present transfer section differs slightly in phraseology from that used elsewhere in the Act. By providing for the use of the same statutory standard in the proposed amendment and by the use of other clarifying language, it is believed that this cause for controversy will be eliminated.

Section 7

This section proposes amendments to Section 315 of the present Act relating to the use of broadcast facilities by candidates for public office. The amendments proposed are the deletion of the proviso clause now appearing in that section which provides that the licensee shall have no power of censorship over the material broadcast under the provisions of this section and the substitution thereof of clearer language to the same purpose found in a proposed new Section 332. This present proviso has been the source of much uncertainty and controversy. I believe the change urged clarifies and enforces the Congressional intent.

Section 8

This section of the bill proposes the addition of an entirely new section to the Act (Sec. 330) which will require the identification of the speaker in the case of broadcasts dealing with public or political questions either local, State or national in their scope and application. Ever since the enactment of the Radio Act of 1927, the law has carried a provision requiring that in the case of the commercial use of a station the person or organization sponsoring such broadcast be identified in connection with the broadcast. Such a provision is found in Section 317 of the present Act. The proposed new Section would merely carry the principle of identification further and make it obligatory in the discussion of political or public questions to make clear not only who the speaker is but whose views he expresses. It is unfortunately a fact that most propaganda by radio is found in sustaining programs or programs which have no commercial sponsor. The adoption of this new section would carry the salutary principle of identification into a field where it is much needed.

Section 9

Section 9 of the bill proposes the inclusion of a new section (Sec. 331), the effect of which would be to require the licensee of any station to afford a right of reply where public officers, other than the President of the United States, use his station for the discussion of public or political questions. This right of reply is to be exercised by the accredited representatives of the opposition political party or parties, and is to be afforded upon the same terms and conditions as the initial discussion. This substantially enlarges the scope of Section 315 of the 1934 Act. The subject matter of this proposed section merits immediate consideration.

Section 10

Section 10 of the bill proposes the addition of another new section (Sec. 332), the effect of which would be to clarify the duties and responsibilities of a licensee where his station was used by a candidate for public office or by public officers or others for the discussion of public or political questions. The "no censorship" clause of Section 315 of the present Act does not adequately define the duties of a licensee under such circumstances. The proposed new section (Section 332) affords the licensee an opportunity to examine the material to be broadcast before its intended use and to delete therefrom any material which is slanderous or libelous or which the licensee may have reason to believe would subject him or his station to any action for damages or to a penalty or forfeiture under any local, State or Federal law or regulation. This section specifically provides that no licensee of any broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material submitted by a candidate for public office or by public officers or others discussing public and political questions. With the exception of material which might subject the licensee to damages or penalties or material which is submitted for broadcast by or upon behalf of any person or organization which advocates the overthrow of government by force or violence, the licensee has no discretion.

Section 11

Section 11 of the bill proposes a new sentence as an amendment to Section 326 of the present Act which codifies an interpretation placed upon the Act by the Supreme Court of the United States in the case of the Federal Communications Commission versus Sanders Brothers Radio Station decided March 25, 1940. In this case the Supreme Court said:

"But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

Notwithstanding this pronouncement of the Supreme Court, notwithstanding the fact that no language can be found in the Act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast

stations and notwithstanding the further fact that Section 3(h) of the Act provides that a person engaged in radio broadcasting should not be regarded as a common carrier, the Commission has nevertheless concerned itself more and more with such matters. The charge is made that the Commission is attempting to control both the character and source of program material and the contractual or other arrangements made by the licensee for the acquisition of such material.

The amendment proposed spells out in black and white what it is believed was not only the original intention of Congress but is its present intention, with respect to this subject, in the hope that confusion and controversy can be eliminated. The amendment preserves the prohibition now contained in the Act against interference with the right of free speech and that against the utterance of obscene, indecent or profane language by means of radio communication.

Section 12

Section 12 is designed to clarify provisions of existing law relative to proceedings to enforce or set aside orders of the Commission and in appeals from decisions of the Commission. The present law upon this subject is now found in Section 402 of the Act.

Paragraph (a) of Section 402 deals with actions to enforce or set aside orders of the Commission except those appealable under paragraph (b) of that section. More specifically, paragraph (a) of this section relates to those orders of the Commission entered in matters involving common carriers and certain other orders relating to radio broadcast stations not now appealable to the United States Court of Appeals for the District of Columbia under paragraph (b) of Section 402. Under the proposed amendment, all orders entered by the Commission in the performance of its licensing functions would be appealable under paragraph (b) and would not be brought before a statutory three judge district court. Moreover, suits brought before a statutory three judge court to enjoin the enforcement of an order of the Commission could be brought in the District of Columbia as well as in other judicial districts.

The principal changes proposed in paragraph (b) of Section 402 can be summarized as follows: (1) persons desiring to appeal from orders of the Commission entered in cases where the Commission exercises its licensing functions would be permitted to appeal either to the United States Court of Appeals for the District of Columbia, as at present, or to the United States Circuit Court of Appeals for the district in which they reside or have their principal place of business; (2) language is adopted which will remove doubt as to which cases are appealable and which will extend the right of appeal to persons which should have such right but which have been excluded due to imperfections in the present Act; (3) the time in which an appeal must be taken is made thirty rather than twenty days, as at present, and the contents of the Notice of Appeal are specified with certain particularity along the lines now provided by the rules of the United States Court of Appeals for the District of Columbia; (4) jurisdiction is expressly conferred upon the Court to which an appeal is taken to grant temporary relief either affirmative or negative in character; (5) the Court is given authority to specify by rule what the record upon appeal shall contain; (6) the questions which can be raised upon appeal and which the Court must consider in determining an appeal are specifically enumerated; and (7) the Commission will be required to comply with the mandate or decision of the Court upon the basis of the record upon which an appeal is taken unless the Court upon petition shall otherwise determine. Other provisions of the present Act relating to the right of persons to intervene in an appeal and the right to review by writ of certiorari the judgment rendered by the courts upon such appeal are retained.

All of these changes are, in my opinion, not only desirable but necessary if adequate judicial review of the Commission's exercise of its licensing function is to be made effective. Present language of Section 402 and particularly paragraph (b) thereof is so vague as to result in great doubt concerning the proper court in which to seek judicial review in many cases. Moreover, recent decisions of the United States Court of Appeals for the District of Columbia and of the Supreme Court of the United States are such as to cast further doubt upon the meaning and application of these provisions. An illustration of this is afforded by a recent decision of the United States Court of Appeals for the District of Columbia which finds that court to be without jurisdiction to grant interim or temporary relief to any licensee where an order of the Commission is appealed from notwithstanding the fact that it has been the uniform practice of that court to grant such relief in meritorious

cases since the first appeal taken to that court under the Radio Act of 1927.

Generally speaking, the same considerations which controlled the Attorney General's Committee on Administrative Procedure in the making of its recommendations concerning judicial review of the decisions and orders of other administrative tribunals have prompted the amendments to Section 402 here proposed. But I have gone further in certain respects than the Attorney General's Committee and have attempted to adapt the theory of that report to the peculiar problems incident to the licensing of radio stations and the review of decisions and orders of the Commission in licensing such stations.

Section 13

Section 13 of the bill provides for such changes in Section 405 of the present law relating to the subject of rehearings as are necessary to conform to the changes in the administrative organization of the Commission proposed in sections 2 and 3 of the bill. Further provision is made for delaying the effective date of any decision, order or requirement made in any case which is the subject of petition for rehearing until after final decision upon such petition. An attempt has also been made to eliminate doubt now prevalent concerning when his petition for rehearing must be filed before judicial review of the Commission's order can be had. Under the provisions of the amendment proposed, the petition for rehearing will not be a condition precedent to judicial review except where the party seeking such review was not a party to the proceeding before the Commission resulting in such order or where the party seeking such review relies upon questions of law or fact upon which the Commission has been afforded no opportunity to pass.

Section 14

Section 14 of the bill proposes an amendment to paragraph (a) of Section 409 of the present Act which deals with the cases heard by less than a quorum of the Commission or either division thereof. The procedure employed by the Commission in cases of this character has led to a great deal of controversy and there has been a decided lack of uniformity both in the handling of such matters and the character of reports submitted by the hearing officer. The proposed amendment requires not only the submission of a uniform type of report setting out in detail and with particularity all basic or evidentiary facts developed as a result of the evidence taken but also conclusions of fact and law upon each issue submitted for hearing. It further makes mandatory the hearing of oral argument by the Commission or the division having jurisdiction of any case upon request of any party before the entry of a final order. The Commission or division is also required to accompany any final order with a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.

Here again an attempt has been made to conform to the recommendations of the report of the Attorney General's Committee on Administrative Procedure, and these provisions, if enacted, would be wholly consistent with those recommendations or any legislation which may result therefrom.

Section 15

Section 15 of the bill proposes the addition of an entirely new section. This section is designed to curb an alleged tendency upon the part of the Commission to discriminate in a manner not authorized by the statute between applicants for broadcast and other radio facilities and to require as a condition to grants made the doing of certain acts which the Commission has no authority under the statute to require.

When the Congress enacts a law creating an administrative tribunal and defines its powers, duties and functions, we consider it as fundamental that the delegation of authority thus made must be limited by the enabling Act. Such a tribunal has and must exercise those powers which are specifically enumerated. In addition, it must exercise those powers which are necessarily incident to the exercise by it of those powers expressly enumerated. It is not, however, authorized or permitted to set itself up as a general legislative body making its own rules of conduct and decision wholly apart from and beyond the language of the statute. The tendency to do this, prevalent among virtually all administrative tribunals, has recently become very aggravated at the Commission. This, in my opinion, must be arrested by the enactment of specific legislation along the lines here suggested.

The White Bill

Be it enacted by the Senate and House of Representatives in Congress assembled, "That section 3 of Title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

"(bb) The term "license", "station license", or "radio station license" means that instrument of authorization required by this Act, or the Rules and Regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name the same may be designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said Title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following:

"Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said Title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio services; over all matters arising under the provisions of part 2 of Title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualification and licensing of all radio operators; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over the selection and appointment of all officers and other employees of the Commission and the Divisions thereof; and generally over all matters with respect to which authority is not otherwise conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation

and legislative reports, to represent the Commission or any division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies and generally to coordinate and organize the work of the Commission and each division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said divisions with full power as a member thereof until the cause or circumstances requiring said service shall have been eliminated or corrected.

"(f) Each division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made or other action taken by either of said divisions with respect to any matter within its jurisdiction, shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term "Commission" as used in this Act shall be taken to mean the whole Commission or a division thereof as required by the context and the subject matter dealt with. The term "cases and controversies", as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term "adjudications" means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or a named res."

SEC. 4. Amend paragraph (a) of section 308 of Title III by striking out all appearing before the first proviso clause in said paragraph and inserting in lieu thereof the following:

"The Commission may grant the instruments of authorization required by this Act entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it."

SEC. 5. Amend section 309 of said Title III by striking out the whole of said section and inserting in lieu thereof the following:

"(a) If upon examination of any application provided for in Section 308 hereof, the Commission shall determine (1) that public interest, convenience or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant or other person, it shall authorize the issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a)

hereof, such grant shall remain subject to protest as hereinafter provided, for a period of thirty days. During such thirty-day period, any person, who would be entitled to challenge the legality or propriety of such grant under the provisions of Section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) the station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right of use or control conferred by Section 606 hereof."

SEC. 6. Amend paragraph (b) of section 310 of said Title III by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"No instrument of authorization granted by the Commission pursuant to this Act entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee possesses the qualifications required of an original permittee or licensee and is capable of constructing or operating under such instrument of authorization in the public interest, convenience and necessity. The procedure to be employed in the handling of such applications shall be that provided in Section 309 of this Act, as amended."

SEC. 7. Amend section 315 of said Title III by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcast station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcast station, and the Commission shall make rules and regulations to carry this provision into effect. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

SEC. 8. Add to said Title III the following new section:

"Sec. 330. No licensee of any radio broadcast-station shall permit the use of such station for the discussion of any public or political question whether local, State or national in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station, together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers, speaking as such, whether local, State, or national, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election

or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

SEC. 9. Add to said Title III the following new section:

"Sec. 331. In all cases where public officers other than the President of the United States use a radio broadcast station for the discussion of public or political questions, the licensee of any station so used shall afford a right of reply to any person designated by the accredited representatives of the opposition political party or parties. In all cases, the right of reply herein provided shall be afforded upon the same terms and conditions as the initial discussion and the Commission shall make such rules and regulations as are necessary to carry this provision into effect."

SEC. 10. Add to said Title III the following new section:

"Section 332. No license of any radio broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of Sections 315, 330 and 331 hereof: Provided, however, that no licensee shall be required under the provisions of this section or otherwise to broadcast any material for or upon behalf of any person or organization which advocates the overthrow of government by force or violence and that no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and the Commission shall make rules and regulations to carry this provision into effect."

SEC. 11. Amend section 326 of said Title III by inserting before the first sentence thereof a new sentence so that as amended said section shall read as follows:

"Nothing in this Act shall be understood or construed to give the Commission the power to regulate the business of the licensee of any radio broadcast station and no regulation, condition or requirement shall be promulgated, fixed or imposed by the Commission, the effect, or result of which shall be to confer upon the Commission supervisory control of station programs or program material, control of the business management of the station or control of the policies of the station or of the station licensee. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication."

SEC. 12. Amend section 402 of Title IV by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul or suspend any order of the Commission under this Act, (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the Circuit Court of Appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia in any of the following cases:

"(1) By any applicant for any instrument of authorization required by this Act, or by the regulations of the Commission enacted pursuant to this Act, for the construction

or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.

"(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.

"(3) By any applicant for the permit required by Section 325 of this Act or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.

"(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in subparagraphs (1), (2) and (3) hereof.

"(5) By the holder of any instrument of authorization required by this Act, or by the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.

"(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a Notice of Appeal with the appropriate court within thirty days after the entry of the order complained of. Such Notice of Appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such Notice of Appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the City of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a Notice of Intention to Intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said Notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions and decisions of the Commission, the court shall consider and decide so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of the Commission procedure; (4) findings, inferences, or conclusions of fact un-

ported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

“(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court’s judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under Section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

“(i) The Court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.”

SEC. 13. Amend section 405 of said Title IV by striking out the whole thereof and by inserting in lieu thereof the following:

“Sec. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order or requirement complained of and except for those cases in which the decision, order or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish. The time within which an appeal must be taken under Section 402 (b) hereof shall be computed from the date upon which the Commission enters its order disposing of all petitions for rehearing filed in any case, but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.”

SEC. 14. Amend paragraph (a) of section 409 of said Title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

“(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a division thereof having jurisdiction of the subject matter or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the division and such oral argument shall precede the entry of any final decision, order or requirement. Any final decision, order or requirement shall be

accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.”

SEC. 15. Add to said Title IV the following new section:

“Section 417. Penalties, denials, prohibitions and conditions other than those expressly authorized by statute shall not be exacted, enforced or demanded by the Commission in the exercise of its licensing function or otherwise and no sanctions not authorized by statute shall be imposed by the Commission upon any person. Rights, privileges, benefits or licenses authorized by law shall not be denied or withheld in whole or in part where adequate right or entitlement thereto is shown. The effective date of the imposition of sanctions or withdrawal of benefits or licenses shall, so far as deemed practicable, be deferred for such reasonable time as will permit the persons affected to adjust their affairs to accord with such action or to seek administrative reconsideration or judicial review.”

Newspaper Hearings

FCC hearings on Order No. 79, concerning newspaper ownership of radio stations, were resumed Wednesday, when de Quincy V. Sutton of the Commission staff concluded his testimony covering numerous tabulations prepared by the Commission. He was followed on the stand by Dr. L. G. H. Weld, Director of Research for McCann-Erickson, New York, who explained his Radio Advertising Index and other advertising indices, and the sources of his material.

On Thursday, the morning session was taken up by the testimony of State Senator Means of South Carolina, and John M. Rivers, President of WCSC, Charleston, S. C., concerning the effect on WCSC of the ownership of WTMA by the Evening Post Publishing Co., publishers of the *Evening Post* and the *News and Courier* of Charleston. Hall T. McGee and Arthur E. Bradham, of the Evening Post Publishing Co., testified as to the joint operation of the newspapers and the radio station, stating that the newspapers were seeking to publicize the station in the community. On the point of failure to publish the program log of WCSC, Mr. McGee stated that it had been decided to publish the log as news when Senator Means made a speech in Columbia, S. C., that caused deferment of the action decided upon.

John Shepard, III, President of F-M Broadcasters, Inc., read a statement he had prepared, and which had the approval of the FMBI board, urging the Commission to give a prompt decision on pending F-M applications as the development of frequency modulation has without question, he said, been retarded by the issuance of Order No. 79.

John R. Latham, Executive Vice-President of The American Network, Inc., organized to provide F-M network program service, closed the Thursday session. He urged the elimination of F-M stations from Order No. 79, and that the Commission make a definite announcement that it will not attempt to make rules and regulations which would have the effect of preventing newspapers or newspaper interests from owning and operating F-M stations, thereby enabling The American Network to complete its organization and make high quality programs available to the F-M station associated with the network.

The hearings will continue today, when it is expected they will be recessed until mid-September.

Mr. Shepard’s statement follows:

My name is John Shepard, 3rd. I reside at Brookline, Massachusetts. I am the President of FM Broadcasters, Inc., at present composed of 51 memberships held by 44 different persons or organizations. At the time the resolution, which has been introduced, was passed there were 42 members of the Association. The objects of the Association are set forth in the Certificate of Incorporation.

Among the 44 members of the Association at present there are 14 that have a newspaper connection or affiliation. Of the approximately 110 applications for commercial operation in the FM field which have been filed and either acted upon or are pending action

by the Commission, 38 are to the best of my knowledge connected or affiliated with newspapers.

Since the Association is devoted to the cause of development in the field of frequency modulation, it was directed that I appear before the Commission and present the views of our Association with respect to the Commission's Order 79 and the effect which we deemed it would have on the development of frequency modulation and the effect which would result from a determination that newspapers could not properly own FM radio stations.

We are all agreed, I believe, that FM should be encouraged. This Association is bending its every effort toward the development of FM. The Commission has expressed its desire that FM develop rapidly and firmly and it is indeed the sense of Congress, as expressed in the Communications Act of 1934, that new uses of radio in the public interest be encouraged.

For any new industry to develop, there are three primarily essential elements: the necessity for it, the method of doing it, and the means to do it with. Necessity has brought about the invention by Major Armstrong of frequency modulation and the efforts and expenditures of money by him and others have developed the method by which the necessity can be met so that now we have entered the time when the means for developing frequency modulation in the public interest is the only remaining essential element to be met.

Every entry into the FM field today contributes to its development and is a pioneer in the sense that immediate profits cannot be looked for and every source of capital is needed to help this development. Every source of nourishment withheld from a new industry is as bad as spending that much capital to halt its growth. In addition the withholding of any capital fails to encourage other capital to enter the field.

Idle frequencies cannot render a service to the public, nor can they help a new industry to develop. There will be fewer idle frequencies if all people who are qualified under the Communications Act and who are willing to develop these frequencies are allowed to do so. By the term, "qualified" we mean American citizens with the technical and financial ability to develop these frequencies and render a real service to the potential listening public. I say, "potential listening public" because it is only in those areas where service is being rendered that people are buying sets to any great extent and many of these sets are being bought on the faith of the purchaser that there will be adequate service. So long as a listener gets good service I do not believe he cares whether the licensee has other industrial or business connections as long as he is legally, financially and technically qualified under the law and is giving a good program service.

We must recognize that with all the encouragement it can get FM still has a "hard row to hoe." Every new station which goes on the air is adding competition and every denial lessens competition.

It should be borne in mind, because of the short license period of one year, it is necessary that this new development be financed by those who have an established business to provide the necessary capital.

May I at this time urge the Commission to give a prompt decision on this matter as the development of frequency modulation has without question been retarded by the issuance of Order Number 79.

BMI FEATURE TUNES

August 4 - August 11

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. MY SISTER AND I
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty, *Delilah*.

BMI NOTES

Sing America First

Organization during the past week of ACES (American Composers, Entertainers and Songwriters) is in keeping with the growing trend to democratize music. There is no doubt that hillbilly ballads have come into greater favor with the public as a result of BMI's open door to music. They form one of the few classifications of music which our country can claim as its very own, and as such, every effort should be made to popularize them and see that their writers are properly compensated.

Many of these writers are entertainers, but a steady income from the royalties on performances of their music helps to bridge the gap between engagements, and if they produce songs of lasting appeal, a system of performance payments provides lasting income.

Hillbilly tunes are associated with the happiest times in American life—barbecues, scenes around the campfires, maple syrup parties—hayrides. Most of them are sad and cling to themes that are born of loneliness. Now and then a bright one emerges. Of such is *You Are My Sunshine*, which, we predict, will be the first hillbilly tune to make the Hit Parade. It ranks number ten this week in national sheet music best sellers and in the mid-west has climbed to number eight.

Bonds and Music

Phil Kornheiser, now at BMI after twenty years experience as General Manager of Leo Feist, played a prominent part in the recruiting drives and in the sale of Liberty Bonds during the first World War. He was the first to mount pianos on army trucks and persuade songwriters to entertain street crowds with the performance of their new tunes. His most enthusiastic assistant was the late Will Rogers, who could sell more bonds than any ten security salesmen. When there was a lull in the purchases, Will would pick out someone in the crowd and match him to see who bought the next bond. Others who participated in the Kornheiser song parade were Eddy Cantor, Earl Carrol and Arthur Fields. Songs popularized in this way included, *Good Bye, Broadway, Hello, France*, and *Where Do We Go From Here, Boys*.

War Tunes

The war clouds have yet to produce an outstanding song. The best so far is *Til Reveille* by Bobby Worth and Stanley Cowan, and *Good Bye, Dear, I'll Be Back in a Year*, is beginning to show in the leaders. Everyone is trying hard and scarcely a day goes by at BMI when the editors do not examine a score of patriotic tunes.

The "V" campaign has inspired *V—For Victory* by Peter Van Steeden and Art McKay. The lyrics follow:

Verse: "Three dots and a dash spell 'V'
A dash and three dots spell 'B',
The 'B' for the bonds that means defense.
The 'V' is for victory, so let's commence.

Chorus: Sing V FOR VICTORY.
For democracy will win.
So let everyone begin singing
V FOR VICTORY.
Use your dollars and your sense,
Buying for our defense.
In the lowlands, in the highlands,
In the valiant British islands,
In the U. S. A. from day to day
We can see that where love of freedom rings,
V stands for Victory.
In Poland's plains, in ancient Greece,
In Norway's hills, there is no peace.
But they're all showing the hostile horde
That 'V' is mightier than the sword.

—Copyright 1941 by Broadcast Music, Inc.

New BMI Publishers

Signing of contracts with publishers continues to be an almost daily occurrence at BMI as the music of new houses, large and small, is made available to subscribers. Following the completion this week of contracts, performance, broadcasting and television rights to BMI licensees are granted in the music of L. H. Buckley; Jim Cornelius; Hollywood Hit Publishers; Musico; and Charles Rinker Music Publishing Company.

Forty-five new BMI Arrangements of public domain music have been added to the ever-growing BMI catalogue and include Kenn Sisson's arrangement of Charles B. Ward's *The Band Played On*. Also made available is the BMI Choral Edition featuring male quartet arrangements of thirty-nine BMI popular tunes.

Mother Writes—Father Publishes

One of BMI's latest offerings, *A Mother's Lullaby*, with lyrics by Ann Garrett Penn of Danville, Virginia, and music by Arthur Norris, will be featured at the National Tobacco Festival in South Boston, Virginia, and broadcast from there on September 5th. The song has been published by Richard T. Penn, husband of the lyricist, and dedicated to their son, George Rucker Penn, II. It was written during a visit to the Penn home in Danville by Mr. and Mrs. Arthur Norris. Mrs. Norris sings under the name of Lola Galli, and is the sister of Marie Gambarelli.

The words follow:

"An angel's lips from the blue above,
Brushed your blue eyes to sleep with her love;
What tender dreams did God unfold,
In your little head of downy gold.
Rest sweet, my baby, in heavenly peace,
And pray God, my dear, that your dreams shall not cease,
For your tiny eyes reveal from within,
His love for mankind and should ne'er grow dim.
The world should stop where you've begun,
With love and hate the same, dear, as one;
Your dreams are sunshine out of the sky,
So sleep well, my little one, where you lie."

—Copyright, 1941, Richard T. Penn.

Mr. Penn has addressed a card to the Program Directors of 647 radio stations carrying the picture of their little son. On it he writes:

"Just a word about the song that has been acclaimed so lovely—
"A Mother's Lullaby' was written by a mother, the mother of the baby whose picture you see on the card (our baby boy). Its beautiful melody was composed and dedicated to him by Arthur Norris, our friend. And though, neither his mother nor myself are in the music business, it is with pleasure that we cooperate with BMI in sending you a copy of our song and we hope that you and your radio audience will enjoy 'A Mother's Lullaby'".

"I Guess I'll Have to Dream the Rest"

The increasing popularity of *I Guess I'll Have To Dream The Rest* reveals another talent of Martin Block, nationally famous as the producer of *Make Believe Ballroom*. Although the song does not mark Block's first venture into Tin Pan Alley, it is his first hit. It was written by Block in collaboration with Mickey Stoner and Harold Green.

Originally introduced by Glenn Miller, *I Guess I'll Have To Dream The Rest* has been recorded by Miller, by Tommy Dorsey and Bobby Byrne. It is a favorite in the music machines throughout the country.

Block started off in the business world as office boy to Owen D. Young and remained with Mr. Young for almost three years. Thereafter he began a roving career and his jobs, never lasting more than three months, included that of clothing salesman, drug-store clerk, cloak and suiter and magazine solicitor. In the 1920's, Block decided to become a radio announcer. New York stations weren't receptive and he went to California where he worked as announcer for a group of some twenty stations. In 1935, he returned to New York and persuaded WNEW to schedule the

Make Believe Ballroom program. Today his show, broadcast twice a day, is one of the Metropolitan area's most popular attractions.

Intriguing

Delilah, a new bounce tune by Henry Manners and Jimmy Shirl, which has everybody bouncing at BMI, will be introduced next Monday night, August 4th, by Guy Lombardo. Strangely enough, it is the first tune carrying the name of an American girl since the craze set in for Latin-American music. We have had *Maria Elena*, now it's *Delilah*.

Cole Carries On

Maury Cole, head of M. M. Cole Company, is in New York to supervise his company's exhibit at the Annual Convention of the National Association of Music Merchants at the Hotel New Yorker. To satisfy current demand for new music, Mr. Cole has acquired the catalogues of P. C. Brockman, containing many familiar tunes, most of which are on records. He is now engaged in clearing this music for broadcasting.

"Popularity of radio singers with the public", Mr. Cole said, "is creating a demand for albums of their best known numbers".

Two biggest Cole songs remain *Mexicali Rose* and *I Only Want A Buddy Not A Sweetheart*, with the new tune, *Foolish*, winning favor rapidly.

Weddings

Following a long period of inactivity, romance has reared its roguish head at BMI. It may not be necessary to be in love to write love songs and to write about love songs, but apparently it helps. And apparently all of the contact with radio talent has not been left to the Contact Men's Union.

Alex Kramer, composer of *So You're the One, It All Comes Back To Me Now, High On A Windy Hill* and *My Sister And I*, is about to be married to Sally Jo Nelson. The exact date of the wedding has not been set, but according to Miss Nelson, "it will be sometime this year". A native of McKeesport, Pennsylvania, Sally Jo Nelson has won fame as a contralto singer of rhythm and ballad numbers on major network programs. She plans to continue her career after marriage.

Alan M. Fishburn, Editor of Continuity for BMI since September, 1940, will be married in October, according to present plans, to Geraldine Kay, stage and radio actress, now playing a leading part in "Orphans of Divorce" on the NBC Blue Network, and recently heard in "Second Husband" and "Manhattan at Midnight". Prior to her radio appearances, Miss Kay played with Leslie Howard in "Escape" and with Nazimova in "The Good Earth".

Mr. Fishburn is leaving BMI to become associated with NBC in Chicago as a program director and producer. He directed "Your Family and Mine" for Sealtest, Inc., over NBC and CBS networks in 1938 and 1939. In the legitimate field, he staged the American premier of T. S. Eliot's "Murder in the Cathedral", and Auden & Isherwood's "The Ascent of F-6" in 1936 and 1937 respectively. He wrote "Let's Go To Work" for WOR in 1940.

Alexander the Swoose

Alexander Swoose, that strange little animal of aquatic parentage, is finally available to all BMI subscribers. The song, popularized by Kay Kyser and others, has been licensed directly up to the present time, but now comes to BMI through the Mann Music Company.

Master Swoose is the most likeable comical character invented since Mickey Mouse and there have been reports that his adventures will be recorded in celluloid.

KROC Comments

From Cal Smith, Music Director of KROC, Rochester, Minnesota:

"You might be interested in this reaction to BMI music that I received last week when I attended a stage performance by Paul

Whiteman and his orchestra at the Orpheum Theatre in Minneapolis.

"Naturally, the Whiteman theme, *Rhapsody In Blue*, received some applause, but as the show progressed and current BMI tunes were played, the audience showed their appreciation by applauding loudly. ASCAP favorites received little and sometimes no applause. It was interesting to me to have this audience reaction to BMI, because we're 100% BMI here at KROC. Have noticed, too, that local bands broadcasting over this station more and more are getting requests to play and play again BMI owned or controlled tunes. Out hats are off to BMI and all it stands for!"

Sales

Shapiro & Schoenbrod Explain

The Shapiro & Schoenbrod Agency of Chicago solicited per inquiry deals on behalf of Monarck Cameras and listed 18 stations as "among the many now successfully merchandising" the product. As previously reported here, investigation showed that these stations received the Monarck business from a different agency, and at full rates. Because of the widespread misunderstanding created, we publish the Shapiro & Schoenbrod reply to the NAB:

". . . As to any false impressions I sincerely wish to say that there was no ulterior motive in listing 18 radio stations. . . In doing so we made no representations that Shapiro & Schoenbrod had bought time with all these stations nor had we inferred or wished to infer that these stations were on a per inquiry basis. Persons active in radio know that most of these stations listed would not accept an account under these terms. . . .

"Please believe us when we say that we are in complete accord with the policies of the NAB. However, it was the opinion of our client that there were certain types of stations during the summer whose listening audience did not merit any consistent expenditures and who nevertheless possessed markets worth consideration. It was the desire of our client to test these markets in as conservative a fashion as possible. Consequently we took the action of which you have knowledge, offering a per inquiry deal to several stations expecting that those who were interested would so advise us and the rest would merely ignore our solicitation. Any letters that we sent out were forwarded as of July 14, 1941. No more have been sent out and we do not intend to forward any more.

"It is indeed regrettable that misunderstandings have arisen, and in the future we shall endeavor to avoid any such occurrences. In closing may I say that any cooperation that you desire from Shapiro & Schoenbrod will be gladly extended."

Labor

Cost of Living

The Labor Department reports that the cost of living for wage earners and lower salaried workers increased 3.4 per cent during the three months ended June 15. The cost of living June 15 was 6 per cent higher than it was when the European war broke out.

The department's index on June 15 stood at 104.6. In this index, 100 represents the average cost of living in 1935-39.

New A. F. of M. Agreements

The networks have made new contracts with the American Federation of Musicians, covering musicians employed in New York City. They provide for employment of 130 staff musicians by NBC and half that number by CBS. The regular weekly rate for 25 hours of commercial or sustaining and commercial work is \$150.

Wage and Hour Act

Traveling time. There have been a great many questions about how to calculate *hours worked* in the case of announcers and engineers traveling for remotes. Here is the way it works:

If an employee is sent out for a single day, returning the same day, his working time is calculated from the time he leaves the studio until he returns to the studio, lunch hour excepted.

If an employee is sent out for more than one day, he is each day to be paid for his usual working day, provided he does not actually work longer than his usual time in any of his days out of town.

The Wage and Hour Division now holds that there is nothing in the Act to prevent an employer from paying an employee a lesser hourly rate for traveling time than he pays for regular time. For instance, an announcer who regularly receives \$40 for a 40 hour week (\$1 an hour) could be paid 30 cents an hour for time spent in traveling. His rate for overtime purposes then would be determined by dividing his total compensation by his total hours worked. Whether the institution of such a plan would be good personnel policy, however, is another question.

Any broadcaster having any questions about this matter should address the NAB Labor Relations Director.

New Union

A new union entered the broadcasting picture recently when NBC and CBS signed contracts with the I.A.T.S.E. (stage hands, movie operators, movie cameramen, etc.) covering certain television employees.

National Defense

First Reports Arrive

First two July National Defense Broadcast Reports to be received by NAB came from: George E. Joy, manager, WRAK, Williamsport, Pa., and Gerald J. Morey, manager, WNLC, New London, Conn. They arrived in the same mail Thursday morning. Next mail two hours later brought reports from Lester Spencer, program manager, WHIO, Dayton, Ohio; Simon Goldman, manager, WJTN, Jamestown, N. Y.; WBRK, Pittsfield, Mass., and W. A. Wilson, manager, WOPI, Bristol, Tenn.

As soon as other station executives have had sufficient time to forward reports the industry will have an outstanding story to tell. It is hoped to receive reports from all U. S. stations.

Keep 'em Flying

Seven hundred and fifty (750) stations have signified their longtime cooperation in the "Keep 'em Flying" campaign in behalf of the Army. Previously unreported cooperating stations are:

KDTH—Dubuque, Iowa
KIDW—Lamar, Colo.
KODL—The Dalles, Ore.
KGRM—Greenwood, Miss.
WHAZ—Troy, N. Y.
WILM—Wilmington, Del.

Kay Pyle, general manager, KFBI, Wichita, has a new station break announcement given at least once each hour. It is:

"KFBI, the Air Capital of the United States, Wichita, Kansas. Keep 'em Flying."

Aluminum Campaign

WSUN, St. Petersburg, Fla., did its part in the aluminum recovery drive. Besides carrying a heavy schedule of announce-

ments, the station offered the use of its mobile unit to aid in the house-to-house campaign. WSUN announcers who volunteered their services collected a variety of articles which ranged from permanent waving machines to stoves.

To launch the aluminum campaign in Los Angeles, station KRKD arranged a broadcast from the steps of the Los Angeles City Hall. After Mayor Fletcher Bowron officially declared the aluminum drive open a group of Girl Scouts each deposited a piece of scrap aluminum in a huge bin, thereby making natural sound effects for KRKD's microphone. Other speakers on the show were Lucille Ball, Ann Shirley, Helen Gahagan, Sol Lesser and various civic leaders. George Hjelte, director of the Los Angeles City Playground and Recreation Department, was chairman of the Los Angeles Aluminum Drive.

New ND Sustainers

WRVA, Richmond, is presenting a weekly series of national defense dramatizations from the studio. This, wrote Walter R. Bishop, director of public relations, is in addition to your spot announcements.

KROD, El Paso, Texas, has a new show, "Calling All Men," each Monday, Wednesday and Friday for the exclusive purpose of publicizing various ND releases. Shows are each a quarter hour, wrote William Jolesch, director of publicity, "and we believe that much benefit will result in the El Paso-Southwest listening area."

Muzak License

In connection with Neville Miller's statement (NAB REPORTS, p. 595) about the license granted by the FCC to the Muzak Corporation, Muzak says:

"Muzak will not use radio as a means of transmitting its musical program to restaurants and hotels. This is a special service and will be continued as such over telephone lines. The air will be used solely for transmitting programs to the general public. Such a service is not possible over telephone lines at costs low enough to enable the public to obtain the service.

"It has never been our thought that the program service which we will give the public will serve as a substitute for the fine programs furnished the public by advertising sponsors. Our program will be so to speak a standby service always available to those who are not interested in the sponsored programs available from time to time. In fact we shall probably remind our subscribers from time to time or call their attention to radio programs of special interest. Likewise our news service will be supplemental to other news broadcasts, merely keeping our subscribers informed of the most recent news."

FEDERAL COMMUNICATIONS COMMISSION

Noncommercial FM for Chicago

The Chicago Board of Education was granted a construction permit for a new noncommercial educational broadcast station to serve the elementary, high school, junior college, and adult educational classes in that city's public school system. The station, which will use FM (frequency modulation) emission, is authorized to operate on 42,500 kilocycles with power of 1000 watts.

The Board of Education which now broadcasts approximately 25 programs each week over local standard broadcast stations, proposes to use the noncommercial service to transmit scholastic programs during school hours, and for perhaps one hour in the evening on five days a week. Subjects will embrace music, art, science, literature, news, social studies, safety, national defense, and Pan Americanism. The board has appropriated \$10,750 for this purpose. The transmitter will be at 228 North LaSalle Street.

This is the seventh station of its kind which the Commission has authorized to date.

FM Towers

The FCC made the following statement concerning the location of antennas for high frequency (FM) broadcast stations on tower radiators of standard broadcast stations:

The purpose of the following is to clarify the Commission's requirements regarding the common location of antennas for high frequency (FM) broadcast stations with those of standard broadcast station.¹

The Commission will consider an application for authority to install the high frequency antenna in accordance with the principles set forth in the rules and standards for high frequency broadcast stations independently of the operating and economic advantages which obtain through common location of two stations. If the site and antenna system comply with the Commission's rules certain additional requirements must be met in order to insure that the operation of the standard broadcast station is not adversely affected.

In the instance where the standard broadcast station involved employs a non-directional antenna the licensee will be required to file FCC Form No. 306 giving new resistance measurements after the installation and testing of the high frequency broadcast antenna. During the installation of the antenna and until the new resistance determination is approved, the licensee should apply for authority to operate the station by the indirect method of power determination (informal application). Applications for license for the associated high frequency broadcast station will not be considered until Form 306 is filed for the standard broadcast station.

When it is proposed to install a high frequency antenna on one element of a standard broadcast directional antenna, it will be necessary to file application for modification of construction permit for the standard broadcast station with the application for construction permit for the high frequency broadcast station. The granting of the modification for the standard station will, of course, be contingent upon the granting of the construction permit for the high frequency broadcast station. FCC Form No. 304 should include a complete engineering study setting forth fully the effect of the high frequency antenna upon the operation of the standard broadcast antenna system. Depending on the individual case the Commission may require certain field measurements on the standard broadcast station following the installation of the high frequency (FM) antenna system. The application for license to cover the construction permit for the FM station will not be considered until the licensee has made a satisfactory showing with Form 302 that the installation of the FM antenna has not adversely affected the operation of the standard broadcast station.

The installation of the high frequency antennas on towers of standard broadcast stations may require certain additional lighting. The applicant should supply complete information showing the mechanical details thereof so that the additional hazard to air navigation may be evaluated together with the additional lighting which may be required.

From the FCC Mail Bag

A certain West Coast amateur sent the Federal Communications Commission a routine application for modification of license to permit change of address. Not realizing that the Commission's routine functioning has to be subordinated to more important duties in connection with the national defense, this amateur became impatient that he did not receive instant action and sent a follow-up "letter" transcribed on a phonograph record. After the necessity of playing it to see what it was all about, the Commission attached the disk to the "ham's" application papers.

A certain broadcast station asks whether its customary use of the Morse Code "V" before and after news broadcasts is complicated by the fact that this symbol has become a victory signal by Great Britain in her war efforts. The Commission has no reason to believe that continued use of this symbol by the station in question violates any law or is contrary to the public interest.

"Has a person who has been convicted of a felony and has served the prison sentence imposed the right to make application

¹ See Section 3.45 (e) of the Rules Governing Standard and High Frequency Broadcast Stations and Section 19 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

for a radio operator's license?" a Californian asks. The Commission replies:

"Section 303(1) of the Communications Act of 1934, as amended, provides that the Commission shall 'have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified.' The Act does not specifically prohibit the issuance of a radio operator's license to one convicted of a felony, unless, of course, loss of the individual's United States citizenship resulted from such conviction. The duty of determining the qualifications of any applicant for an operator's license is, however, imposed upon the Commission, and in the fulfillment of that duty all of the facts concerning any particular application must be weighed. In any event, there is no statutory bar to the filing of an application for license by such person."

Add radio program suggestions which the Commission itself cannot consider, though advising the parties to write to stations or networks direct:

Suggestion by a Salisbury, Md., resident that newspapers and radio stations be restricted in the publishing of vivid accounts of airplane disasters.

Suggestion by an Atlanta listener that an announcement be made before and after each newscast originating abroad that such broadcast has been censored.

A representative of a certain labor union writes the Commission:

"I wish to congratulate the Federal Communications Commission on the statement made in the last paragraph of your notice dated July 15, 1941, and addressed to Shipowners, Ship Masters, Radiotelegraph Operators, and others concerned, in which you make it clear that the suspension of the Six Months Law for marine Radio Officers does not mean that inexperienced men should be employed when experienced men are available. That is a very fine statement and you deserve credit for making it public, and I thank you for it."

FCC Assignments

The FCC announces that the work, business and functions of the Commission for the month of August have been assigned as follows:

Commissioner Walker: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Same: 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 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 broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, August 4. They are subject to change.

Tuesday, August 5

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.**, 500 watts night, 1 KW day, S-KUSD.
NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—C. P., **1420 kc.**, 250 watts, unlimited time.

Wednesday, August 6

KGLU—Gila Broadcasting Co., Safford, Ariz.—Renewal of license, **1450 kc.**, 250 watts, unlimited time.

Thursday, August 7

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., **1110 kc.**, 50 KW, unlimited time, DA-night. Present assignment: **1110 kc.**, 50 KW, unlimited time.
KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., **1110 kc.**, 50 KW, unlimited time, DA-night. Present assignment: **780 kc.**, 10 KW, simultaneously day, S-WBBM-N, S.A. synchronized with WBBM-N—Exp.
WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, **770 kc.**, 50 KW, unlimited time. Present assignment: **780 kc.**, 50 KW, simultaneously day, S-KFAB-N, S.A. synchronized with KFAB-N—Exp.
WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., **770 kc.**, 1 KW, daytime. Present assignment: **1090 kc.**, 1 KW, limited to WBAL and WTIC.

FUTURE HEARINGS

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

August 27

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, **990 kc.**, 1 KW, daytime.
WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.**, 100 watts, unlimited time.

August 28

NEW—West Allis Broadcasting Co., West Allis, Wis.—C. P., **1480 kc.**, 250 watts, daytime.
KMA—May Broadcasting Co., Shenandoah, Iowa.—Renewal of license, **960 kc.**, 1 KW night, 5 KW day, unlimited time.

September 3

To Be Held in Atlanta, Georgia

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **920 kc.**, 1 KW night, 5 KW LS, unlimited time.

September 18

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1060 kc.**, 10 KW, unlimited time, DA-day and night. Present assignment: **1100 kc.**, 250 watts, unlimited time.

September 22

WJPR—John R. Pepper, Greenville, Miss.—C. P., **1600 kc.**, 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WFAM, Inc., LaFayette, Ind.—Granted construction permit for a new station to operate on **1230 kc.**, 100 watts, unlimited time. Exact transmitter site and antenna system to be determined subject to Commission's approval. To use old WFAM call letters (B4-P-3146).

Howard H. Wilson, Oshkosh, Wisc.—Granted construction permit for new station to operate on **1490 kc.**, 250 watts, unlimited time (B4-P-3110).

Trent Broadcast Corp., Trenton, N. J.—Granted construction permit, conditioned upon certain interference precautions, for a new station to operate on **920 kc.**, 1 KW power, unlimited time, using directional antenna day and night (B1-P-2861).

Board of Education, City of Chicago, Chicago, Ill.—Granted construction permit for new noncommercial educational broadcast station to operate on **42500 kc.**; emission: special for frequency modulation, 1 KW power, unlimited time (B4-PED-22).

KUTA—Utah Broadcasting Co., Salt Lake City, Utah—Granted modification of construction permit (B5-P-2342) to increase day power to 5 KW, make changes in equipment, changes in directional antenna and move transmitter to North Lake St. and Midland Ave. (9 miles north of main business district of Salt Lake City), extend commencement date to 60 days after grant and completion date to 180 days thereafter (Station operates on **570 ks.**, 250 watts, unlimited time, with C. P. for 1 KW, unlimited time, DA night and day.) (B5-MP-1248).

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted construction permit to change frequency from **1480 to 590 k.**; increase power from 500 watts night, 1 KW day, to 5 KW day and night; install new equipment and directional antenna for night use, and move transmitter to 4 miles northwest of Atlanta between Gun Club Road and Sweat Drive (B3-P-2938).

KVOD—Colorado Radio Corp., Denver, Colo.—Granted construction permit to install a new transmitter, increase power from 1 to 5 KW, and make changes in directional antenna for day and night use, same pattern day and night; **630 kc.** (B5-P-2663).

KMYR—F. W. Meyer, Denver, Colo.—Granted modification of license to increase night power from 100 to 250 watts; **1340 kc.**, 250 watts day, unlimited time (B5-ML-1074).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted modification of license to increase time of operation to unlimited; **1390 kc.**, 500 watts night, 1 KW LS (Sundays), C. P. for 5 KW unlimited time, (DA) (B4-ML-1082).

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted construction permit to change frequency from **920 to 940 kc.**, increase power from 1 to 5 KW day and night, make changes in directional antenna system for day and night use and install new transmitter, upon condition that applicant takes care of all blanketing complaints (B5-P-3159).

KITE—First National Television, Inc., Kansas City, Mo.—Granted renewal of license on a temporary basis for a period of 60 days; **1590 kc.**, 1 KW, unlimited time (B4-R-1019).

KWAL—Chester Howarth and Clarence Berger (Assignors), Silver Broadcasting Company (Assignees), Wallace, Idaho—Granted consent to assignment of license of station KWAL from Chester Howarth and Clarence Berger, to Silver Broadcasting Co.; station operates on **1450 kc.**, 250 watts, unlimited time (B5-AL-308).

WHIP—Hammond-Calumet Broadcasting Co., Hammond, Ind.—Granted renewal of license for station WHIP and construction permit, subject to certain engineering requirements, to change hours of operation from specified to unlimited, and install directional antenna for both daytime and nighttime use; **1520 kc.**, 5 KW power (B4-P-2399—Docket 5863).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas—Granted renewal of license for station KGFI upon a regular basis for the period ending December 1, 1941, in lieu of the temporary license under which station is now operating. Station has now furnished the Commission satisfactory evidence of the fact that James G. Ulmer has been completely eliminated from any connection whatsoever with the station and will not in the future be associated or connected therewith.

WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted request to extend effective date of Sec. 4.45 of the Commission's Rules as it applies to WCAB to October 25, 1941 (This section requires all international stations to operate with power of not less than 50 KW; station WCAB now uses 10 KW).

WCBX—Columbia Broadcasting System, Inc., near Wayne, N. J.—Granted request to extend effective date of Sec. 4.45 of the Commission's Rules as it applies to WCBX to October 25, 1941 (This section requires all international stations to

operate with power of not less than 50 KW; station WCBX now uses 10 KW).

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a regular basis: KALE, Portland, Ore.; KG CX, Wolf Point, Mont.; KGER, Long Beach, Cal.; WBBR, Brooklyn, N. Y.; WHAZ, Troy, N. Y.; WHOM and auxiliary, Jersey City, N. J.; WL OL, Minneapolis, Minn.

WORK—York Broadcasting Co., York, Pa.—Present license extended upon a temporary basis only for the period August 1 to September 1, pending determination upon application for renewal (B2-S-805).

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Present license extended upon a temporary basis only for the period August 1 to September 1, pending determination upon application for renewal (B4-S-494).

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Present license extended upon a temporary basis only for the period August 1 to September 1, pending determination upon application for renewal (B4-S-494).

KELA—Central Broadcasting Corp., Chehalis, Wash.—Present license extended upon a temporary basis only, pending determination upon application for renewal of license, for the period August 1 to October 1, 1941 (B5-S-949).

KCRC—Enid Radiophone Co., Enid, Okla.—Present license extended upon a temporary basis only, pending determination upon application for renewal of license, for the period August 1 to October 1, 1941 (B3-S-465).

KSRO—Ernest L. Finley, Santa Rosa, Cal.—Present license extended upon a temporary basis only, pending determination upon application for renewal of license, for the period August 1 to October 1, 1941 (B5-S-939).

WCNW—Arthur Faske, Brooklyn, N. Y.—Present license extended upon a temporary basis only, for the period August 1 to September 1, 1941, pending receipt and determination upon application for renewal of license (B1-S-216).

WKAT (Aux.)—A. Frank Katzentine, Miami Beach, Fla.—Present license extended upon a temporary basis only, for the period August 1 to September 1, 1941, pending receipt of and determination upon application for renewal of license (B3-S-947).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), New York—Present license extended upon a temporary basis only, for the period August 1 to September 1, 1941, pending receipt of and determination upon application for renewal of license (B1-S-271).

DESIGNATED FOR HEARING

Cuyahoga Valley Broadcasting Co., Cleveland, Ohio—Application for new station to operate on **1300 kc.**, 1 KW, daytime only (B2-P-1897).

Tidewater Broadcasting Co., Norfolk, Va.—Application for new station to operate on frequency **1490 kc.**, 250 watts power, unlimited time (B2-P-3127).

R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Co., Norfolk, Va.—Application for new station to operate on **1490 kc.**, 250 watts, unlimited time. Exact site to be determined subject to Commission's approval (B2-P-3209).

Portsmouth Radio Corp., Portsmouth, Va.—Application for new station to operate on **1490 kc.**, 250 watts, unlimited time (B2-P-3097). This application will be heard together with applications of Tidewater Broadcasting Co. and Norfolk County Broadcasting Co., listed above.

Seaboard Broadcasting Corp., Tampa, Fla.—Application for construction permit for new station to operate on **1590 kc.**, 1 KW, unlimited time (B3-P-2813).

WTNJ—WOAX, Inc., Trenton, N. J.—Application for modification of license (B1-ML-1084), for unlimited time (facilities of WCAM and WCAP, with which it shares time on **1310 kc.**), to be heard in consolidation with application of WDAS, Philadelphia, to use **1260 kc.** (Docket 6049); WCAM, Camden, N. J., for renewal and modification of license (Dockets 5361 and 6144); WCAP, Asbury Park, N. J., for renewal and modification of license (Dockets 5778 and 6145).

MISCELLANEOUS

- WING—Great Trails Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to conduct point to point communication service over station WING for five-minute periods on the hour, beginning at 8 a. m. EST, and ending at 2 p. m. EST, July 24, 1941, only, in order to allow Mayor Brennan and his committee to issue instructions to the 1600 women and 1600 girl and boy scouts, each equipped with a portable radio, who are participating in the Dayton National Defense Aluminum Collection Day activities.
- City of New York, Municipal Broadcasting System, N. Y.—Granted special temporary authority to operate regularly licensed relay broadcast station at the Statue of Liberty National Monument, Bedloes Island, for the purpose of transmitting program material to station WNYC in connection with ceremonies at the Ninety-second Anniversary of Emma Lazarus, arranged by the National Park Service and American Committee for the Foreign Born, on July 22, 1941, only, waiving Section 4.21 as it precludes use of relay broadcast station where wire facilities are available.
- WCAM-WCAP—City of Camden, N. J., Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Continued hearing in re applications of WCAM and WCAP for renewals and modification of licenses and WTNJ for renewal of license, now scheduled for July 25, 1941, until a date to be hereafter fixed by further order of the Commission.
- Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted petition for leave to amend application for FM station to change frequency from 43100 kc. to 46100 kc., and mileage from 20,437 to 10,000 square miles, and application removed from hearing docket.
- WRDO—WRDO, Inc., Augusta, Maine.—Motion for 60-day postponement of hearing on application for renewal of license, now scheduled for July 28, granted for a period of 30 days.
- Symons Broadcasting Co., Ellensburg, Wash.—Petition to dismiss without prejudice application for new station to operate on 1140 kc., 1 KW, unlimited time, granted.
- KMA—May Broadcasting Co., Shenandoah, Iowa.—Motion for 60-day continuance of hearing of application for renewal of license now scheduled for July 28, granted for period of 30 days.
- WGST—Georgia School of Technology, Atlanta, Ga.—Motion to continue the hearing on application for renewal of license now scheduled for August 1, granted for September 3.
- WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of license to increase power of auxiliary transmitter from 1 KW night, 5 KW LS, to 5 KW day and night using DA at night (B4-ML-1078). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1149).
- WYNE—Board of Education, City of New York, Brooklyn, N. Y.—Granted modification of construction permit (B1-PED-18, which authorized change in equipment, frequency, emission and power) for change in type of transmitter, and extension of commencement date to 90 days after grant and completion date to 180 days thereafter, respectively (B1-MPED-6).
- WEIM—Ruben E. Aronheim, Fitchburg, Mass.—Granted modification of construction permit (B1-P-3061, authorizing a new station to operate on 1340 kc., 250 watts, unlimited time) for approval of antenna and approval of transmitter site at Summer St., Fitchburg, Mass. (B1-MP-1338).
- WJZM—Wm. D. and Violet Hutton Hudson, Clarksville, Tenn.—Granted modification of construction permit (B3-P-2983 for a new station to operate on 1400 kc., 250 watts, unlimited time) for approval of antenna, transmitter, studio site and transmitter site (B3-MP-1313).
- WSON—Paducah Broadcasting Co., Inc., Henderson, Ky.—Granted modification of construction permit (B2-P-3149 for new station to operate on 860 kc., 250 watts, daytime), for approval of studio and transmitter location on Zion Road, SE of Henderson, and approval of antenna (B2-MP-1357).
- WINC—Richard Field Lewis, Jr., Winchester, Va.—Granted license to cover construction permit for new station to operate on 1400 kc., 250 watts, unlimited time (B2-L-1452). Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-1161).
- WTAL—Fla. Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted license to cover construction permit (B3-P-3175) which authorized changes in transmitting equipment (B3-L-1443).
- KECA (Aux.)—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1162).
- KFI (Aux.)—Earle C. Anthony, Inc., Los Angeles, Cal.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1154).
- WERC—Presque Isle Broadcasting Co., Erie, Pa.—Granted license to cover construction permit (B2-P-2251, for new station), 1490 kc., 100 watts night, 250 watts, unlimited time (B2-L-1441). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1143).
- WDBJ—Times-World Corp., Roanoke, Va.—Granted license to cover construction permit (B2-P-2522), for installation of DA for night use, increased power, approval of transmitter location at present site, 960 kc., 5 KW, unlimited time, DA night (B2-L-1445). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1148).
- WKST—WKST, Inc., New Castle, Pa.—Granted license to cover construction permit (B2-P-2809, for installation of DA for night use, increase in hours of operation and power, change in frequency under NARBA, 1280 kc., 1 KW, unlimited time, DA (B2-L-1449). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1157).
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2658, for installation of new transmitter, changes in DA system, and increase in power to 5 KW (B2-L-1446). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1150).
- WHN—Marcus Loew Booking Agency, New York City.—Granted construction permit to make changes in present auxiliary transmitter and move to site of new main transmitter, E. Rutherford, N. J. (B1-P-3232).
- KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—Granted modification of construction permit (B5-P-2785, for new transmitter, increase in power from 10 to 50 KW), for extension of completion date to August 5, 1941 (B5-MP-1346).
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted license to cover construction permit (B1-P-243, which authorized increase in power and installation of DA for night use, 980 kc., 5 KW, unlimited time, DA-N) (B1-L-1450). Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1158).
- W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted modification of construction permit as modified for new television broadcast station, for extension of commencement and completion dates from January 22, 1941, and July 22, 1941, to August 22, 1941, and January 22, 1942, respectively (B1-MPVB-51).
- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted modification of construction permit (B1-P-2902 for new transmitter, installation of DA for day and night use, increase in power and move of transmitter) for extension of completion date to October 17, 1941 (B1-MP-1342).
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted modification of construction permit (B1-P-2948, for new transmitter, increase in power, change in frequency) for authority to install modulation monitor and automatic frequency control equipment (B1-MP-1353).
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of construction permit (B2-P-2547, to install new transmitter and DA for night use, increase power, change in hours of operation) for authority to install new transmitter (B2-MP-1348).
- KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Granted modification of construction permit (B5-P-2028, for a new station) for approval of antenna, of transmitter site at 204 S. 11th St., Tacoma; change in type of transmitting equipment to be installed, and for 1490 kc., and 250 watts power (B5-MP-1341).
- KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted license to cover construction permit (B5-AF-33, for new transmitter, vertical antenna, increase in power, move of transmitter and change in hours of operation), 1400 kc., 100 watts night, 250 watts LS, S-KEVR (B5-L-1444). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1147).

- KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted license to cover construction permit (B-P-3069, which authorized move of formerly licensed RCA 1-D, 1 KW, transmitter from fronting on Kapiloani Blvd., Honolulu, to Kapiolani Blvd., Honolulu, for use as auxiliary transmitter for emergency purposes only (B-L-1454).
- WMIS—Natchez Broadcasting Co., Natchez, Miss.—Granted license to cover construction permit (B3-P-2999, for new station), 1490 kc., 250 watts, unlimited time (B3-L-1426). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-990).
- Southern California Broadcasting Co., Pasadena, Cal.—Granted petition for leave to amend application for construction permit to change transmitter site, etc., and removed application from hearing docket.
- Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition to amend application for new station to change frequency from 1550 to 1400 kc.; power from 1 KW to 250 watts, unlimited time, on condition that amendment be filed within 10 days from date; the application removed from hearing docket and severed from that of the Gazette Co., Cedar Rapids, Ia., Docket 5330.
- WBNX—WBNX Broadcasting Co., Inc., New York City—Petition for leave to amend application for new FM station to change frequency from 47500 to 48300 kc., granted; request to remove from hearing docket, dismissed.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted petition to intervene in the hearing on application of KWK, St. Louis, for authority to operate on 680 kc., 50 KW, unlimited time, DA day and night.
- KMO—Carl E. Haymond, Tacoma, Wash.—Granted modification of construction permit (B5-P-2707), for new transmitter, increase in power to 5 KW and changes in antenna) for extension of completion date to Oct. 22/41 (B5-MP-1350).
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted license to cover construction permit (B5-P-2848, for increase in power, installation of DA for night use) (B5-L-1455). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1165).
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted license to cover construction permit (B4-P-2886) for new transmitter and directional antenna for night use, move of transmitter, increase power, and change in hours; 1070 kc., 1 KW night, 5 KW LS, unlimited time (B4-L-1448). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1152).
- WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted license to cover construction permit (B3-P-2901), which authorized installation of DA for night use; change hours of operation from daytime to unlimited; increase power from 1 KW to 1 KW night, 5 KW LS, installation of new transmitter and move of transmitter (B3-L-1447). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1151).
- WBNS—WBNS, Inc., Columbus, Ohio—Granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna input (B2-Z-915).
- KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1168).
- WQAM—Miami Broadcasting Co., Miami, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1153).
- KINY—Edwin A. Kraft, Juneau, Alaska.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1153).
- WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1027).
- KELA—Central Broadcasting Corp., Centralia-Chehalis, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1133).
- KFPL—C. C. Baxter, Dublin, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1083).
- WQAN (Aux.)—The Scranton Times (A Corp.), Scranton, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1064).
- WJBW—Charles C. Carlson, New Orleans, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1159).
- WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna input (B1-L-998).
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-859).
- KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1172).
- KITE—First National Television, Inc., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1136).
- KPDN—R. C. Hoiles, Pampa, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1086).
- WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1052).
- KVIC—Radio Enterprises, Inc., Victoria, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1123).
- KEX—Oregonian Publishing Co., North Portland, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1059).
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate on unlimited time basis for period not to exceed 30 days beginning July 24 and ending no later than Aug. 22 (B2-S-379).
- WOWO—Westinghouse Radio Station, Inc., Ft. Wayne, Ind.—Granted extension of special temporary authority to operate unlimited time for the period July 24 to Aug. 22 (B4-S-492).
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate with composite 100-watt broadcasting transmitter on 1070 kc. during regularly licensed hours of operation for a period not to exceed 30 days, while main transmitter is being moved to new location and proof of performance tests are being conducted in accordance with construction permit (B4-S-924).
- WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to operate daytime with a nondirectional antenna until sunset at Sacramento, for a period beginning July 26 and ending no later than August 24.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from sign-off time (July 7:30 P. M. CST) to 9:30 P. M., CST, July 25 and 26, for the purpose of broadcasting certain portions of Kendall County Centennial Celebration (B4-S-995).
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Denied extension of special temporary authority to operate from local sunrise at Glenside, to local sunrise at Knoxville, Tenn. (Station WNOX), instead of daytime as stipulated in reallocation, for the period July 27 to Aug. 25, pending action on formal application for such authority (B2-S-339).
- KGEK—Elmer G. Beehler, Sterling, Colo.—Denied request for special temporary authority to operate from 8 P. M. to 9:30 P. M., MST, on Thursday nights, August 7, 14, 21, 28, 1941, in order to broadcast band concerts.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate additional time from 8 P. M., CST, to conclusion of Zivic-Cochrane bout on July 28 and Soose-Abrams bout on July 30, 1941, only, using 500 watts only.
- WHCU—Cornell University, Ithaca, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1105).
- WTBO—Asso. Broadcasting Corp., Cumberland, Md.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-888).
- WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted authority to install automatic frequency control equipment (B2-F-227).
- WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted authority to install automatic frequency control equipment (B4-F-229).

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted authority to install automatic frequency control equipment (B2-F-230).

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to operate FM station commercially on 47100 kc., 10 KW, at 444 Madison Ave., New York City, for period of 30 days pending completion of antenna construction in accordance with construction permit (B1-PH-45, B1-MPH-8).

W2XOY—General Electric Co., New Scotland, N. Y.—Granted extension of special temporary authority to operate a FM experimental broadcast station on 43200 kc., 2500 watts, special emission for FM, with transmitter located at New Scotland, N. Y., for the period July 29 to August 28, 1941.

W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted extension of special temporary authority to operate with main studio at the transmitter of high frequency broadcast station W47A for a period of 30 days beginning July 31, 1941, and ending not later than August 29, 1941, pending completion of ST transmitter at main studio specified in construction permit.

WNBM—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WNPM on additional frequencies of 4797.5, 6125, 9135, 12862.5 and 17310 kc. with a 500-watt NBC composite transmitter, Type P-500-A, Serial No. 1, crystal control, high level modulation, with 4 RCA-850 tubes in the last radio stage under the permissive proviso of section 308(a) of the Communications Act of 1934, as amended, aboard the *S. S. Brazil*, while en route from New York City to Buenos Aires, and the *S. S. Argentina*, while en route from Buenos Aires to New York City, only, for a period of 75 days, beginning August 1, 1941, and ending not later than October 14, 1941, in order to relay to station WJZ and the NBC Blue Network program material to be used in the series of programs entitled "News of the Americas" (provided no interference is caused any other radio service).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from sign-off time (July 6:45 p. m., CST), to 10 p. m., EST, on July 24, in order to broadcast program for Chamber of Commerce in cooperation with National Defense Aluminum Collection Drive, only (B3-S-819).

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited to a minimum of 8 hours daily, for period August 4 to September 24, in order to observe vacation period between regular University sessions.

Burlington Broadcasting Co., Burlington, N. C.—Placed in pending files pursuant to Order No. 79, application for new station to operate on 1280 kc., 500 watts, daytime (B3-P-2490, Docket No. 5781).

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Denied petition to reconsider and grant without hearing the application for construction permit to change transmitter site, install new technical equipment and directional antenna system for nighttime use, and change operating assignment from 1400 kc. to 1260 kc., increase power from 250 watts, unlimited to 5 KW day, 1 KW night (B2-P-3115, Docket No. 6049).

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Denied petition to reconsider and grant application for construction permit to use frequency 590 kc. with power of 1 KW, unlimited time, in lieu of present operation on 1200 kc. with power of 250 watts, unlimited (Docket No. 6087).

APPLICATIONS FILED AT FCC

610 Kilocycles

WLAD—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Construction permit to increase power from 250 watts to 1 KW, using directional antenna night, install new transmitter and directional antenna, and change frequency from 1450 kc. to 610 kc.

640 Kilocycles

WHKC—United Broadcasting Co., Columbus, Ohio.—Construction permit to install new vertical antenna system and change transmitter site.

670 Kilocycles

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit to make changes in transmitter.

760 Kilocycles

WJR—WJR, The Goodwill Station, Detroit, Mich.—Authority to determine operating power by direct method for auxiliary transmitter.

930 Kilocycles

WBEN—WBEN, Inc., Buffalo, N. Y.—License to cover construction permit (B1-P-2757) as modified, for increase in power, installation of new transmitter and directional antenna for night use, and move of transmitter.

WBEN—WBEN, Inc., Buffalo, N. Y.—Authority to determine operating power by direct method.

1000 Kilocycles

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct method.

1090 Kilocycles

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Modification of construction permit (B1-P-2200) as modified, for installation of new transmitter and directional antenna for night use, change in hours of operation, increase in power, and move of transmitter, requesting changes in transmitting equipment.

WBAL—WBAL Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-2200) as modified, for installation of new transmitter and directional antenna for night use, change in hours of operation, increase in power, and move of transmitter.

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct method.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit to reinstate construction permit (B2-P-2628) as modified, for equipment changes, changes in directional antenna system, increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and move of transmitter.

1310 Kilocycles

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Modification of construction permit (B5-P-2920) as modified, for extension of completion date from 7-31-41 to 8-31-41.

1330 Kilocycles

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Authority to determine operating power by direct method.

1340 Kilocycles

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Modification of construction permit (B3-P-3161) for approval of antenna and approval of transmitter and studio sites.

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—License to cover construction permit (B4-P-3155) for increase in power from 100 watts to 250 watts and changes in transmitting equipment.

1390 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of construction permit (B3-P-2810) for increase in power, installation of directional antenna for day and night use, and installation of new transmitter, requesting to install new type transmitter and make changes in directional antenna.

1400 Kilocycles

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Texas.—Modification of license to change hours of operation from shares with KMAC to unlimited, requesting facilities of KMAC when KMAC goes to new frequency.

1450 Kilocycles

- WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—License to cover construction permit (B2-P-2700) as modified, for a new transmitter and antenna system, increase in power and move of transmitter.
- WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Authority to determine operating power by direct method.
- WLAN—Thomas J. Watson, Endicott, N. Y.—Modification of construction permit (B1-P-1679) for a new broadcast station, requesting installation of new transmitter, approval of antenna, and approval of transmitter location and booster amplifier.

1600 Kilocycles

- NEW—Peter Q. Nyce, Alexandria, Va.—Construction permit for a new broadcast station to be operated on **740 kc.**, 1 KW, daytime. Amended: to request **1660 kc.**, 1 KW, unlimited time, 250 watts day and night for booster amplifier.

MISCELLANEOUS APPLICATIONS

- WBLR—Columbus Broadcasting Co., Inc., Portable-Mobile, area of Columbus, Ga.—License to cover construction permit (B3-PRY-237) for a new relay broadcast station.
- NEW—Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—License for a relay broadcast station (formerly licensed to Mason City, Globe-Gazette Co., under call KQHS), to be operated on **1622, 2058, 2150, and 2790 kc.**, power of 2 watts, A3 emission.
- NEW—Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—License for a relay broadcast station (formerly licensed to Mason City Globe-Gazette Co., under call KDJB), to be operated on **1622, 2058, 2150, and 2790 kc.**, power of 125 watts, A3 emission.
- KGEI—General Electric Co., near Belmont, Calif.—License to cover construction permit (B5-PIB-24) as modified, for move of transmitter and increase in power.
- WHER—Westinghouse Radio Stations, Inc., Mobile, area of Boston, Mass.—License to cover construction permit (B2-PRY-244) for installation of new transmitter and increase in power.
- WGEA—General Electric Co., Schenectady, N. Y.—License to cover construction permit (B1-PIB-25) as modified, for increase in power, installation of new transmitter, and change in frequencies.
- NEW—James Broadcasting Co., Inc., WJRL, Portable-Mobile, area of Jamestown, N. Y.—License to cover construction permit (B1-PRE-391) for a new relay broadcasting station.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Battle Creek Drugs, Inc., a corporation, and Consolidated Royal Chemical Corp., doing business as Consolidated Drug Trade Products and as BonKora Co., are charged, in a complaint, with false advertising and misrepresentation. Battle Creek Drugs, Inc., maintains its principal office and place of business in Battle Creek, Mich., and Consolidated Royal Chemical Corp. is located at 544 South Wells St., Chicago. (4541)

Fort Worth Peanut Company—William Parrish Bennett, trading under the names of Fort Worth Peanut Company and Bill's Peanut Company, 1001 Bryan St., Fort Worth, Texas, is charged, in a complaint, with the use of lottery methods in the sale and distribution of his products. The complaint alleges that the respondent sells to dealers certain assortments of peanuts so packed and assembled as to involve a game of chance, gift enterprise or lottery when sold and distributed to ultimate consumers. (4544)

Granite Railway Co., 1245 Hancock St., Quincy, Mass., and J. S. Swingle, Inc., 327 Willard St., Quincy, Mass., are charged in complaints with misrepresentation in the distribution and sale of granite. Both respondents are engaged in the quarrying, distribution and sale of granite blocks to be manufactured into monuments. (4545-4546)

J. T. Jarrell Company—A complaint has been issued charging J. T. Jarrell Co., Little Rock, Ark., broker in the sale of food products, particularly canned fruit and vegetables, with violation of the brokerage provision of the Robinson-Patman Act through receiving and accepting from numerous sellers brokerage fees, or allowances or discounts in lieu thereof, on purchases of food products made for its own account in commerce. (4547)

Sterling Appliance Co.—Complaints have been issued against two Los Angeles firms, charging misrepresentation and false advertising in the sale of short wave diathermy devices for treating diseases. The respondents are Nolan B. Stadley, trading as Sterling Appliance Co., distributor of the "Sterling Short Wave Diathermy," and George S. Mogilner and James Walker, trading as Merit Health Appliance Co., selling the "Merit Short Wave Diathermy." (4542-4543)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Institute of Business Administration, Inc., and Paul Kline, its president, 126 Liberty St., New York City, have been ordered to cease and desist from the dissemination of misleading representations in the sale of correspondence courses in accountancy and business law. (4195)

Lake Shore Seed Company—David S. Wright, doing business as Lake Shore Seed Company, Dunkirk, N. Y., has been ordered to cease and desist from certain misrepresentations in the sale of seeds. The respondent is engaged in the business of selling and distributing vegetable and garden seeds purchased by him from various growers and packing such seeds for transportation to buyers in various States. (3994)

Lincoln Chair & Novelty Company—A. M. Druckman, doing business as Lincoln Chair & Novelty Co., 142 East 32nd St., New York City, has been ordered to cease and desist from misrepresentation in the sale of furniture. (4445)

Metal Paper Fastener Institute—A cease and desist order has been issued against five companies manufacturing pins, paper clips and fasteners used as office supplies, the order applying to them separately and as members of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute, of the Organization Service Corporation, New York. Prohibiting a combination or agreement which results in price fixing and other practices, the order also is directed against Organization Service Corporation and two of its officers.

Respondents in the case are: Organization Service Corporation, 74 Trinity Place, New York; Herbert S. Blake, its president, and Thomas B. Jordan, its vice president and the secretary of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute, of Organization Service Corporation; Scovill Manufacturing Co., Waterbury, Conn., operating as one of its divisions; The Oakville Co., Oakville, Conn.; Noesting Pin Ticket Co., Inc., New

York; Vail Manufacturing Co., Chicago; F. Kelly Co., Derby, Conn., and William Prym, Inc., New York.

The Commission order directs the respondent manufacturing companies, through Organization Service Corporation or through the respondents Blake or Jordan, and the respondent Organization Service Corporation and these two officers of Organization Service Corporation, to cease and desist, by agreement, combination or understanding, (1) from fixing, establishing, maintaining or adhering to the prices to be charged for any or all of their products; (2) from changing simultaneously the prices to be charged for such products; (3) from sponsoring, calling or holding any formal or informal meeting or conference for fixing, establishing, maintaining or adhering to such prices; (4) from reporting, compiling or exchanging statistical information concerning prices charged on consummated sales where the purpose is to fix, establish, maintain or adhere to prices to be charged for their products; (5) from adopting, contributing to, or participating in, the dissemination of any information relating to prices charged or to be charged for their products when the purpose or effect is to effectuate the fixing and maintenance of prices; and (6) from employing, adopting, contributing to, or participating in, any inquiries pertaining to prices, conditions, or terms of completed sales where the purpose, intent or effect is to cause, or tend to cause, adherence to, or maintenance of, uniform prices to be charged by the respondent members for any or all of their products. (4351)

Nassif Candy Co., Wheeling, W. Va., has been ordered to cease and desist from the use of lottery methods in the sale and distribution of candy. (4025)

D. Wroblewski & Company—A Brooklyn, N. Y., dealer and three corporations selling medicinal and cosmetic preparations have been ordered to cease and desist from misrepresentations in the sale of their products. The respondents are D. Stefan Wroblewski, trading under the names D. Wroblewski & Co., D. S. Wroblewski, Inc., Daferu Drug Co., Inc., Wroblewski Drug Co., Inc., Kalwaryjskie Laboratories, Inc., and D. Wroblewski & Co., Ltd., and the corporations D. S. Wroblewski, Inc., Daferu Drug Co., Inc., and D. Wroblewski & Co., Ltd., all of 55 Keap St., Brooklyn. (4196)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Amogen Company—J. R. Hodges, trading as Amogen Company, 147 North St., San Antonio, Texas, engaged in selling a laxative designated "Amogen Tablets", has stipulated to discontinue representing that Amogen Tablets get the poison out of the system; cause the bile to flow; are effective in the treatment of biliousness, malaria, common colds and fever, poor digestion, acid or gas on the stomach, the results of eating and drinking too much, headaches, neuralgia, rheumatism and other pains and fever, sallow complexion, pimples, sores, boils, skin irritations, coated tongue, bad breath or taste in the mouth, or that Amogen Tablets will enable one to maintain good health and to avoid sickness. (02831)

Bi-Tone Corporation, Inc., Bluefield, W. Va., seller of medicinal preparations, has entered into a stipulation to cease certain representations in the sale of products designated "Bi-Tone Liver Pills" and "Bi-Tone Wonder Tonic." The respondent agrees to cease using the word "Liver" as a part of the brand name of Bi-Tone Liver Pills or from otherwise representing that the preparation produces a beneficial effect on the liver; to cease advertising that "Bi-Tone Wonder Tonic" increases vitality or resistance to disease, and other similar accomplishments; and that the liver pills, when taken in conjunction with Bi-Tone Wonder Tonic, correct ailments originating in the liver, cause it to become active and healthy, or correct any condition which causes one to feel sluggish, run-down and listless. (02834)

Bristol-Myers Company, Rockefeller Center, New York City, engaged in selling a medicinal cream used as a counter-irritant and

analgesic for certain aches and pains of the body, designated "Minit-Rub," has entered into an amended and substitute stipulation in which it agrees to cease and desist from representing that Minit-Rub affords relief from chest colds other than to relieve the symptoms associated with, or resulting from, chest colds; that it penetrates to any muscle, other than superficial muscles or such muscles as may be reached by reflex action; that it affords long-lasting relief; that it is a special analgesic, or contains drugs other than those commonly used in analgesics; that it contains pain-soothing ingredients that act at once in affording relief; that it stimulates the circulation at the seat of the trouble, in any case other than where the seat of the trouble is superficial or muscular; that it relieves the discomfort of improper breathing due to colds better than any other preparation; that it overcomes insomnia, or is efficacious for this condition other than where the condition is due to excited nerves; that it relieves throbbing or nervous headaches other than those due to temporary fatigue, overstrain, nervous tension or nasal congestion; that it affords relief from muscular aches, pains or discomforts of every kind, or by any other terminology, that it is of benefit in affording relief from any aches, pains or discomforts in muscles other than superficial muscles or such muscles as may be reached by reflex action, or that it affords effective relief from sprains. (01864)

Copeland Products, Inc., 244 Wolf St., Syracuse, N. Y., entered into a stipulation to cease representing in advertisements that the medicinal preparation "Dis-R-Tabs," when used in the treatment of dogs, will prevent or remedy run-down condition, permanent disability, distemper and other ailments, or be of benefit in the treatment of coughs beyond its value as an expectorant. The respondent further stipulates that it will discontinue representing that this product is an antiseptic or destroys germs in a dog's respiratory tract, or protects it against infection, and that the preparation is of benefit when administered to humans for the prevention or treatment of colds, bronchitis, sinusitis, coryza, rhinitis or similar ailments. (02836)

R. B. Davis Company, Hoboken, N. J., engaged in selling a food product designated "Cocomalt", has stipulated in connection with the dissemination of advertising of the product to discontinue representing that Cocomalt substantially aids the digestion of starchy foods or that Cocomalt stimulates the appetite for other foods except to the extent that it may stimulate the appetite where lack of appetite is caused by Vitamin B₁ deficiency. The stipulation is supplemental to a stipulation (Stipulation 0978) previously accepted by the Commission from the respondent. (02830)

Marvel Company—J. Clayton Cridlebaugh, trading as The Marvel Company, Arcadia, Calif., engaged in selling an antipick device designated "Marvel Hen Specs" advertised and sold mainly for the purpose of controlling cannibalism in poultry, has entered into a stipulation in which he agrees to cease and desist from representing that Marvel Hen Specs will materially reduce tapeworm infestations or infestations other than those caused by fly eating; that any function which can be accomplished by a competitive antipick device can be accomplished only by Marvel Hen Specs, or that Marvel Hen Specs are the only antipick device that has no mechanical action. (02832)

Dr. H. A. Pietri Co., Eladio Santini and Sylvia Pietri, of 83 Hamilton Place, New York, entered into a stipulation in which they agree to cease representing that their hair dye preparation "Zenaida" will banish gray hair, restore hair to its original color and that it does not stain the clothing, hands or scalp. The respondents also agree to cease representing, by use of the prefix "Dr." in their trade name, that Zenaida is a preparation manufactured or offered for sale by a doctor of medicine. (02835)

Pilot Full Fashion Mills, Inc., Valdese, N. C., and from Ira M. Schey and B. A. Jacob, Jr., have entered into a stipulation to cease certain representation in the sale of hosiery. According to the stipulation, the respondent Schey is president of Pilot Full Fashion Mills, Inc., and he and the respondent Jacob have conducted a jobbing and selling agency under the name of Jacob & Schey in New York City.

The respondents agree to cease and desist from the use of the term "Two-Fifty-One" or the figures "2-51" as descriptive of hosiery which is not 51 gauge, 2 thread construction, and from the use of such term or figures or of any other term, words or figures as a mark or stamp upon or otherwise to describe the hosiery, the effect of which causes or may cause purchasers or prospective purchasers to believe that the hosiery referred to is 51 gauge or any designated gauge other than is actually the fact. (3177)

C. Tischhauser, Inc., 66 Worth St., New York City, manufacturer and distributor of handkerchiefs, has stipulated to desist from labeling or otherwise referring to certain handkerchiefs as having been woven or embroidered in whole or in part on a hand loom, or from in any way using the words "hand loom" as descriptive of such handkerchiefs or any part of them, or from the use of the words "hand loom" as referring to any handkerchief or portion thereof which has not in fact been woven on a hand loom. (02833)

Daniel Wiener, textile fabrics distributor, 47 West 57th St., New York, has entered into a stipulation to cease certain representations in the sale of his products.

The respondent agrees to cease employing the words "Taffetas" or "Faille Taffetas" or other words connoting silk to describe a product not composed of silk. The stipulation provides that

if the product is composed in part of silk and in part of other fibers or material, the silk-connoting words, used properly to describe the silk content, shall be accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight. (3178)

FTC CASE CLOSED

The Federal Trade Commission has closed its case against Golding Brothers Co., Inc., 316 Broadway, New York City, engaged in the manufacture and sale of cloth fabrics.

The respondent was charged, in a complaint issued by the Commission, with falsely representing certain dyed fabrics as being perspiration proof. According to the Commission's order closing the case, the fabrics in question were dyed and labeled as perspiration proof by a third party pursuant to a contract with the respondent which called for the use of perspiration proof dyes. In tests made by the respondent one of several colors used by the dyer proved to be unstable and the respondent promptly and voluntarily discontinued the false representations within approximately two months from the date on which the fabrics were first offered for sale and before the issuance of the Commission's complaint in the proceeding.

The Commission ordered that the case growing out of the complaint be closed without prejudice to the Commission's right, should future facts so warrant, to reopen it and resume proceedings.

Federal Time Sales Tax

Under a strict rule against amendment, the House approved and sent to the Senate the new general revenue bill including the radio time sales tax.

The fight has now moved to the Senate.

Hearings before the Senate Finance Committee were scheduled to start Friday, August 8. The NAB and other opponents of the radio tax were tentatively slated to appear Monday, August 18.

Here are the members of that committee:

Walter F. George, of Georgia.
 David I. Walsh, of Massachusetts.
 Alben W. Barkley, of Kentucky.
 Tom Connally, of Texas.
 Josiah W. Bailey, of North Carolina.
 Bennett Champ Clark, of Missouri.
 Harry Flood Byrd, of Virginia.
 Peter G. Gerry, of Rhode Island.
 Joseph F. Guffey, of Pennsylvania.
 Prentiss M. Brown, of Michigan.
 Clyde L. Herring, of Iowa.
 Edwin C. Johnson, of Colorado.
 George L. Radcliffe, of Maryland.
 Robert M. LaFollette, Jr., of Wisconsin.
 Arthur Capper, of Kansas.
 Arthur H. Vandenberg, of Michigan.
 James J. Davis, of Pennsylvania.
 Henry Cabot Lodge, Jr., of Massachusetts.
 John A. Danaher, of Connecticut.
 Robert A. Taft, of Ohio.

The NAB Board, at its meeting this week, considered at length the best means of combating the tax proposal, and the Legislative Committee will continue its daily work.

Numerous representatives spoke against the radio time sales tax provision during House debate on the new Revenue Bill.

Representative Leavy (D.-Wash.) said that the tax seemed to be "extremely discriminatory" and that "if you do tax anyone, they ought all to be taxed."

Representative Gearhart (R.-Calif.) pointed out that "newspapers and national magazines, with which radio competes for advertising revenue with which to maintain its service to the public, gets off scot-free."

"This special penalty on radio advertising will unquestionably drive many advertisers from radio to other competing media," he said. "The resulting loss of revenue would undoubtedly impair the ability of radio stations to serve the public."

Mr. Gearhart also pointed out that the International Allied Printing Trades Council was the first to agitate for a special punitive tax on radio broadcasting.

"To show that all labor unions do not share the ideas of the printers," he added, "it is only fair to point out that three large A. F. of L. unions, the International Brotherhood of Electrical Workers, the American Federation of Musicians and the American Federation of Radio Artists, have registered their opposition to this discriminatory tax."

Representative Voorhis (D.-Calif.) urged the Ways and Means Committee to consider an amendment to remove the radio tax.

Representative Izac (D.-Calif.) said he had "tried to view this from every angle but for the life of me I cannot see the fairness of such a tax on one medium and not on another."

Representative Patrick (D.-Ala.) said he was "sure the inequality and consequences will give the radio stations a harder job than they ought to have to undertake to overcome and absorb."

"There is not in the United States an organization or a band of people who has come forward with more full-hearted support of the nation and who has given more time than the radio stations," he said. "Radio is a fine art that as a matter of public good should be encouraged and supported."

Representative Brooks (D.-La.) urged the Ways and Means Committee to reconsider the tax.

ASCAP Accepts NBC Proposal

Niles Trammell, president of NBC, announced August 2 that he had been advised by the Board of Directors of ASCAP that it had approved a proposal under which ASCAP music would be returned to the Red and Blue networks and the managed and operated stations of NBC.

Following approval of the proposal by ASCAP, attorneys for both NBC and ASCAP immediately began drafting a contract covering the terms of the agreement. Mr. Trammell expressed the hope that the contract would be drawn up and ready for signature as quickly as possible.

The network contract between NBC and ASCAP will not be signed by NBC, however, Mr. Trammell explained, until NBC affiliates have agreed to refund to NBC 2¾% of the stations' compensation on network business, except in those states where such refunds are prohibited by law.

"Wires have been sent to all NBC stations and we hope to have telegraphic approvals from them so as to enable us shortly to sign the contracts which are now being prepared," Mr. Trammell said. "When these contracts are signed, arrangements will be made to return ASCAP music to our networks for both commercial and sustaining programs."

The action of the ASCAP Board approved a proposal made to NBC by the ASCAP negotiating committee which was based upon a proposal made by NBC in June. In wiring NBC affiliated stations, advising them of ASCAP's action, Mr. Trammell emphasized that the terms applied to the network licenses on the Red and Blue networks and the managed and operated stations of the National Broadcasting Company and that the affiliated stations of NBC were entirely free to make their own contracts with ASCAP for local broadcasting. It is understood that ASCAP is making the same per program and blanket license proposals for settlement to all individual stations that it made to NBC covering local programs on its managed and operated stations.

The essential points of the new agreement between ASCAP and NBC as outlined by Trammell are:

1. NBC agrees to pay to ASCAP at the source 2¾% on network commercial business while NBC's managed and

(Continued on page 664)



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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

ASCAP ACCEPTS NBC PROPOSAL
(Continued from page 663)

operated stations will pay 2¼% on local and national spot business.

2. NBC agrees to pay at the source \$200 per year for each managed and operated and affiliated station on the NBC networks for the use of ASCAP music on all network sustaining and public service programs.

3. NBC's managed and operated stations will pay ASCAP the following fees on local sustaining programs: if the net receipts of the station, from local business, are over \$150,000, twelve times the station's half-hour rate; if between \$50,000 and \$150,000, twelve times the quarter-hour rate. A nominal local sustaining license fee of \$12 per year would be applied to any stations earning less than \$50,000 per year.

4. NBC's new services of Frequency Modulation and International Shortwave Broadcasting will pay for the ASCAP music on the same basis.

The new contracts will run to December 31, 1949. On that date the contracts will be automatically extended for any period not in excess of nine years, for which ASCAP has the right to contract for its members, with the understanding that if, for the extended term, ASCAP demands an increase in fees to which NBC is then unwilling to agree, the question of such increase only would be determined by arbitration.

Mark Woods, vice president and treasurer of NBC, appeared before the NAB Board of Directors on Thursday to explain in great detail the proposed contract. He emphasized that there were several questions still to be resolved by further negotiation.

After Mr. Woods' talk, and after numerous questions had been asked and answered, the Board adopted the following resolution:

The Board of Directors of the National Association of Broadcasters at its meeting in Washington today, authorized its Executive Committee to offer within its discretion to meet with any negotiators on music contracts and to cooperate with them in devising terms for the use of music which will be as widely acceptable as possible.

The purpose of the resolution is to assure the inclusion in any contract which may be negotiated with respect to the use of music, of terms and conditions which will safeguard the interests of all of the segments of the radio industry, independent and affiliate stations, as well as networks.

Estimated Proposed and Actual Music Fees on NBC Networks

BASED ON 1940 BUSINESS
 (Compiled by NBC)

	ASCAP		BMI	
	Proposed Plan	Actual 1940	Reduced Rate Plan	Est. 1940 12 Mo.
Network Commercial License				
Gross Time Sales.....		\$50,663,000		
Deductions				
Time Discounts.....	\$14,024,000			
Agency Commission.....	5,489,000			
Wire Lines.....	3,473,750			
Sales Commission (15%).....	4,672,500	27,659,250		
		\$23,003,750		
Network Fee at 2¾%.....	632,603			
Less Recapture 2¾% Compensation.....	281,188			
Net Network Commercial Fee.....		351,415		
Network Sustaining License				
\$200 Per Station Per Year..... (234 stations)		46,800		
Total Net Network License.....		\$398,215	80,000	—
M & O Licenses—Commercial				
Net Time Sales (Spot & Local).....	3,007,119			
Deduction				
Sales Commission (15%).....	451,068			
	2,556,051			
Commercial Licenses at 2¼%.....		\$57,511	214,000 (5%)	
M & O Licenses—Sustaining				
Stations at 12 x ½ Hr. Rate.....	37,464			
12 x ¼ " ".....	2,304			
Sustaining Licenses.....		\$39,768	196,000	
Total M & O Licenses.....		\$97,279	80,000	181,600*
Total Cost to NBC.....		\$495,494	\$160,000	181,600*

* Includes BMI stock—\$36,320.

BAN ON MULTIPLE OPERATION

Ban on more than one standard broadcast station under the same ownership serving a substantial portion of the same area is proposed by the Federal Communications Commission, which has drafted a proposed rule to that effect and has scheduled oral argument on the same for October 6 next.

In an order issued August 5, which was drafted upon instructions of the Commission en banc at its previous meeting, the Commission expresses the opinion that public interest, convenience and necessity may be served by prohibiting such multiple operation. Accordingly, it proposes a new section (Section 3.35) to the Rules Governing Standard Broadcast Stations to become effective immediately upon adoption. However, with respect to existing stations the effective date would be 90 days from the date on which the rule might be adopted, with provision for extension of time where orderly disposition of properties may be necessary.

The ban would apply to persons under common control, as well as to individuals. The word "control" in this connection would not be limited to majority stock ownership but would include "actual working control in whatever manner exercised."

The contemplated rule has a basis in certain restrictions now applicable to multiple operation of FM (frequency modulation) and television stations. However, it differs in that it imposes no limitation on the total number of standard broadcast stations which may be owned or controlled by the same person so long as they serve different areas.

All interested persons are afforded opportunity to file briefs and to appear before the Commission en banc on the October date and argue orally for or against adoption of the proposed rule. The briefs may be filed up to within two weeks of the oral argument.

Order No. 84

WHEREAS, The Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

"Section 3.35—Multiple ownership. (a) No person (including all persons under common control^{9a}) shall, directly or indirectly, own, operate or control a standard broadcast station that would serve a substantial portion of the area served by another standard broadcast station owned, operated or controlled by such person.

(b) This rule is to take effect immediately. Provided, however, that with respect to persons (including all persons under common control^{9a}) who now directly or indirectly own, operate or control a standard broadcast station serving a substantial portion of the area served by another standard broadcast station owned, operated, or controlled by such persons, the effective date of this rule shall be six months from date; provided, further, that with respect to such persons the Commission may extend the effective date of this rule from time to time in order to permit the orderly disposition of properties."

^{9a} The word 'control' as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. See Rule 3.108 for the definition of 'control' in regulations pertaining to chain broadcasting.

WHEREAS, the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

NOW, THEREFORE, IT IS HEREBY ORDERED, That oral argument be held before the Commission en banc on October 6, 1941, at 10:00 a. m., at which time all interested persons will be given an opportunity to appear and present argument as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this Order, and that briefs may be filed at any time up to two weeks prior to such argument.

FEDERAL COMMUNICATIONS COMMISSION,

T. J. SLOWIE,
Secretary.

INVESTIGATION ASKED

Senator Clark (D.-Mo.) on August 1, introduced a resolution calling for a Senate investigation of "any propaganda disseminated by motion pictures and radio or any other activity of the motion picture industry to influence public sentiment in the direction of participation by the United States in the present European war." The resolution (S.R. 152) was referred to the Interstate Commerce Committee which ordered a hearing Wednesday, September 3.

Newspaper Hearing

Chairman James L. Fly on August 1 ordered the legal staff of the Federal Communications Commission to take steps to force two newspaper executives to testify at the inquiry into newspaper ownership of radio stations.

The order came after Elisha Hanson, counsel for the American Newspaper Publishers Association, had told the Commission for the second time that it was conducting an unlawful and illegal inquiry and that he had advised the executives not to appear.

Those facing action are Edwin S. Friendly, business manager of the New York Sun, and James G. Stahlman, publisher of the Nashville Banner, former president of the publishers association. Mr. Stahlman now is on active duty with the Navy as a lieutenant commander.

The names of the two executives were called as the Commission began its hearing and Mr. Hanson stepped forward to announce that they had been advised to ignore several subpoenas served on them.

Copies of subpoenas and letters to the men were placed formally in the hearing record over objections by Mr. Hanson.

Thomas E. Harris, assistant FCC counsel, told reporters that the Federal district court would be asked for an order forcing the appearance of the witnesses. He added that if such an order were issued and the men ignored it they could be cited for contempt of court.

Estimate of NBC - ASCAP Plan Applied to Entire Industry

1940 BASIS

(NAB Research Department)

Payments by all stations on Spot and Local Time Sales.....	\$1,425,709
Payments on Network Payments to Affiliates and M & O Stations.....	760,084
Payments by Networks on retained time sales less wire lines and sales commissions.....	486,072
Sustaining Fees paid by Networks (\$200 per affiliate).....	107,200
Sustaining Fees paid by all stations (approximate).....	360,000
Total Estimated Payments to ASCAP.....	\$3,139,065

He declared that the FCC could seek an immediate Federal court action for criminal contempt, but that this method probably would not be used because it would involve grand jury action and long procedure and possible jailing of the executives.

"We don't want to put them in jail," he stated.

Last week similar subpoenas were ignored on advice of counsel by Arthur Robb, editor of Editor and Publisher, and William A. Thomson, director of the advertising bureau of the publishers association, but no action has been taken to force their appearance.

When Mr. Friendly and Mr. Stahlman failed to appear, L. D. Lloyd, FCC attorney, said that he had planned to question them about a number of exhibits obtained by FCC investigators from the publishers organization. He added that he had asked officials of the association for certification of these exhibitors.

"The material will not be forthcoming," Mr. Hanson interposed.

Chairman Fly asked Mr. Lloyd whether there was any question concerning accuracy of the exhibits.

"None whatever," the attorney replied.

"Just a minute," Mr. Hanson interrupted. He stated that the exhibits might be inaccurate or unrevised proofs, that proceedings of the publishers' convention were not public and that only part of convention proceedings were published, for the benefit of members and trade publications.

Mr. Fly accepted the first exhibit, which was a purported recommendation by the association's radio committee to a 1932 convention that radio and newspaper advertising be placed on the same basis through a Federal law banning lotteries on the radio.

Paul W. White of the Columbia Broadcasting System testified that the "dark ages" when newspapers and radio battled over the right to broadcast news had passed and that the public had become accustomed to "all the news and it will not tolerate restrictions." He declared that the United States was the "best-informed country in the world" as a result of the present relationship between newspapers, press associations and the radio broadcasting industry.

Officials of two news gathering organizations, Lloyd Stratton, assistant general manager of the Associated Press, and Joseph V. Connolly, president of King Features Syndicate, of which International News Service is a department, testified that there was now no restriction on the availability of news for use on the radio.

James W. Barrett, who served as editor of the Press-Radio Bureau, testified that the bureau received news reports from the three major news-gathering organizations without cost, processed it for broadcasting and supplied it to radio stations for \$12.50 a month. He said that the National Broadcasting Company and the Columbia Broadcasting System paid expenses of the bureau from 1934 to 1938.

He stated that at first the news broadcasts were restricted as to time to enable newspapers to publish news ahead of the radio, but that these restrictions were modified gradually until major news-gathering organizations were selling a special radio report directly.

"What did the press get out of this, simply a restriction on competition, from broadcasting?" Mr. Fly asked.

Mr. Barrett said that newspaper publishers had been bothered with outlaw competition in which radio stations "pirated news" before it reached newspaper readers and that this was a factor in formation of the bureaus.

The hearing was recessed until September 17.

Sanders Introduces Amendments to FCC Law in House

Representative Sanders (D.-La.) introduced a bill August 5 to make broad changes in the Federal Communications Act of 1934. Introduction of the Sanders Bill followed by only a few days the introduction of the White Bill in the Senate (NAB REPORTS, p. 643). Mr. Sanders made the following statement:

A bill entitled "To Amend the Communications Act of 1934, and For Other Purposes" was introduced today by Mr. Sanders. In general, it provides for (1) a reorganization of the Federal Com-

munications Commission, (2) changes in the procedure before that Commission, (3) clearer definitions of interests and rights of licensees and applicants, including rights of appeal, and (4) reports and recommendations by the Commission to the Congress on various matters of present importance, including the question of whether or not the Congress should redefine and fix the qualifications of the licensees of radio broadcast stations.

Sections 1 to 6, inclusive, and 9 to 10, inclusive, of the Bill represent recommendations recently made by the executive committee of the Federal Communications Bar Association, and cover the first three purposes listed above. In this respect, it is noted that the same recommendations are included in a Bill (S. 1806) introduced in the Senate on July 31. In other respects, the bills seek to accomplish different purposes. While the Senate Bill, in its Sections 7 to 11, inclusive, appears to relate to equalities of rights and opportunities in the use of radio for public discussion and the matter of censorship, this Bill, in its Section 7, provides that the Federal Communications Commission shall make studies and reports to the Congress upon certain specified proposals. The provisions of this section are as follows:

"The Commission shall study the following proposals and shall report to Congress not later than July 1, 1942, its recommendations thereon together with the reasons for the same:

1. Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks or other organizations which supply program material to such licensees.
2. Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.
3. Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.
4. Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.

"The Commission shall report to the Congress not later than January 1, 1942, the standards and principles adopted by it to effectuate the mandate contained in Section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several states and communities together with its recommendations, if any, for further legislation on this subject.

"The Commission shall report to Congress not later than January 1, 1942, the steps taken and the policies adopted by it to effectuate the purposes of Section 303 (g) of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public."

In my judgment the Congress should review the facts and problems incident to each of the foregoing subjects after the Commission has stated them to us in their simplest terms. The Bill which I have introduced requests the Commission to study and report with recommendations on each of these subjects. By this method I believe that the Congress can best utilize the knowledge and experience of the Commission and its personnel, and, based upon this, determine what future policies should be.

In this connection it must be borne in mind that virtually all of the substantive provisions of the present law are 14 years old. They were first written into the Radio Act of 1927, at which time the radio industry was an infant industry and the knowledge of the Congress was necessarily limited. In 1934, when the present law was enacted, it did little more than to adopt then existing provisions of the Radio Act of 1927. Many new problems have arisen and many old problems have been given greater importance since any comprehensive attempt at legislation has been made in this field. I have attempted to direct the attention of the Congress to some of the most pressing and important problems in a manner in which I think they can be most speedily and effectively dealt with.

IN THE HOUSE OF REPRESENTATIVES

Mr. Sanders introduced the following bill; which was referred to the Committee on Interstate & Foreign Commerce.

A BILL

TO AMEND THE COMMUNICATIONS ACT OF 1934, AND
FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of Title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

"(bb) The term "construction permit" or "permit for construction" means that instrument of authorization required by this Act for the construction of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission.

"(cc) The term "license", "station license", or "radio station license" means that instrument of authorization required by this Act, or the Rules and Regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said Title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following:

"Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said Title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the adoption and promulgation of all rules and

regulations of general application authorized by this Act, including procedural rules and regulations for the Commission and the divisions thereof; over the assignment of bands of frequencies to the various radio services; over the qualification and licensing of all radio operators; over the selection and appointment of all officers and other employees of the Commission and the divisions thereof; and generally over all other matters with respect to which authority is not otherwise conferred by the other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate, and organize the work of the Commission and each division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said divisions with full power as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected.

"(f) Each division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said divisions with respect to any matter within its jurisdiction, shall be final and conclusive. Except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term "Commission" as used in this Act shall be taken to mean the whole Commission or a division thereof as required by the context and the subject matter dealt with. The term "cases and controversies", as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term "adjudications" means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or named *res.*"

SEC. 4. Amend paragraph (a) of section 308 of Title III by striking out all appearing before the first proviso clause in said paragraph and inserting in lieu thereof the following:

"The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it."

SEC. 5. Amend section 309 of said Title III by striking out the whole of said section and inserting in lieu thereof the following:

"(a) If upon examination of any application provided for in Section 308 hereof, the Commission shall determine (1) that public interest, convenience or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant or other person, it shall authorize the

issuance of the instrument of authorization for which application is made in accordance with said findings.

“(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

“(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided, for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of Section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

“(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) the station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right or use or control conferred by Section 606 hereof.”

SEC. 6. Amend paragraph (b) of section 310 of said Title III by striking out the whole of said paragraph and by inserting in lieu thereof the following:

“No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee is capable of constructing or operating under such instrument of authorization in the public interest, convenience and necessity. The procedure to be employed in the handling of such applications shall be that provided in Section 309 of this Act, as amended.”

SEC. 7. Add to said Title III the following new section:

Sec. 330 (a) The Commission shall study the following proposals and shall report to Congress not later than July 1, 1942 its recommendations thereon together with the reasons for the same:

1. Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks

or other organizations which supply program material to such licensees.

2. Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.
3. Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.
4. Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.

(b) The Commission shall report to Congress not later than January 1, 1942, the standards and principles adopted by it to effectuate the mandate contained in Section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several states and communities together with its recommendations, if any, for further legislation on this subject.

(c) The Commission shall report to Congress not later than January 1, 1942, the steps taken and the policies adopted by it to effectuate the purposes of Section 303 (g) of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public.

SEC. 8. Amend Section 402 of Title IV by striking out the whole of said section and by inserting in lieu thereof the following:

“(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul or suspend any order of the Commission under this Act (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

“(b) Appeals may be taken from decisions and orders of the Commission to the Circuit Court of Appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia in any of the following cases:

- “(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.
- “(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.
- “(3) By any applicant for the permit required by Section 325 of this Act or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.
- “(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in sub-paragraphs (1), (2) and (3) hereof.
- “(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.
- “(6) By any radio operator whose license has been revoked or suspended by the Commission.

“(c) Such an appeal shall be taken by filing a Notice of Appeal with the appropriate court within thirty days after the

entry of the order complained of. Such Notice of Appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the Court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope, and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

“(d) Upon the filing of any such Notice of Appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the City of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

“(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the Court a Notice of Intention to Intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said Notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

“(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

“(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions and decisions of the Commission, the court shall consider and decide so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

“(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under Section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

“(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

SEC. 9. Amend section 405 of said Title IV by striking out the whole thereof and by inserting in lieu thereof the following:

“Sec. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for re-hearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order or requirement complained of and except for those cases in which the decision, order or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.”

SEC. 10. Amend paragraph (a) of section 409 of said Title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

“(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a division thereof having jurisdiction of the proceeding or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the division and such oral argument shall precede the entry of any final decision, order or requirement. Any final decision, order or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts.”

CONVENTION IN CLEVELAND

In conformity with the advisory ballot taken at the St. Louis convention, the NAB Board on Wednesday fixed the 1942 convention for May 11-14 at Cleveland. Contracts for a convention hotel are being negotiated.

DAYLIGHT SAVING

Hearings were held before the House Committee on Interstate and Foreign Commerce August 5, 6, and 7 on H. R. 5343, a bill to authorize the President to establish daylight saving time in such areas and for such periods of time as he deems necessary to conserve electrical energy or otherwise to promote the national defense. Maximum daylight saving time under this bill would not be more than two hours in advance of standard time.

The NAB, represented at the hearings by Robert Myers, Assistant Director of Research, urged enactment of legislation which will provide for nation-wide daylight saving time, in conformity with the Convention resolution adopted in St. Louis. The resolution itself was read into the record. NAB support of the Keough and McLean bills which would provide for uniform observance of daylight saving time throughout the nation was mentioned. The problems of the industry incident to the switches to and from daylight saving time were reviewed.

BMI NOTES

A Song from the Heart

J. Russell Robinson, composer of *Margie, Mary-Lou*, and many of the great hits of American song history, has written a new BMI tune with Andy Razaf entitled *I'll Be A Good Soldier, Too*. In answer to the question "How did you come to write it," Mr. Robinson has given us the following story:

A majority of tunesmiths are ever on the alert for new melodic ideas. For many years I have had the habit of seeking first the title or lyrical idea for a new song, and then have always been able to construct a chorus melody with which to wed a lyric, either one written alone or in collaboration.

I have been wanting to produce something of a patriotic nature for the last several years. In fact, two of my unpublished songs of such flavor have been sung over the networks—THANK OUR YANKEE STARS and HOORAY FOR OUR SIDE OF THE OCEAN. Tho' both songs were stirring to the emotions and well liked by the singers they didn't seem to get a good public reaction. Nothing daunted, I still kept my ear attuned, feeling that somewhere, somehow I would get the right kind of an idea for a patriotic song which would have real heart appeal to everyone.

While visiting with a sister-in-law, her husband and two sons, several months ago it came. The eldest son, just twenty-two years of age had been called by his local board only two days before my visit. The mother was taking it very hard and could hardly keep her tears back when telling me of it. The son walked in while we were conversing and started telling me how he looked forward to camp life in the service of his country.

She burst into tears, then suddenly her son said, "Aw, Mom, why don't you be a good soldier about it, it's probably the best thing that ever happened to me."

With that remark she seemed to gain control of her emotion and at the same moment I said, "Boy, what a song idea you just handed your Uncle Russell! I've got the title and thought that should appeal to every woman, mother, wife, sister, aunt, grandmother or even a MOTHER-IN-LAW, right out of your answer to your mother,—I'LL BE A GOOD SOLDIER, TOO."

An Artistic Success

Despite ASCAP's conviction that BMI would not be able to develop new songwriters who could satisfactorily entertain the radio audience, BMI has been able to produce a group of current song hits which compare favorably with any group of hits at any given time in the past twenty years. In addition to its obligation to provide good music to its subscribers, BMI feels that it has an obligation to the writers of these tunes and plans to promote their work.

As the music situation now stands, talented songwriters have two alternatives:

1. Ready cash from BMI which pays on a performance basis regardless of seniority and leaves its writers completely free to do anything which they wish to do in their own interest.
2. ASCAP, which ties its writers to ten year contracts calling for their entire output, bases its payments to writers on contribution to the Society as well as on seniority, and promises a pension based on a continuous flow of creative genius.

Chief complaint of the young writer under the ASCAP system has been that he has not been compensated for the radio performance of his best work. Many writers produce their best songs

in their early youth. These songs have a fresh note, are eagerly accepted by the public—they climb to the Hit Parade. The publishers are liberally compensated for them, but the writers do not receive a penny from performances until they have become established creators and assure ASCAP that they can produce hits year after year. This is one reason the legend of the "starving songwriter" has persisted. We will probably hear less of it from now on as BMI has demonstrated that anyone with talent can earn substantial sums from air performance regardless of age.

Foremost of the many hundred songwriters who have found opportunity with BMI follow:

Alex Kramer, Hy Zaret, Joan Whitney—*So You're the One, It All Comes Back To Me Now, My Sister and I*.

Alex Kramer, Joan Whitney—*High On A Windy Hill*.

Hy Zaret, Irving Weiser—*There I Go*.

Jack Owens—*Hut Sut Song, Hi, Neighbor*.

Bernie Wayne, Ben Raleigh—*You Walk By, Wasn't It You*.

Robert Sour, Ernest Gold, Don McCray—*Practice Makes Perfect, Come Down To Earth, My Angel, You're A Mystery To Me*.

Robert Sour, Una Mae Carlisle—*Walkin' By the River, I See A Million People*.

Don McCray, Ernest Gold—*Accident'ly On Purpose, Painted Desert Lullaby*.

Ernest Gold—*The Shining Hour, Blue Grass Regions*.

Helen Bliss—*I Went Out Of My Way, I Could've Told You So*.

Michael Field, Newt Oliphant—*The Same Old Story*.

Joe Ricardel—*The Wise Old Owl*.

Norman Weiser, Louis Urban—*Here's My Heart*.

Jean Barry, Leah Worth—*The Old Jalop, I've Got A Date With A Gate*.

Betty Barton, Buddy Arnold, Jack Gould—*What D'Ya Hear From Your Heart*.

Henry Manners, Robert Sour—*We Could Make Such Beautiful Music*.

Henry Manners, Jimmie Shirl—*Braggin', Good Evening', Good Lookin', Delilah, That Lingerin' Longin'*.

Laurette Carroll—*Phantom In the Dark*.

Sano Marco, Jack Erickson—*May I Never Love Again*.

Sylvia Dee—*Talking To the Wind, So Ends Our Night*.

Bill Hampton, George Duning—*I Can't Remember To Forget*.

Paul Kulthau, Johnny Messner—*Toy Piano Minuet, Toy Piano Jump, Clarinet In A Haunted House*.

Jerry Bowne, Frank de Vol—*Friendly Tavern Polka*.

The Independent Publisher Comments

Al Debin, of Porgie, Debin and Friedman, BMI affiliated publisher which produced the outstanding hit *Just A Little Bit South of North Carolina*, has the following comment to make regarding the negotiations looking to the return of ASCAP music to the NBC networks: "We believe that the song business is primarily a matter of discovering and promoting good songs. Our opportunity to do this will be just as great as ever with ASCAP music on the air and I feel that regardless of the greater prestige and financial strength of the ASCAP publishing houses both broadcasters and bandleaders will see that the 'little fellow' is protected."

Radio Tunes, Inc.

New songs to be promoted by Radio Tunes, Inc., BMI subsidiary, will be, *I See A Million People* by Una Mae Carlisle and Bob Sour; *A Little Bit of Dark* by Roy Jacobs, writer of *Boogily Woogily Piggy* and Johnny Murphy; and *I Want To Be A Good Soldier, Too* by J. Russell Robinson and Andy Razaf.

A Little Bit of Dark will have a solid week of introduction from Johnny Long at the Hotel New Yorker beginning Friday, August 9th.

Radio Tunes, Inc., will open offices in principal cities and operate as a national organization. Phil Kornheiser will be the General Manager.

Elmo White will be Professional Manager. Mr. White was first known as a member of the vaudeville team of Murphy and White, famous for their song and dance routine. When he entered the music business, it was as a member of the professional department of Shapiro, Bernstein. His work attracted attention and he was offered the Professional Managership of De Sylva, Brown

& Henderson. For several years he alternated between that firm and the Robbins Music Corp. He is the writer of *When He Gave Me You, Mother of Mine*.

Harold Wald, a brother of Jerry Wald, is the first man selected by Mr. White as a member of his staff.

Choose 'Friendly Tavern'

The tavern industry has chosen BMI's *Friendly Tavern Polka* as their national theme song and plan to feature it prominently in the promotion of nation-wide good-will for taverns. A series of advertisements are being planned for the joint signature of tavern groups and the song will form the theme of whatever advertising the taverns plan to do on the air.

The Patriotic Rhythm

The Rhythm Is Red An' White An' Blue, a BMI tune by David Gregory and Al Moss is featured in the RKO Dr. Christian picture *We Meet Again* which has just been released. The lyric rejoices in the manifold blessings of life in America pointing out that "There's no other place on earth where they use up two Thanksgivings."

BMI FEATURE TUNES

August 11 - August 18

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. MY SISTER AND I
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty, *Delilah*.

Lament to Love

Lament To Love the new torch song which has already been recorded by four leading orchestras—Harry James, Sonny Dunham, Les Brown, and Lanny Ross—looks like a real hit. Its writer is no sophisticated oldster bored with little Dan Cupid, but a 15-year-old Chicago schoolboy named Mel Towne. It's Mel's first published song, and he didn't know a thing about the publication of his opus until his uncle came back from the offices of the publisher, Roe-Krippene, and announced its acceptance.

Sales

Cash Discount Tabled

Fred Gamble, AAAA Managing director, presented the agency case for the cash discount principle before the NAB Board August 7. The matter was tabled without action.

Carnival Buys Time

Industry efforts to persuade circuses, carnivals, and other entertainment ventures to purchase radio time are having some effect, as shown by this letter from S. A. Cisler, WGRC, Louisville:

"I wish you would put a good word in the BULLETIN for Mr. Naylor, advance man for the Bockman & Gerety Shows, a traveling carnival, one of the largest in the world. Mr. Naylor bought his spots at card rate, did not ask for any free time or try to chisel the rate. He wrote good, clean, punchy copy; we gave him extra good positions, and he got results. He bought more while still here, and left very happy with business and with radio. Such people ought to be encouraged. I hope other stations will watch out for this show that buys time, and give Mr. Naylor 100% cooperation."

Per-Inquiry and Free Time

J. M. Mathes Agency, New York, is seeking free time on home economics programs for **STA-WAY**, an insect repellent of the National Carbon Co.

The Barbizon Studio, New York, a modeling school, is seeking per-inquiry deals, although it is understood to be paying regular rates to magazines and other media.

Chicago, Rock Island & Pacific Ry. Co., Chicago, is seeking free time for a transcribed program under the guise of "national defense" by telling listeners what railroads are doing in defense preparations.

All the above have been invited to use radio on the proper basis.

Radio Needs Dealer Support

The necessity for constantly seeking recommendations for radio advertising from local dealers should frequently be impressed upon radio salesmen.

National spot business and local dealer-cooperative business as well as added network business can effectively be increased only with this sort of cooperation from local distributors and dealers.

Numerous national manufacturers can be persuaded to use radio only if the sales efforts of those in the national field are supported by an ever-increasing weight of local recommendations. An excellent example of the effectiveness of this approach is contained in a *Radio Daily* story August 5, telling how the Trimount Clothing Co. used radio for the first time in 1940 with spot announcements on five stations, later expanding to additional outlets, and now has signed for a fall campaign on 125 stations. The Emil Mogul Co., agency in charge, reports:

"Response from the stores covered by these initial radio spots was so enthusiastic and the demand from other *Clipper Craft dealers for radio mention in their own territories so insistent*, that Trimount undertook a considerably expanded campaign for the spring of 1941."

The fall campaign will include network, national spot and local dealer-cooperative services.

Similar demand from other dealers would no doubt have a similar effect upon other manufacturers.

That the newspaper industry also recognizes the power of dealer recommendations is shown by a statement by Pierre Martineau, advertising promotion manager of the *Memphis Commercial Appeal and Press-Scimitar*:

"National advertisers have frequently stated that newspapers ought to do a basic selling job on the retailer. One of their favorite reasons in explaining why they use radio is that, *when queried about media, their retailers and dealers vote for radio.*"

National Defense

Duplication Not Desired

The Naval Recruiting Office in Richmond, Va., sent out several announcements which partially duplicated those the Navy released through NAB. This matter was called to our attention by several stations in the area involved and we, in turn, called it to the attention of the Navy.

The Navy suggested that we notify stations immediately advising them to disregard the second request.

Send July Reports

Please send your July National Defense Broadcast Report. There is a nice steady stream of reports coming in now, but editing will be delayed until all of the reports have been received.

More Cooperation

Five more stations have inserted "Keep 'em Flying" in nightly sign-off. They are:

KELA—Sioux Falls, S. D.
KSAC—Manhattan, Kan.
KSOO—Sioux Falls, S. D.
WJTN—Jamestown, N. Y.
WSAZ—Huntington, W. Va.

KIEM, Eureka, Cal., says: "Keep 'em Flying and Keep Tuned to KIEM, Eureka, California," at least ten times every afternoon.

WCMI, Ashland, Ky., is one of the stations cooperating in the U. S. Army campaign whose call letters have for some reason or other escaped the published list. There are approximately eight hundred stations now cooperating. They also assist the U. S. Navy in its quest for Naval Flyers, Reserves and general enlistments. Same stations also back Manpower announcements for U. S. Civil Service and carry the Treasury schedule for the sale of bonds and stamps.

PUDNEY, BLAKE

The NAB has been asked for information as to the whereabouts of Earl J. Pudney, an announcer, and Joe Blake, a salesman.

FEDERAL LEGISLATION

HOUSE

H. R. 5497 (SANDERS, D-La.) COMMUNICATIONS ACT—To amend the Communications Act of 1934, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

SENATE

S. 1806 (WHITE, R-Maine) COMMUNICATIONS ACT—To amend the Communications Act of 1934, and for other purposes. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 152 (CLARK, D-Mo. & Nye, R-N.D.) PROPAGANDA—Authorizing an investigation of propaganda disseminated by the motion picture and radio industries tending to influence participation of the United States in the present European war. Referred to Committee on Interstate Commerce.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, August 11. They are subject to change.

Monday, August 11

Consolidated Hearing

NEW—Nashville Radio Corporation, Nashville, Tenn.—C. P., 1410 kc., 1 KW, unlimited time, DA-day and night.

NEW—A. M. Burton, Nashville, Tenn.—C. P., 1410 kc., 1 KW, unlimited time, DA-day and night.

Tuesday, August 12

Consolidated Hearing

KONB—MSB Broadcast Co., Omaha, Nebr.—C. P., 1500 kc., 250 watts, unlimited time.

KONB—MSB Broadcast Co., Omaha, Nebr.—Modification of C. P., 1500 kc., 250 watts, unlimited time under C. P.

Thursday, August 14

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 680 kc., 50 KW, unlimited time, DA-day and night.

Friday, August 15

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Renewal of license, 1400 kc., 250 watts, unlimited time.

KORN—Clark Standiford (transferor), and C. J. Malmsten, A. C. Sidner, S. S. Sidner & Arthur Baldwin (transferees), Fremont, Nebr.—Transfer of control, 1400 kc., 250 watts, unlimited time.

FUTURE HEARINGS

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

September 5

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—C. P., 860 kc., 1 KW night, 5 KW day, unlimited time, DA-night.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, 920 kc., 500 watts night, 1 KW day, share KUSD.

September 16

KGLU—Gila Broadcasting Co., Safford, Ariz.—Renewal of license, 1450 kc., 250 watts, unlimited time.

September 17

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., 1370 kc., 5 KW, unlimited time, DA-night.

Further Hearing

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 79.

September 23

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—C. P., 1540 kc., 500 watts night, 1 KW day, unlimited time.

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., 1340 kc., 250 watts, unlimited time.

October 7

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., 1110 kc., 50 KW, unlimited time, DA-night.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 1110 kc., 50 KW, unlimited time, DA-night.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, 770 kc., 50 KW, unlimited time.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., 770 kc., 1 KW, daytime.

October 8

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Renewal of license, 1450 kc., 100 watts, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted, subject to such rules or action as the Commission may here-

after adopt or take with regard to multiple ownership, construction permit for a new station to operate on **980 kc.**, 1 KW, daytime only (B5-P-2472).

Findlay Radio Company, Findlay, Ohio.—Granted construction permit for a new station to operate on **1330 kc.**, 1 KW, daytime only. Exact site and antenna system to be determined subject to Commission's approval (B2-P-2846).

Frank T. Nied & Perry H. Stevens, d/b as Neid and Stevens, Warren, Ohio.—Granted construction permit for new station to operate on **1440 kc.**, 250 watts, unlimited time (B2-P-3181).

WMC—Memphis Publishing Company, Memphis, Tenn.—Granted, subject to such rules as may be adopted by the Commission as might affect licensee's ownership of said station, construction permit to increase night power from 1 to 5 KW, and install a new directional antenna for night use; **790 kc.**, 5 KW day, unlimited time (B3-P-2743).

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted, subject to such rules or action as the Commission may hereafter adopt or take with regard to multiple ownership, construction permit to increase power from 5 to 50 KW night and day; increase hours from simul-d, s-WOWO-night, to unlimited; move transmitter to R.F.D. St. Clairsville, Ohio, about 7 miles west of Wheeling; install new transmitter and directional antenna for day and night use; **1170 kc.** (B2-P-2540).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted construction permit to increase power from 25 to 50 KW days and night; increase hours of operation from simul-d, s-WAPI, night, to unlimited; install new equipment and new directional antenna for night use; **1170 kc.** (B3-P-2539).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted construction permit to make changes in directional antenna (B2-P-3145).

WORK—York Broadcasting Co., York, Pa.—Granted construction permit to install a new directional antenna system for night use only (B2-P-3205).

KWOS—Tribune Printing Company, Jefferson City, Mo.—Granted modification of license to change frequency from **1340 to 1240 kc.**; 250 watts, unlimited time (B4-ML-1075).

WRDO—Adeline B. Rines, Executrix of Last Will and Testament of Henry P. Rines, deceased (Transferor), Adeline B. Rines (Transferee), Augusta, Maine.—Granted consent to transfer control of WRDO, Inc., from Adeline B. Rines, Executrix of the Last Will and Testament of Henry P. Rines, deceased, to Adeline B. Rines (B1-TC-271). Also granted motion to reconsider and grant without hearing application for renewal of license; cancelled said hearing and granted renewal of license for WRDO to operate on **1400 kc.**, 100 watts, unlimited time (B1-R-804).

Burns Avenue Baptist Church, Detroit, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada (operating on **1030 kc.**, with 5 KW power), through the facilities of the Michigan Bell Telephone Co. (B2-FP-90).

First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada (operating on **1030 kc.**, with 5 KW power), through the facilities of the Michigan Bell Telephone Co. (B2-FP-91).

Columbia Broadcasting System, Inc., New York City.—Granted extension of authority to transmit programs to Stations CKAC, Montreal, Canada, CFRB, Toronto, Canada, and other stations under the control of the Canadian Broadcasting Corp. (B1-FP-92).

DESIGNATED FOR HEARING

Hugh McClung, Fresno, Calif.—Application for construction permit for new standard broadcast station to operate on **1590 kc.**, 5 KW, unlimited time (B5-P-3143).

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1942:

KCMO, Kansas City, Mo.; KGB, San Diego, Cal.; KTBS and auxiliary, Shreveport, La.; KTUL, Tulsa, Okla.; WBCM, Bay City, Mich.; WBNS and auxiliary, Columbus, Ohio; WCBA, Allentown, Pa.; WCSC, Charleston, S. C.; WFBC, Greenville, S. C.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.;

WHP, Harrisburg, Pa.; WING, Dayton, Ohio; WKAT, Miami Beach, Fla.; WPAB, Ponce, Puerto Rico; WSAI, Cincinnati, Ohio, and WTSP, St. Petersburg, Fla.

MISCELLANEOUS

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit (B5-P-2783, for changes in equipment, and increase in power to 50 KW), for extension of completion date to Oct. 3/41 (B5-MP-1367).

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—Granted modification of construction permit (B4-P-2689, for new transmitter, changes in directional antenna system for night use, increase in power to 5 KW and move of transmitter and studio), for change in frequency from **1280 to 110 kc.** under NARBA and changes in directional antenna accordingly (B4-MP-1352).

WRR—City of Dallas, Texas, Dallas, Tex.—Granted modification of construction permit (B3-P-3229, as modified, for new equipment, installation of directional antenna for night use, increase in power and move of transmitter) for changes in frequency from **1200 to 1310 kc.** under NARBA, and changes in directional antenna system accordingly; change in type number of transmitter, and extend completion date to 180 days after grant (B3-MP-1361).

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (B4-P-2727, which authorized installation of new transmitter and new directional antenna for night use; move of transmitter to new location and increase power to 5 KW unlimited time), for use of old transmitter at new site (B4-MP-1360).

KRLH—Clarence Scharbauer, Midland, Texas.—Granted license to cover construction permit (B3-P-2981), for change in frequency to **1230 kc.**, increase in power to 250 watts, new antenna and changes in equipment and move of transmitter (B3-L-1439).

WJBO—Baton Rouge Broadcasting Co., Baton Rouge, La.—Granted license to cover construction permit (B3-P-2766), which authorized increase in power to 5 KW, and installation of new equipment and directional antenna for day and night use; **1150 kc.**, unlimited time (B3-L-1400).

American Broadcasting Corp. of Kentucky, Portable-Mobile Area of Lexington.—Granted construction permit for new relay broadcast station to be used with applicant's station WLAP; **1622, 2058, 2150, 2790 kc.**; 75 watts (B2-PRY-252).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted license to cover construction permit (B1-PIB-28, which authorized change in frequencies, equipment and increase in power of International Broadcast Station to 50 KW and frequencies **6100, 11890* 15150* and 21630 kc.** (*Subject to condition no interference is caused to International broadcast stations having priority of registration on same or adjacent frequencies) (B1-LIB-17).

The Birmingham News Co., Portable-Mobile Area of Birmingham, Ala.—Granted construction permit for new relay station to be used with applicant's standard broadcast station WSGN; **30820, 33740, 35820, 37980 kc.**; 2 watts (B3-PRE-395).

Frontier Broadcasting Co., Portable-Mobile Area of Cheyenne, Wyo.—Same except to be used with applicant's standard broadcast station KFBC (B5-PRE-393).

Frontier Broadcasting Co., Portable-Mobile Area of Cheyenne, Wyo.—Same except to be used with applicant's standard broadcast station KFBC (B5-PRE-394).

Rome Broadcasting Corp., Portable-Mobile Area of Rome, Ga.—Same except to be used with applicant's standard broadcast station WRGA and 15 watts power (B3-PRE-390).

Wichita Broadcasting Co., Portable-Mobile Area of Wichita Falls, Texas.—Same except to be used with applicant's standard broadcast station KWFT, and 2 watts power (B3-PRE-396).

Westinghouse Radio Stations, Inc., Portable-Mobile Area of Philadelphia, Pa.—Granted construction permit for a new relay broadcast station to be used with applicant's standard station KYW; frequencies **31220, 35620, 37020, 39260 kc.**; 2 watts. (B2-PRE-392). Also granted license covering same (B2-LRE-352).

KRME—Merced Broadcasting Co., Portable-Mobile Area of Merced, Cal.—Granted license to cover construction permit (B5-PRY-245) for new relay station; frequencies **1646, 2090, 2190, 2830 kc.**; 15 watts; to be used with applicant's standard broadcast station KYOS (B5-LRY-228).

Golden Empire Broadcasting Co., Portable-Mobile Area of Redding, Cal.—Granted construction permit for new relay

- broadcast station to be used with applicant's standard broadcast station KVCV; frequencies **1646, 2090, 2190, 2830 kc.**; 15 watts (B5-PRY-250).
- Golden Empire Broadcasting Co., Portable-Mobile Area of Chico, Cal.—Same except to be used with applicant's standard station KHSL (B5-PRY-251).
- Portland Broadcasting System, Inc., Portable-Mobile Area of Portland, Me.—Same except to be used with applicant's standard station WGAN; frequencies **1622, 2058, 2150, 2790 kc.**, 150 watts (B1-PRY-253).
- Portland Broadcasting System, Inc., Portable-Mobile Area of Portland, Me.—Same except 40 watts (B1-PRY-254).
- KEIV, KEIZ—Oregonian Publishing Co., Portable-Mobile Area of Portland, Ore.—Granted construction permits to make changes in equipment and decrease power from 4.5 to 3.5 watts in relay station (B5-PRE-398) (B5-PRE-399).
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted license to cover construction permit (B5-P-2721), for increase in power to 5 KW and installation of directional antenna (B5-L-1458).
- WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted construction permit to move transmitter and studio sites from 51 to 54 E. First Street, Ft. Myers, and install new transmitting equipment; **1240 kc.**, 250 watts, unlimited time (B3-P-3233).
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted modification of construction permit (B1-P-2750, for new transmitter, increase in power, changes in directional antenna), for extension of completion date to Oct. 3/41 (B1-MP-1365).
- WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit (B2-P-2582, covering new station to operate on **1230 kc.**, 250 watts, unlimited time), for extension of completion date to Jan. 12, 1942 (B2-MP-1363).
- WMDF—Grenco, Inc., Greenwood, S. C.—Granted modification of construction permit (B3-P-2930 for new station to operate on **1450 kc.**, 250 watts, unlimited time), for move of studio to Greenville Road, (Wilson St.), Greenwood, S. C., install new transmitter, make changes in antenna system, and **1450 kc.** under NARBA (B3-MP-1358).
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted license to cover construction permit (B4-P-3133) which authorized change in type of transmitter, change in antenna, and change of location of transmitter to lower floor level, same address (B4-L-1457).
- WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted construction permit to move transmitter and studio locations to 449 State Street, Hammond, Ind., and install new antenna (B4-P-3223).
- WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted reinstatement of construction permit (B2-PRE-361), which authorized construction of a new relay broadcast station, changing equipment and increase power from 50 to 100 watts; frequencies **156750, 158400, 159300 161190 kc.**; to be used with applicant's standard broadcast station WHAS (B2-PRE-397).
- KEMA—May Broadcasting Co., Portable-Mobile Area of Shenandoah, Ia.—Granted license to cover construction permit (B4-PRY-243) for new relay broadcast station frequencies **1646, 2090, 2190, 2830 kc.**; 25 watts, to be used with applicant's standard station KMA. The license is granted upon condition that said grant is not to be construed as a finding upon KMA's application for renewal of license nor upon any of the issues involved in that case (B4-LRY-231).
- WEPA—Edwin H. Armstrong, Portable-Mobile, Area of New York City.—Granted license to cover construction permit (B1-PRE-277) which authorized a new portable-mobile special relay broadcast station to be used with applicant's FM station W2XMN, north of Alpine, N. J., frequencies **156750, 158400, 159300, 161100 kc.**, 50 watts (B1-LRE-347).
- Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Letter from counsel stating applicant does not desire to prosecute application for new station to operate on **1420 kc.**, 250 watts, unlimited time, accepted as motion for dismissal and granted.
- KGLU—Gila Broadcasting Co., Safford, Ariz.—Petition for continuance for 60 days of hearing now scheduled for August 6 on application for renewal of license, granted, and hearing continued to September 16.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Motion for 60 day postponement of hearing on application for renewal of license now set for August 5, granted for period of 30 days, to September 5.
- Edward E. Reeder, Seattle, Wash.—Motion for leave to amend application to specify **1560** instead of **1450 kc.**, 250 watts unlimited time, granted; amendment to be filed within 15 days. Application removed from hearing docket.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted petition to intervene in the hearing on application of KWK, St. Louis, Mo., for construction permit to operate on **680 kc.**, 50 KW, unlimited time, using directional antenna day and night.
- WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted petition for leave to amend application for construction permit to change frequency from **1170** to **1070 kc.**; increase power to 50 KW, and time of operation to unlimited, with respect to transmitter and antenna site, amendment to be filed within 15 days; denied as to removal from docket. Hearing now scheduled for September 10.
- American Legion, Dept. of Hawaii, Honolulu, T. H.—Petition for extension of time in which to present evidence granted for 60 days, in re application of Hawaiian Broadcasting System, Ltd., for new station in Honolulu, to operate on **1340 kc.**, 250 watts, unlimited time; record to be kept open to September 29. Exception noted by counsel for Hawaiian Broadcasting System, Ltd.
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WBBM—Chicago, Ill.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Motion to postpone hearing now set for August 7, for period of 60 days, granted and hearing on applications of WBT and KFSB to operate on **1100 kc.**, 50 KW; WBBM and WJAG to operate on **770 kc.**, WBBM to use 50 KW, unlimited, WJAG 1 KW daytime, continued to October 7.
- WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Mo.—Granted petition to accept applicant's late appearance in re application for construction permit to operate on **1540 kc.**, 500 watts night, 1 KW day, unlimited time.
- WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Motion for extension of time to file proposed findings, granted, and time extended to August 12, in re application for construction permit to erect a synchronous station to operate on **1340 kc.**, 100 watts, unlimited time.
- KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted petition to reopen proceedings in re application for renewal of license of KIDW; hearing to be held August 8.
- KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Granted modification of construction permit for increase in power and installation of directional antenna for night use, for extension of completion date from July 31 to August 31, 1941; **1310 kc.**, 5 KW, unlimited time, directional antenna night (B5-MP-1372).
- W45D—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44500 kc.** using 3 KW power for a period of 30 days, beginning August 4 to not later than September 2, 1941, pending the installation and preparations necessary to operate the complete transmitting plant in accordance with construction permit and modification thereof, without prejudice to the determination of the issue in the hearing on Order 79.
- WAYS—Inter-City Advertising Co., Charlotte, N. C.—Granted modification of construction permit for approval of directional antenna system to be used with new station to operate on **610 kc.**, 1 KW, unlimited time, directional antenna day and night (B3-MP-1318).
- Glens Falls Broadcasting Corp., Glens Falls, N. Y.—Placed in pending files pursuant to Order No. 79 application for construction permit for new standard broadcast station to operate on **1230 kc.**, 250 watts, unlimited time (B1-P-3167).
- Homer Rodeheaver, Winona Lake, Ind.—Denied petition and amended petition (filed June 10 and July 3, 1941) for reconsideration and grant without hearing application for construction permit for new broadcast station at Winona Lake, Ind., to operate on **1480 kc.**, 1 KW daytime (Docket No. 6118).
- KONB—MSB Broadcast Co., Omaha, Nebr.—Granted petition for reconsideration and grant (1) application for construction permit for new station to operate on **1490 kc.**, 250

watts, unlimited time, and (2) application for modification of construction permit specifying transmitter site and antenna (Dockets No. 6111 and 6112).

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted petition for reconsideration and grant (1) application for renewal of license of Station KORN, and (2) consent to transfer of control of Nebraska Broadcasting Corp. (KORN) from Clark Standiford (transferor) to C. J. Malmsten, A. C. Sidner, S. S. Sidner, and Arthur Baldwin (transferees) (Docket Nos. 6076, 6077).

Southwest Broadcasters, Inc., Las Vegas, N. Mex.—Granted petition for assignment of call letters KFUN under construction permit for new station granted July 16, 1941.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted authority to change call letters KGFI to KEEW.

Broadcasting Corp. of America, Riverside Broadcasting Co. (both of Riverside, Calif.)—Adopted order modifying Proposed Findings of Fact and Conclusions (B-137) granting application of Broadcasting Corp. of America for new station to operate on **1440 ke.**, 1 KW, unlimited time, upon condition that modification of construction permit be filed specifying the exact transmitter location and the antenna to be employed within two months after the effective date of this order; and denying the application of Riverside Broadcasting Co. for new station. (The Proposed Findings were modified to substitute **1440 ke.** in lieu of **1420 ke.**, for Broadcasting Corp. of America.)

APPLICATIONS FILED AT FCC

560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Modification of construction permit (B3-P-2870) as modified, for changes in directional antenna and increase in power, requesting changes in directional antenna and extension of commencement and completion dates from 7-15-41 and 1-15-42 to 60 days after grant and 180 days thereafter, respectively.

620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—License to cover construction permit (B-P-2385) as modified, for a new transmitter, change in antenna system, change in frequency, and increase in power.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—Authority to determine operating power by direct method.

770 Kilocycles

WCAL—St. Olaf College, Northfield, Minn.—Authority to install automatic frequency control.

790 Kilocycles

WWNY—The Brockway Co., Watertown, N. Y.—Construction permit to install directional antenna for night use, change frequency from **1300 ke.** to **790 ke.**, change power from 500 watts to 1 KW, and change hours of operation from daytime to unlimited time.

850 Kilocycles

WJW—WJW, Inc., Akron, Ohio.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **1240 ke.** to **850 ke.**, increase power from 250 watts to 5 KW, and move transmitter.

860 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1440 ke.** to **860 ke.**, increase power from 1 KW night and 2½ KW day to 50 KW, and move transmitter from Bellaire Park, Amarillo, Texas, to near Willton, Texas. Amended: To request 5 KW night and 10 KW day, install 10-KW transmitter, make changes in directional antenna for night use, and move transmitter to near Masterson, Texas.

920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **920 ke.**, 5 KW, unlimited, directional antenna for day and night

use. Amended: To change frequency from **920 ke.** to **1140 ke.**, make changes in directional antenna, and move transmitter from near Ojus to near Miami, Florida.

930 Kilocycles

NEW—Paducah Newspapers, Inc., Paducah, Ky.—Construction permit for a new broadcast station to be operated on **930 ke.**, 1 KW, unlimited time, using directional antenna day and night. Amended: Re directional antenna system.

950 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—License to use old RCA 1-B transmitter as an auxiliary transmitter with power of 1 KW.

1030 Kilocycles

NEW—S. Brad Hunt, Alton, Ill.—Construction permit for a new broadcast station to be operated on **1030 ke.**, 1 KW, daytime.

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new broadcast station to be operated on **1080 ke.**, 1 KW night, 5 KW day, unlimited time, using directional antenna day and night. Amended: re directional antenna.

1110 Kilocycles

NEW—Pacific Coast Broadcasting Co., Pasadena, Calif.—Construction permit for a new broadcast station to be operated on **1110 ke.**, 10 KW, unlimited time, using directional antenna day and night.

1150 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Authority to determine operating power by direct method.

WAPO—W. A. Patterson, Chattanooga, Tenn.—License to cover construction permit (B3-P-1939) as modified, for installation of new transmitter and directional antenna for night use, increase in power, change in frequency, and move of transmitter.

1180 Kilocycles

WLDS—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Modification of construction permit (B4-P-2465) for a new broadcast station to be operated on **1180 ke.**, 250 watts, daytime, requesting change in type of transmitter, approval of transmitter and studio sites, and approval of antenna.

1200 Kilocycles

WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-2963) for construction of a new station to be operated on **1200 ke.**, 250 watts, unlimited time, requesting extension of completion date from 8-17-41 to 2-17-42.

1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-3001) as modified, for a new transmitter, changes in antenna, and move of transmitter.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct method.

1240 Kilocycles

KGY—KGY, Incorporated, Olympia, Wash.—License to cover construction permit (B5-P-3071) as modified, for new antenna, increase in hours of operation and move of transmitter.

KGY—KGY, Incorporated, Olympia, Wash.—Authority to determine operating power by direct method.

WGRM—P. K. Ewing, Greenwood, Miss.—Authority to determine operating power by direct method.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—Modification of construction permit (B3-P-2497) as modified, for a new transmitter, increase in power from 1 to 5 KW, install direc-

tional antenna system, and move transmitter, requesting change in frequency under NARBA from 1240 to 1270 kc. and make changes in directional antenna accordingly, and extension of completion date. Amended: to change type of transmitter.

1290 Kilocycles

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Construction permit for installation of new transmitter, directional antenna for night use, change in frequency from 1400 to 1290 kc., increase in power from 250 watts to 1 KW night and 5 KW day, and move of transmitter.

1300 Kilocycles

KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 KW to 5 KW.

1310 Kilocycles

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—License to cover construction permit (B4-P-2908) as modified, for a new broadcast station to be operated on 1310 kc., 1 KW night, 5 KW day, using directional antenna night, unlimited time.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Authority to determine operating power by direct method.

1320 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Authority to determine operating power by direct method.

1330 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—License to cover construction permit (B4-P-2462) as modified, for installation of new transmitter and directional antenna for night use, increase in power from 1 KW night and 5 KW day to 5 KW day and night, and move of transmitter.

KFH—Radio Station KFH Co., Wichita, Kans.—Authority to determine operating power by direct method.

1350 Kilocycles

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Authority to determine operating power by direct method.

1360 Kilocycles

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Modification of construction permit (B4-P-2290) as modified, for installation of directional antenna for night use and increase in power from 1 KW night and 5 KW day to 5 KW, requesting extension of completion date from 9-24-41 to 11-24-41.

1370 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Authority to transfer control of corporation from Adeline B. Rines, Executrix of last will and testament of Henry P. Rines, deceased, to Adeline B. Rines, by transferring 1000 shares of common stock.

1400 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Modification of license to change studio location.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to install new transmitter, increase power from 500 watts night and 1 KW day to 5 KW, install directional antenna for night use, and change transmitter location.

1450 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct method for amplifier. Amended: re engineering data.

1470 Kilocycles

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Construction permit to change frequency from 1480 to 1470 kc. and make changes in directional antenna for day and night use.

1490 Kilocycles

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—License to cover construction permit (B4-P-1799) as modified, for a new broadcast station to be operated on 1490 kc., 250 watts, unlimited time.

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Authority to determine operating power by direct method.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Authority to determine operating power by direct method.

1510 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Modification of construction permit (B5-P-2602) for a new transmitter, changes in antenna, installation of directional antenna for night use, increase in power to 10 KW, and move of studio and transmitter, requesting change in type of transmitter and changes in directional antenna system.

1540 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Construction permit to install new transmitter and new antenna, change frequency from 1400 to 1540 kc., increase power from 250 watts to 5 KW night, 10 KW day, and change studio and transmitter sites.

1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Special service authorization to operate on 1560 kc., 10 KW, non-directional antenna, unlimited time for the period ending 2-1-42, in accordance with B1-MP-1086.

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-2233) or changes in equipment, installation of new antenna, and move of transmitter.

FM APPLICATIONS

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage: 1,371 square miles; population: 2,253,392. Amended: to change frequency to 43500 kc., service area to 21,071 square miles, population to 3,311,399, make changes in antenna system, change transmitter location, and change type of equipment.

W55M-NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PH-6) as modified, for a new high frequency broadcast station, requesting extension of completion date from 9-30-41 to 11-30-41.

TELEVISION APPLICATIONS

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PVB-58) as modified, for a new television broadcast station, requesting extension of completion date from 7-28-41 to 3-1-42.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for a new commercial television broadcast station (formerly W9XMJ) to be operated on Channel No. 3, 66000-72000 kc., A5 and special emission for frequency modulation, ESR 4176, unlimited time.

W9X BK—Balaban & Katz Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-50) as modified, for a new experimental television station, requesting extension of completion date from 9-1-41 to 2-1-42.

MISCELLANEOUS APPLICATIONS

WAKR—Summit Radio Corporation, Akron, Ohio.—Special service authorization to operate with 5 KW power and non-directional antenna daytime for a period of six months, using 5

KW transmitter specified under construction permit (B2-P-3038).

WELB—WAVE, Incorporated, Mobile (Louisville, Ky.).—License to cover construction permit (B2-PRE-389) for installation of new transmitter and increase in power.

NEW—Harmon LeRoy Stevens & Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Portable-Mobile, Area of Port Huron, Mich.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, and 2790 kc., power of 15 watts, A3 emission.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Construction permit to use old Collins transmitter as an auxiliary transmitter and move same to site of main transmitter, and make changes in antenna system, using 250 watts power.

W9XLA—The KLZ Broadcasting Co., Denver, Colo.—License to cover construction permit (B5-PHB-285) for move of transmitter.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

E. J. Brach & Sons, Chicago, one of the few large candy manufacturers, is charged, in a complaint, with knowingly inducing some manufacturers of corn syrup to discriminate in price in favor of itself and with knowingly receiving the benefits of price discrimination from some of such manufacturers contrary to the Robinson-Patman Act. (4548)

Inland Empire Bakers' Association, Inc., Spokane, Wash., three of its officers, and three member companies manufacturing and distributing bread and bakery products in eastern Washington and western Idaho are charged, in a complaint, with a price fixing agreement and combination in restraint of trade.

The respondent officers are: L. L. Francis, president; Mel Jacobsen, vice president, and V. B. Pringle, secretary and executive manager; and the respondent companies: Silver Loaf Baking Co.; E. A. Boge, operator of Boge Brothers Bakery, and Olaf Jacobsen, operator of Jacobsen's Bakery, all of Spokane. The respondent members, according to the complaint, are representative of the association's entire membership, including those not specifically named in the complaint.

The complaint alleges that the respondent officers and association members have united in a concerted action, through the association, to restrain competition by agreeing to fix and observe, among themselves, uniform and non-competitive prices and by agreeing to act collectively to impose on all bakers selling bread and bakery products in the respondents' area the use of the non-competitive prices so fixed. (4550)

CEASE AND DESIST ORDERS

During the past week the Commission has announced the following cease and desist orders:

Hudson Fur Dyeing Company—Louis Estrin, Charles Estrin, Sidney Estrin, Esther Estrin and Belle Estrin, trading as Hudson Fur Dyeing Company, Newark, N. J., have been ordered to cease

and desist from certain misrepresentations in connection with the business of dyeing rabbit peltries for fur dealers and garment manufacturers. (3951)

Inter-State Cigarette Merchandisers Association, Newark, N. J., and five member associations composed of persons or companies operating automatic cigarette vending machines in various States and their officers, directors and members, have been ordered to cease and desist from certain agreements and combinations in restraint of competition in the sale of their products. (4388)

Majestic China Co., Inc., and Art China Co., corporations, Herman Siegel, Sigmund Gladstone, and John Lindsey, sometimes known as Jack Lindsey, individually and as officers and employees of Majestic China Co., Inc. and trading as Art China Co., and John H. Feinne, individually and as an officer of Majestic China Co., Inc., and trading as Windsor China Co., all of South Bend, Ind., have been ordered to cease and desist from certain misrepresentations in connection with the sale of their products and from making disparaging statements concerning competitors and their products. (3748)

National Distillers Products Corporation, with executive offices at 120 Broadway, New York City, has been ordered to cease and desist from misrepresentation in the sale and distribution of a semi-solid poultry feed supplement variously designated as "Produlac Brand Semi-Solid Distillers Grains Mash," "Semi-Solid Produlac," and "Produlac." (4425)

Rosse Products Company—Edward C. Rose, trading as Rosse Products Co., 2708 West Farwell Ave., Chicago, has been ordered to cease and desist from certain misrepresentations in connection with the advertising, sale and distribution of a medicinal preparation designated "Rosse Rheuma Tabs." (4428)

STIPULATIONS

Commission has made public the following stipulations:

Abbott Brothers—Francis W. Abbott, George J. Abbott and Stuart Abbott, trading as Abbott Brothers, Paterson, N. J., and King Ribbon Co., Inc., East Stroudsburg, Pa., engaged in the manufacture and sale of seam binding, have stipulated in connection with the sale of their seam binding or other ribbons in commerce to cease and desist from use of the marking "100 Yards" on bolts or containers when in fact less than 100 yards of material are contained therein, or otherwise mismarking or misbranding such products with respect to the yardage thereof or in any other way with the tendency and capacity of misleading or deceiving purchasers or the consuming public. (3180-3181)

Benay Novelty Company—Harry Richter and Benjamin Moglinsky, trading as Benay Novelty Co., 11 West Third St., New York City, engaged in the manufacture and sale of hats and caps, have entered into a stipulation in which they agree to cease representing that hats or 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 exposed surface of the sweat bands thereof, 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 stipulation provides 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. The respondents further agree 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 composed of new materials. (3179)

Bloomfield Manufacturing Co., Inc., trading as Kant-Slam Door Check Co., Bloomfield, Ind., engaged in selling a device to prevent doors slamming designated "Kant-Slam Door Check," has

stipulated that it will cease and desist from representing that the device operates in oil; closes all doors; will do the work of the most expensive door checks, or that there is nothing about it to get out of order, and that it is built, or operates, on a new principle.

It is further stipulated and agreed by Bloomfield Manufacturing Co., Inc., that it will cease and desist from representing that sample demonstrators will be given to producers when such offer is conditioned upon a deposit being made before delivery. (02849)

Colonial Baking Co., 4410 Gravois Ave., St. Louis, Mo., engaged in selling "Colonial Bread," has entered into a stipulation in which it agrees to discontinue representing that Colonial Bread is not fattening, is necessary in a reducing diet, helps burn up body fat, or helps one reduce safely, or that six slices of Colonial Bread in a reducing diet will give one pep, energy and prevent one from becoming tired, fatigued, irritable, or experiencing nervous strain, or that Colonial Bread will protect one from the harmful residues that cause fatigue or that it protects one's health while reducing. (02845)

Harry A. Fischel, Inc., 418 North Third St., Philadelphia, engaged in selling certain medicinal preparations designated "Faunilin Tobacco Flakes" and Faunalax Worm & Laxative Compound," has stipulated that it will discontinue representing that either product is effective in the prevention or treatment of worms in animals or that either of these products is of any benefit in the prevention or treatment of gapeworms or spiral stomach worms in poultry. (02848)

Fox Studio, Cheyenne, Wyo., has entered into a stipulation to cease certain representations in the sale of photographic enlargements. The respondent agrees to cease representing in any way that his regular method of sale is either a "special" or an "introductory" offer, and to cease representing that his products are "oil colored photographs," or to cease using any other designation for such products in a manner implying that his products are photographs in the ordinarily accepted meaning of a picture of a person drawn from life, particularly in oil. The respondent also agrees to cease use of the word "guaranteed" or any word of similar meaning in connection with the sale of his products, unless clear disclosure is made of exactly what is offered by way of security as, for example, refund of purchase price. (3184)

Garcia Grande Cigars Incorporated, 141 Fifth Ave., New York, stipulated to cease and desist from certain representations in the sale of its cigars designated "Garcia Grande Crowns."

According to the stipulation, the respondent, in advertising these cigars, employed among other representations, the statement: "Guaranteed 100% Havana and other imported long filler tobaccos," when in fact not more than 25 per cent of the tobacco constituting the filler of the Garcia Grande Crowns is imported from Cuba.

The respondent agrees to cease representing that these cigars contain "100% Havana and other imported long filler tobaccos," or making other representations designating the geographical origin of the filler tobacco of these cigars unless in every such representation to the country of origin of each of the filler tobaccos used in the cigars is set forth in the order of their respective predominance by weight and in letters of equal size and conspicuousness. (02837)

Giezendauner Company—Charles J. Giezendanner, Jr., operating under the trade name of The Giezendanner Co., Houston, Texas, engaged in conducting an advertising agency which disseminated advertisements for a drug preparation designated "Locao Belem" on behalf of the Belem Products Co., Houston, Texas, has stipulated that in connection with the dissemination of future advertising, he will cease and desist from representing that the preparation is a remedy or cure for baldness, falling hair, aggravated conditions of the scalp, dandruff, itching or irritated scalp, or oily hair or scalp; that it will grow hair or rejuvenate the scalp, stimulate or revitalize the hair cells, add new life to hair, correct soft or fine hair which is difficult to wave or set, promote activity in the oil glands, or that it is prescribed by physicians for hair or scalp. The respondent has also agreed to discontinue representing that Locao Belem has been subjected to laboratory tests by the

Food and Drug Administration or that, upon analysis by the Food and Drug Administration, it was found to comply with the "Pure Food and Drugs law." (02843)

Globe Fur Company—A group of Middle Western fur products dealers have entered into stipulations to cease certain representations in the sale of their products. The respondents are Globe Fur Co., also trading as Marilyn Fur Studios and as Marilyn Furs, having places of business in Detroit, Fort Wayne and Toledo, and David B. Silverman and Harry Shulak, who were co-partners trading as Marilyn Fur Studios with places of business in Fort Wayne and Toledo, and are now officers of the Globe Fur Co. (3182)

Herb Farm Shop, Ltd., 347 Fifth Ave., New York City, engaged in selling a number and variety of soaps, cosmetics, perfumes, toilet articles and culinary products, including the cosmetic products designated "Country Garden Cleansing Cream," "Country Garden Smoothing Cream," "Country Garden Under Powder Cream," "Country Garden Refresher," "Fragrant Meadow Cleansing Cream," "Fragrant Meadow Astringent," "Fragrant Meadow Under Powder Cream," "Fragrant Meadow Smoothing Cream," "Under Powder Mist," "Bath Essences," and perfumes, toilet water and bath talcum, has stipulated that in the dissemination of advertising it will cease and desist from using the phrase, "Herb Farm Shop of London," or the name "The Herb Farm Shop Ltd.," or by any other words or phrases or in any other manner indicating, contrary to fact, that any of its products has an English or other foreign origin, unless in direct connection therewith it is clearly and conspicuously stated that such product is made, compounded or packaged (as the case may be) in the United States; and that it will cease representing that any of its products is infused with or contains herbal oils unless, where such product does not contain a substantial amount of herbal oil, the percentage of herbal oil present is given in immediate connection therewith; and will cease representing that the herbal oil contained in any of its products is present as an emulsion when such is not the fact. (02844)

Lacto-Cal Laboratories—Olive M. Goulet, trading as The Lacto-Cal Laboratories, 1121 Ingraham St., Los Angeles, Calif., engaged in selling a drug preparation designated "Lacto-Cal," has stipulated that she will cease and desist from representing that the preparation will exert or have a beneficial influence on the nerves, speed up or aid digestion or increase the flow of the gastric juices; that it possesses tonic or stimulant effects or powers or that it is a general gland builder; that it will feed the brain, nerves, tissues, testicles, or ovaries; that the preparation is a scientific compound of lactic acid and calcium or contains calcium in sufficient quantities to be of therapeutic value, or that its use will reduce acidity or be of value in the relief or treatment of hyperacidity; that the preparation has any beneficial effect on the circulatory system or on metabolism, will prolong life or enable one to live to be 100 years old, or any other definitely stated number of years; that it contains Vitamin B, Vitamin D, or phosphorus or contains elements essential to the building of hemoglobin, or that the general dietary condition of the American people is such as to make the purchase and consumption of the product necessary or advisable. (02841)

Maurice Larsen, trading as Fox Studio, Cheyenne, Wyo., has entered into a stipulation to cease certain representations in the sale of photographic enlargements. The respondent agrees to cease representing in any way that his regular method of sale is either a "special" or an "introductory" offer, and to cease representing that his products are "oil colored photographs," or to cease using any other designation for such products in a manner implying that his products are photographs in the ordinarily accepted meaning of a picture of a person drawn from life, particularly in oil. The respondent also agrees to cease use of the word "guaranteed" or any word of similar meaning in connection with the sale of his products, unless clear disclosure is made of exactly what is offered by way of security as, for example, refund of purchase price. (3184)

Medford Laboratory—Edward Howell, trading as Medford Laboratory, 210 South Kedzie Ave., Chicago, engaged in selling drug products designated "Nutra-se" and "Kleen," has entered into

a stipulation in which he agrees to discontinue representing that either of the products is a cure or remedy for or that either of them will overcome food discomfort, indigestion, gas, heartburn, gastro-intestinal symptoms, cancer, diabetes, liver trouble, or other ailments; that Nutrase is free from drugs or will impart new life or energy, or that Kleen affords perfect intestinal elimination. (02847)

Michigan Magnetic Mineral Water Co., and Natural Ray Mineral Water Co., the latter trading as such and as Michigan Mineral Water Co., St. Louis, Mich., engaged in bottling and selling mineral water under the brand name "Natural Ray Mineral Water," have stipulated to discontinue representing that the product is a remedy or cure for stomach, bladder or kidney troubles, chronic constipation, paralysis, high blood pressure, anemia, glandular difficulties, arthritis, rheumatism, or the aches or ailments arising from any of the diseases or conditions mentioned; is a safeguard, a body builder, a way to gain, retain or maintain health, a preventative of infantile paralysis or other illness, or an aid to muscle or bone development, or that it affects the appetite, the weight, or the ability to sleep, builds up resistance to colds or headaches, or wards off colds. (02846)

Nu-Tone Products Corp., 151 West 28th St., New York City, engaged in selling certain hair dye preparations designated "Tuch-Up," has stipulated to discontinue representations that the hair dye products which it sells are manufactured by it or by any other organization affiliated with or owned or controlled by Nu-Tone Products Corp. unless and until the hair dye products which it sells are manufactured by it or by some organization owned, operated or controlled by Nu-Tone Products Corp.; that the use of its hair dye products will cause hair to look natural or cause hair to have a soft texture or have any beneficial effect on hair texture; that their use will banish, eliminate, end, or rid one of gray hair or cause one to remain young; that its hair dye products are vegetable compounds; that their use will cover hair roots or have any effect upon the color of hair roots; that hundreds of thousands or any other number of women have specified their requirements for a hair dye, or that the respondent's hair dye products are new or made of ingredients of recent origin or development. (02840)

Physicians' Supply Co., Inc., 1127 Fourth Ave., San Diego, Calif., engaged in selling girdles designated "Air-Way Girdles," has stipulated that it will discontinue representing by the use of the designation "Air-Way Reducing Girdle," or by any other means, that wearing an Air-Way Girdle will cause one to reduce, or will effect a definite reduction in weight or measurement, or result in the loss of fatty tissue; that Air-Way Girdles are non-absorbent, and that the possibility of skin infection from excreted waste matter absorbed by a girdle is eliminated by wearing an Air-Way Girdle. (02842)

Polar Co., a corporation trading under the name Masterlite Lamp Co., Hoboken, N. J., engaged in the manufacture and sale of electric bulbs or lamps of various types, including one such device called "Double-Life," has entered into a stipulation in which it agrees to cease and desist from stating or representing in any manner that the use of its commodities will effect or result in a saving of 20% or up to 40% on lighting costs, that is to say, reduce electric light bills by 20% or more, or any other amount which is exaggerated or in excess of what is actually the fact, or that its commodities will last from two to four times longer than standard bulbs, or that the commodities have an average burning life of 2000 hours, or that they meet Bureau of Standards specifications in all respects. (3185)

David B. Silverman—David B. Silverman and Harry Shulak, in connection with the sale of fur coats, agree to desist from the use in advertisements or on labels, tags, brands, or otherwise of any designation or description of a fur garment which deceptively conceals the true name or nature of the fur, with the effect of misleading purchasers; from disseminating advertisements, invoices or other descriptive literature pertaining to coats or garments manufactured from dyed furs which fail clearly to disclose that they are made from dyed furs, peltries of skins; and from representing the sales price of their products as a "mere fraction of their

actual worth" or as less than the worth or cost price thereof when such worth or cost price is in excess of or equal to such sales price; or from representing that so-called "values" offered are due to quantity purchases, unless the number of articles purchased is as represented and unless such quantity purchases do in fact result in special values or reduced prices to purchasers. (3183)

Supreme Hosiery Company—Samuel K. Kreenberg, trading as Supreme Hosiery Co., 807 Roosevelt Road, Chicago has made a stipulation to cease certain representations in the sale of lingerie and hosiery.

Under his stipulation, the respondent agrees to cease using the terms "Fashioned," "Full Fashioned" or "New Fashioned" to describe hosiery not made by the process used in producing "fashioned" hosiery, and to desist from various other representations concerning the quality of his products or the materials of which they are made. (02838)

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Radio Time Sales Tax

AFL OPPOSES TAX

The Executive Council of the A. F. of L. adopted the following resolution:

"While labor is firm in its belief that the U. S. Government should levy extra taxes on the people to pay for defense work, we do not believe in punitive or discriminatory taxes such as that levied on advertising in radio. Broadcast employees, men and women, when out of work cannot fit themselves into defense work."

H.R. 5417, the tax bill, which among other provisions imposes a 5-10-15 per cent tax on the gross receipts of the time sales of broadcasters, is now before the Senate Finance Committee. Hearings which are being held in the Senate Finance Committee Room, third floor of the Senate Office Building, opened on Friday, August 8.

After hearing from its own tax experts and treasury officials, it yesterday called to the stand several who made statements bearing directly upon the proposed tax on radio broadcast receipts.

Among others who were heard were John Benson, President of the American Association of Advertising Agencies. Mr. Benson's statement follows:

"On behalf of the American Association of Advertising Agencies, a professional body whose members handle two-thirds of the national advertising of this country. I desire to protest against imposing a special tax on advertising and advertising media, as provided in Section 3269 of Part II, in the tax measure now before the Finance Committee, H.R. 5417.

"Advertising agencies have no direct financial interest in this tax, as it is not imposed upon them; nor do they have any bias in favor of any one advertising medium or group of media, using them all impartially when and as required to solve a given advertising or marketing problem for a client. Having any ownership interest in a medium of advertising would be a breach of our ethical code.

"Hence we hold no brief for either the outdoor or radio broadcasting media as such. What we deplore about the proposed tax on them is the burden it imposes upon advertising itself and the cost of distributing goods. Advertising is but one of several forms of selling and is often used to facilitate or economize sales effort. If such a tax were imposed, manufacturers would either do less advertising and hence sell less goods, or they would continue to do the same amount of advertising at increased cost, which would tend to raise prices to consumers.

"If advertisers sell less goods, they employ fewer people to make them, and the tax would contribute to unemployment. If the manufacturer raises his prices, it would contribute towards inflation.

"In addition to the above, a tax on advertising would be dis-

criminatory between manufacturers which use advertising as a means of selling and those which use other forms of selling but do not use advertising.

"One of the most important services that advertising renders to distribution is to save time, effort and money in moving goods from producer to consumer. Cost of the media is a big factor, of course, in this economy of the advertising operation. It does not matter how effective the advertising appeal may be, to increase the cost of the channel used to reach a market will lower the efficiency just that much, with one or more of the following results:

1. Slow down civilian production and non-defense employment of labor. Printers and pressmen are not benefited by an offensive tax of this sort. Their employment depends on successful advertising, as a whole, which breeds more advertising and more printing whatever the media used. One medium feeds into another.
2. Lessen volume of business done and reduce available net profit, from which more taxes could be derived.
3. Reduce the margin between selling price and cost of distribution, which might be used in raising wages or in improving product.
4. By raising the cost of selling, add to the upward spiral of prices, with its trend towards inflation.

The plea has been made that this special radio tax is not imposed upon advertising, but on entertainment. In our opinion, this is not true. Only the commercial revenues are to be taxed. Commercial radio advertising is not entertainment; it merely uses entertainment as an aid in selling. Therefore, the tax is on a method of selling, not on entertainment.

"May I say a word about the timely public service which can be rendered by advertising during the defense emergency and why it should not be handicapped or burdened in rendering that service.

"Advertising is a definite brake on inflation and high prices. It does not stimulate desire for more civilian goods than can be produced. It does not encourage indiscriminate demand by the public. It promotes good will for a specific product or service and does not stimulate immediate sale unless the product is available or can be adequately produced. Arousing desire for goods which conflict with defense production would not result in sufficient sales to pay for the advertising, and would also cause ill will instead of good will among customers.

"Advertising thus renders an indispensable service by diverting public attention and desire away from such goods and towards those which can be made in abundance. This satisfies popular demand and builds up volume to absorb the expanded purchasing power of the masses employed in national defense. There is no better hedge against inflation.

"As the President has pointed out, the nation needs all the economic activity it is possible to produce, for the welfare of its people and for financing the war effort. Advertising is the effective spur. How much better to tax wealth and net income than the means of producing them. To do the latter is like consuming seed corn instead of planting it and producing abundant crops for consumption. It would be killing the goose that lays the golden egg.

"And the spur must be vigorous and effective to move an adequate volume of unrestricted production into consumers' hands, with so many lines being restricted by defense.

"In times like these, we should operate our processes of making and selling goods as efficiently and inexpensively as possible. The proposed tax would impair that efficiency, and thus produce, we believe, less total taxes."

(Continued on page 682)



NATIONAL ASSOCIATION OF BROADCASTERS

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RADIO TIME SALES TAX

(Continued from page 681)

G. S. McMillan, Secretary of the Association of National Advertisers, Inc., made the following statement:

"The Association of National Advertisers, the body of manufacturers in whose behalf I appear, respectfully protests the imposition of the taxes on advertising proposed in H. R. 5417.

"The Association of National Advertisers, Inc., is a non-profit membership corporation incorporated under the laws of New York State. It is composed of some three hundred manufacturers all of whom use advertising as an aid to selling. Its membership is nation wide and includes companies from almost every industry—steel, shoes, grocery products, drug products, textiles, etc. Represented are both large and small companies with advertising appropriations ranging from the largest to well under \$50,000 a year, a true cross section of American business.

"Membership in the Association is open only to corporations selling goods or services other than advertising. Publishers, advertising agencies, outdoor plant owners, radio station operators and others engaged in selling advertising are not eligible for membership.

"As an association composed solely of manufacturers who are all buyers of advertising, with no financial or controlling interest in any advertising medium, we hold no brief for radio, outdoor, newspapers, or other advertising medium *per se*. An essential part of the business of such media is the sale of advertising: the principal business of the members of the Association of National Advertisers is manufacturing.

"But while we have no particular interest in any one medium, we *are* vitally concerned with the preservation of the American advertising system and hence in the welfare of all media. We are concerned in the maintenance of free and open competition between media.

"We believe the taxes proposed in Title V, Sec. 557 and Title VI, Sec. 601 of H. R. 5417 are unsound, unfair and discriminatory and that therefore they should be eliminated.

"We have seen no argument whatever in favor of the tax on outdoor advertising. We have seen no argument in favor of the tax on radio advertising except one which proposed such a tax principally as a punitive matter designed to correct alleged unfair competition. If there has been unfair competition—which we do not admit—there are adequate laws dealing with that subject and existing government agencies whom Congress has designated to administer them. We do not believe a revenue measure should be used to confer police power. Further, we believe it is significant that there has been, to our knowledge, no proposal of such taxes on outdoor and radio advertising by publishers of magazines or newspapers nor any testimony favoring the taxes from them.

"It has also been argued that the proposed tax on radio advertising is an amusement tax. This hardly seems plausible. Amusement taxes in the United States are imposed upon and paid by those enjoying the amusement. Taxes on admissions to theatres, athletic games and the like are paid by those who purchase tickets, not by the motion picture companies or the promoters of the amusement. Such is not the case with the proposed tax on radio advertising. Again, the tax would be imposed on radio *time sales*. That means on sponsored programs only, in other words on *advertising*. No tax is proposed on sustaining programs, on the broadcasting of special events, speeches, etc., which are just as surely entertainment as is sponsored material.

"No tax is proposed on magazines—and magazines are designed as and purchased for entertainment. No tax is proposed on newspapers—and yet sponsored news broadcasts are to be taxed.

"In view of the above, we cannot view the proposed levies on outdoor and radio in any other light than as a direct tax on advertising. Further, as practical business men, we know that tax will be passed on to the manufacturer, the buyer of advertising.

"We believe it is unwise and unsound to tax advertising. We in this country are engaged in mass production. In order to have mass production we must have mass distribution, and in order to have mass distribution we must have advertising. It is a vital part of selling and by far the most economical way to move the goods made by the men in our factories.

"Advertising is not a finished product. It is a business process—just as important and essential a business process as is engineering or production. It is a function not a product. Taxing one function of business, isolating that function and imposing a tax upon it, is to our mind unsound.

"There is nothing mysterious, there is nothing impractical about advertising. On the contrary it is one of the most practical processes in our whole system of free competitive enterprise. It is the means of telling the public what there is for sale and where it can be obtained.

"More than any other force in business, advertising has a
(Continued on page 684)

Priorities

Commercial broadcast station requirements for maintenance and repairs will soon be brought under the order granting an A-10 priorities rating to those industries considered to be essential to the national defense program, it was stated to NAB by OPM this week. This will take place as soon as the facilities of the Priorities Division permit.

The move was indicated by OPM in its release of August 8, which announced a new Maintenance and Repairs Rating Plan immediately available to producers, manufacturers and agencies in nine industrial classifications. When the plan is extended to commercial broadcasting, NAB REPORTS will outline the procedure to be followed in securing maintenance and repair materials thereunder.

Maintenance and repair requirements may now be purchased locally wherever available without papers of any kind. Furthermore, manufacturers may supply needs without papers of any kind when they have no back orders for defense materials. To get maintenance and repair equipment or material in any other case, your supplier must in each case fill out OPM Form PD-1 for decision. Each case stands on its own merits.

As to materials for new construction under C.P.'s, there is no allocation program. Therefore your supplier must use Form PD-1 in each case. It is advisable that you furnish photostatic copy of the C.P. to the supplier to help him in getting the material to fill your order.

Civic Groups to be Contacted

Under the joint auspices of RCCP and NAB, Mrs. Dorothy Lewis, Vice Chairman of the Radio Council on Children's Programs, will again make a nation-wide tour starting from New York, September 21.

She will hold a series of one- and two-day conferences in New York communities, then proceed across the continent by the northern route, returning to the east by the southern route. Her tour will terminate sometime early in December at Louisville, Kentucky.

She will contact civic radio councils, radio station managers and those in charge of children's programs, educators, librarians, and others who are concerned with children's programs, and with radio cultural offerings.

A detailed schedule of her itinerary will be made available as soon as it is completed.

ANOTHER NAB PUBLICATION

BROADCASTING TO THE YOUTH OF AMERICA

A report on present day activities in the field of children's radio programs

By DOROTHY LEWIS

Here are a few comments:

Adah F. Whitcomb, Supervisor of Schools Department, Chicago Public Library —“ ‘Broadcasting to the Youth of America’ is exactly what is needed and is presented in such practical form. It seems as if nothing had been omitted. It will undoubtedly have the desired effect of raising the standards of children's programs, as sponsors and program makers will surely be impressed by the scope of this study.”

Niles Trammell, President, National Broadcasting Company—“In ‘Broadcasting to the Youth of America’, Mrs. Lewis has done a splendid job, and I am certain her efforts will be most helpful to the entire broadcasting industry.”

Dr. James R. Angell, Education Director, National Broadcasting Company—“I have had the pleasure of looking over your ‘Broadcasting to the Youth of America’ and congratulate you upon this accomplishment. The recommendations which you make seem to me almost without exception, sound and in every case interesting.”

William S. Paley, President, Columbia Broadcasting System—“ ‘Broadcasting to the Youth of America’ is a very valuable contribution to broadcasters. Dorothy Lewis has compressed into its pages a fair and impartial report which bestows praise and blame intelligently and realistically. Many of her recommendations are in line with the most farsighted planning of broadcasters in their constant effort to provide wholesome, stimulating and worthwhile programs for children.”

These are but a few:

Every broadcaster should read this book from cover to cover. We are sending you your copy early next week.

You will want to place this book in the hands of educators, librarians, women's groups, and others. With your copy there will be enclosed an order blank for your use in ordering additional copies.

RADIO TIME SALES TAX (Continued from page 682)

stabilizing effect, not only on business but on our economy generally. Aside from its benefits to consumers, it has enabled business to expand and grow. That expansion and growth has made for stability for the future not only for business but also for all of those engaged in business. The effect of that stability has been to contribute to a feeling of security for the future on the part of all employees of business and to enable business to operate on a sound basis. When business is conducted along lines that are sound and stable, it can be depended upon to make a reasonable profit. Unless it does make a reasonable profit it cannot continue, and if it cannot continue it not only makes for unemployment but dries up the principal source of revenue for the government and defense.

"It is to the profits of business that government must look for a large part of the revenue that is to be raised through taxation. To discourage advertising through taxation or to make it impossible for business to advertise will be to strike at the very source of the income the government now needs so badly.

"A tax on advertising would not only seriously cripple one of the most vital tools of business but it would also cripple the media concerned, all of which are substantial taxpayers and employers of labor. Incidentally, we see no way in which the proposed taxes could possibly benefit labor. The effect would be quite to the contrary.

"The proposed taxes would also have a bad effect upon the hundreds of thousands of retailers in all lines of business. Advertising by the manufacturer creates demand for products, moves goods from the retailer's shelves. To cripple advertising would be to slow down that demand, to make for slow turnover and hence lower the profits of the retailer.

"The function of advertising, now of all times, is to strengthen the national economy to meet its burden. As President Roosevelt has said: 'It has been a potent force in making available to our citizens the products of American skill and ingenuity. . . . That force needs now to be applied toward the maintenance of our accustomed standards of living and further progress.'

"It is from the nation's non-defense business that the sinews of war must finally come. To hamper that business is to weaken those sinews.

"Advertising is needed now as never before. Let us take a hypothetical example. There has been a wave of hysterical buying on the part of the public of silk stockings. The United States Department of Agriculture has been working for some time, we understand, on the development of stockings made from other fibers. If, as, and when it becomes necessary to tell the women of America of these new fibers and of the stockings made therefrom, what force can be substituted for advertising to do that job? What other means will there be to spread the knowledge of this new discovery, to convince women that their beauty will be enhanced rather than impaired by the use of the new products made from articles of American manufacture? If there is a better way, manufacturers would certainly like to know about it.

"In addition to this at-the-moment viewpoint, there is also involved the matter of the future. When we find ourselves out of the present emergency, what force at our command could be utilized to better advantage than advertising to maintain the greatly increased productive capacity with which we will undoubtedly find ourselves, to make for stability of employment? The National Resources Planning Board on August 12th—only two days ago—released an interesting report made at the suggestion of President Roosevelt in which it warned the nation that the United States can win the war and still 'lose everything we are arming to defend if in the transition to peace we slip back to a low national income with its inevitable unemployment, suffering chaos and loss of freedom.'

"We do not feel that it would be sound or wise to cripple a force that may be so much needed later to enable us to carry on. There will come a time when it will be highly desirable to stimulate non-defense industry. Advertising, which has been called the dynamo of business, is the force to accomplish that purpose.

"We are entirely aware of the necessity which lies upon all of us to bear increased taxes. We are entirely willing to carry our share of the load. All manufacturers are willingly meeting the increased burden of taxation which has necessarily been thrown upon them, which has arisen from a situation which is neither of their own making nor to their liking. To tax advertising, however, would be to impose a burden on a business function which helps to make sales and thus helps to make taxes.

"The money to be derived from the taxes proposed in the bill on radio and outdoor advertising, even if the estimates are correct, would not seem to be vital to the success of the tax measure. Further, we believe that the American public would pay a far greater price for the tax and its collection than any benefits that might be derived therefrom.

"In view of the above, the Association of National Advertisers respectfully urges that the Committee eliminate the taxes proposed in Sections 557 and 601."

He was followed by Charles E. Murphy, General Counsel for the Advertising Federation of America, who said:

"The ADVERTISING FEDERATION OF AMERICA is the only national organization representing both sellers and buyers of advertising. Among its members are 61 advertising clubs located in key cities in every section of the nation. It, therefore, reaches horizontally across the entire advertising industry and presents here today the cross-sectional viewpoint of the advertising fraternity regarding the proposed taxes on outdoor and radio advertising.

"We consider any tax on advertising, regardless of the media affected, as harmful to the economy of our nation and detrimental to our well-established system of distributing consumer goods.

"The power of advertising as the selling force of industry and as the stimulator and stabilizer of commodity distribution must be protected. This is necessary in supporting the base for emergency taxes, for any impairment in the use of advertising by taxation will in turn affect distribution and the revenues derived therefrom. In our opinion, a tax on advertising will defeat its own purpose.

"We are mindful that vast sums of money must be raised by our Government for national defense. This involves the greatest merchandising effort in the history of our country. Hence it is that our merchandising machinery must be keyed up to the highest notch of efficiency.

"Business uses advertising to maintain and increase its outlets for goods. Unless such outlets are maintained and increased during the coming years, the expanded income on which taxes are based will not be forthcoming. Nothing should be done, therefore, to cripple the merchandising machine that produces income, and a tax on advertising will bring that very result. Income must be taxed, but to tax the process which creates income is an economic fallacy.

"Advertising does not encourage indiscriminate expenditure for civilian goods during the period of national defense. On the contrary, it is used to regulate and stimulate the proper flow of consumer goods based on the products available for non-defense purposes. Advertising will divert public demand to merchandise that can be supplied without harming our defense production and thus keep employment and distribution in non-defense industries at its highest possible level.

"As late as May 20th, 1941, President Roosevelt, in a letter to our organization, said:

Advertising has been responsible for many of the good things which citizens of the United States enjoy. It has been a potent force in making available to our citizens the products of American skill and ingenuity. Without it, many present-day necessities would still be luxuries.

That force needs now to be applied toward the maintenance of our accustomed standards of living and further progress. This may require adjustment but it should mean increased effort.

"The advertising business in America is wholeheartedly behind our Government's monumental efforts for national defense. In common with other businesses, it is paying today, and will continue to pay, huge sums in taxes into our national treasury.

"We have offered our services to the Government and will continue to give them willingly, as it is our duty to do.

"We strongly urge, however, that a tax on advertising, regardless of its nature, will be a grave economic mistake and harmful to the laudable and patriotic cause to which you, your colleagues and all other good Americans are firmly dedicated.

"May I, Sirs, in just a few seconds, add a personal observation? Before becoming a lawyer, I planned and wrote advertising for small stores and small industries in my home town of Trenton, New Jersey. I saw these small firms grow and prosper by promoting worthy products through the judicious use of advertising. From a few employees, I saw them grow to employ many people. I later went to New York to engage in advertising in its larger fields, and there I saw companies place on the market many new, fine and useful products of real benefit and utility to the American people. I saw advertising used to promote and distribute these products. I saw employees added in great numbers as consumption

grew. It was the American system of mass distribution working in its perfect cycle.

"Whether it was in the smaller city or the metropolis, I never saw a dollar spent for advertising except with the greatest care and consideration. Always the question asked was: 'What sales is this advertising dollar going to produce?' A tax on advertising is no different than Congress saying to a merchant or manufacturer: 'We're going to collect from you a tax on the wages you pay your salesmen.' For advertising, gentlemen, is mass selling and nothing else. It is the best, cheapest and only system through which the products of our mass production may reach the consuming public."

On Monday, August 18, the broadcasting industry will present its arguments against the tax. Broadcasters who are in the vicinity of Washington on Monday are urged to sit in at the hearings.

On page 663 NAB REPORTS (August 8, 1941) excerpts from the remarks of several members of the House of Representatives who spoke on the bill were given.

Following are some additional quotations:

Representative Milton H. West (D.-Texas) (member of the House Ways and Means Committee)—"There are several items in this bill imposing taxes * * * on which no hearings were held. We (The Ways and Means Committee of the House) set out to raise a certain amount of money, and when, after the hearings were completed, it was discovered that the items discussed would not produce the estimated needed revenue, the Committee, without hearings * * * reached up into thin air, pulled down and placed in the bill items of taxation * * *. I refer specifically to the proposed tax on billboard advertising, gross sales of net time by broadcasters * * *."

After referring to the fact that many of the interests adversely affected by the bill had been given an opportunity for hearing, Representative West continued:

"The radio broadcasters did not receive such reasonable consideration. The Committee proposes and recommends what in effect is a gross sales tax on this industry. If the proposal becomes a law, a broadcaster may operate at a heavy loss and yet be compelled to pay an enormous tax. Not only that, while we seek to collect this unfair and discriminatory tax from broadcasters, some of their competitors are not taxed, and are in fact subsidized by the Government in the amount of nearly \$80,000,000 per year."

Representative Joseph A. McArdle (D.-Pa.)—"H. R. 5417 proposes to tax only a portion of outdoor advertising and radio advertising and levies no tax whatever on the other national advertising mediums, such as newspapers, magazines, and direct-mail advertising.

"If one national medium of advertising is to be taxed by the Federal Government then certainly all should be taxed, but I do not believe in excise taxes upon any of them, because they all produce sales and profits and we should tax profits instead of the source of profit. Organized labor would be most injuriously affected by the proposed tax on outdoor advertising companies."

BMI NOTES

Since our last announcement on July 21st BMI has welcomed 15 new stations bringing the total, excluding non-commercial stations, to 678. The new subscribers follow:

WTNJ, Trenton, N. J.	WISR, Butler, Pa.
KBUR, Burlington, Ia.	KHMO, Hannibal, Mo.
KFJB, Marshalltown, Ia.	KWBW, Hutchinson, Kan.
W-43-B, Boston, Mass.	W-71-NY, New York, N. Y.
W-39-B, Mt. Washington, N. H.	W-45-V, Evansville, Ind.
WISH, Indianapolis, Ind.	KFPY, Spokane, Wash.
KAWE, Carlsbad, N. Mex.	KBWD, Brownwood, Texas
	K-45-LA, Los Angeles, Calif.

More Money for Composers

Checks covering sheet music and mechanical royalties for BMI's second quarter are being mailed out this week. Everyone is being paid even if the song only sold one copy. Biggest money makers

for the quarter in the order listed were: *My Sister and I, Walking By the River, Wise Old Owl, High On a Windy Hill, It All Comes Back To Me Now, You Walk By, G'Bye Now, Friendly Tavern Polka, So You're the One, Because of You, I Give You My Word*. Dark horses in the field were *You Might Have Belonged To Another, Montevideo, Little Sleepy Head, and Let's Dream This One Out*. Remember, this payment covers only sheet music and record royalties. The checks for the second quarter for air performances will come later.

BMI Bliss

Just about two years ago Helen Bliss was the raven-haired girl back of the lingerie counter in Halle's Department Store in Cleveland. Today she is the "White-haired girl" of BMI, rapidly gaining recognition as a top-flight writer of words and music.

Last week Miss Bliss' latest tune *I Went Out Of My Way* joined the Hit Parade just as *My Sister and I* stepped off. Thus BMI published tunes retain an unbroken record for Hit Parade performance since early Fall of 1940.

George Marlo, professional manager of BMI, who has been contacting orchestras for a score of years, and Leonard Joy, in charge of popular records for Victor Records, have placed their stamp of approval on Miss Bliss' work.

"Her ability," says Marlo, "to take a frequently used phrase such as *I Went Out Of My Way*, use it as a song title and weave a clever lyric around it, proves that the Cleveland girl is well on her way to making a place for herself in music."

Miss Bliss' first song *The Moon Won't Talk*, written in collaboration with Charles Hathaway, was published by Regent Music, Benny Goodman's publishing firm. She gives Benny full credit for discovering her latent talent and launching her on a song-writing career. She met the band leader while he was playing a week's engagement at the Palace Theater in Cleveland.

Upon coming to New York a year and a half ago Miss Bliss found employment in Macy's Department Store at the hosiery counter where she continued to hum her impromptu tunes during working hours and spent her evenings fashioning words and music. BMI accepted two of her songs *It's Nothing New* and *I Could Have Told You So*. Both of these, as well as *The Moon Won't Talk*, are frequently played over the networks and in the coin operated phonograph machines.

A daughter of Mr. and Mrs. Clayton Albert Bliss, 10-510 Wilbur Avenue, Cleveland, Miss Bliss says she would like to write a song about her home town but the word has a most surprising way of eluding a lyric.

Ballads Last Longer

Under Mark Warnow's signature the Buffalo Courier-Express of July 26th has the following to say regarding the nation's taste in popular songs:

"The favorite tune in the country this year so far has been *I Hear A Rhapsody*, which made first place for ten weeks. Second is *Amapola*, which made first place seven times. *My Sister and I* or *Intermezzo* may eventually surpass *Rhapsody*, but that still remains to be seen.

"It is difficult for rhythm or novelty tunes to retain their popularity long. *So You're the One*, a lilting rhythm tune, started out like a house afire, but it didn't retain its popularity for long. *There'll Be Some Changes Made*, a revival, gave evidence of sweeping the nation, but its sweep wasn't very extensive. *Wise Old Owl, Oh, Look At Me Now, Walking By The River, Goodbye Now* are other rhythms or novelty tunes that have tried hard to get out in front. *The Hut Sut Song*, a current favorite, is an exception."

Eighteen New Publishers Signed

Eighteen newly formed publishing houses have signed contracts for the transfer of performance, broadcasting and television rights in their music to BMI. Among the new songs are five written by Sonny Skyler, author of *Just A Little Bit South of North Carolina, My Foolish Heart and I* by Harold Varlow, who wrote *The Things I Love*, a national leader. The houses are Bach Music Publishers; Barres Publications; S. Brainard & Sons Co.; Eccma Music Com-

pany; Esquire Music Company; Will Frederic Music Publishers; Hall Music Company; Ideal Music Publishing Company; Immortal Music Publishing Co.; Frank Marsales; Gene McClean Music Company; Melody Moderne, Inc.; Monroe Publications; Grace M. Murray; Palomar Music Company; Kelton Romm Music Company; Ted Steele Publishing Company; and Murray Wizell Music Company.

Among the new compositions published by previously affiliated companies is *By-O By-U. Louisiana Lullaby* by Ted McMichael, Jack Owens and Leo V. Killion, the writers of the *Hut Sut Song*. The newest composition by the trio that made America unconscious is published by Majestic Music Company.

Friendly Tavern Week

The week of September 15th to 21st has been set aside by the National Tavern Association as Friendly Tavern Week when good-fellowship will be celebrated throughout the country by the singing of the *Friendly Tavern Polka*. The Association at its 3rd Annual Convention in Saratoga Springs commended the writers of the tune, Jerry Bowne and Frank De Vol, "For producing so descriptive a tune and for the message of friendship and good cheer conveyed to the public for the tavernmen through this song."

BMI FEATURE TUNES

August 18 - August 25

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. YOU MEAN SO MUCH TO ME
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty *Delilah*

Sales

DR. WELD DEFENDS ADVERTISING

Continued attacks upon advertising, direct and indirect, constitute a serious problem for radio which depends for existence upon advertising revenue.

In the final analysis the weight of public opinion is often the deciding factor, and broadcasters therefore should continually do everything within their power to preach the gospel of advertising to their communities. Talks before business groups, civic clubs, students, women's organizations, etc., all contribute towards this end, and considerable material is already available, such as the "Public Relations and Sales Manual" issued by the NAB Department of Broadcast Advertising, the talks by Colonel Willard Chevalier, Richard Deupree and others, printed and distributed by the NAB.

Additional material has been contributed by Dr. L. D. H. Weld, economist and research expert, former professor of business administration at Yale, and former president of the American Marketing Ass'n. Dr. Weld has furnished answers to the questions raised by Thurman Arnold, who recently sent a questionnaire to leading oil companies, inquiring into their advertising activi-

ties. A digest of Dr. Weld's remarks, made recently in Washington, follow:

1. Advertising is a fundamental feature of our competitive system.

Our free economy involves the right of a company to influence people to buy its products. This means it can use competitive selling methods, including advertising, or not, as it sees fit. Advertising is part of the selling process. There is no more reason to curtail advertising than there is to curtail competitive selling.

2. Competition exists in the oil business.

It must be remembered that real progress in the industry is due to those companies who undertake scientific research and who establish markets for their products (by advertising).

3. Competition results in product differentiation and improvement.

One result of competitive advertising is that each company constantly seeks methods to make its products different from and better than those of its competitors. It is looking for "talking points" to play up in its advertising. Over a period of years great improvements have resulted, the same as in other industries: automotive, electric refrigeration, radio sets, etc.

4. Different brands of gasoline vary in quality.

Tests show that different brands of gasoline vary materially in their performance characteristics; volatility varies, so does vapor pressure, and there is a considerable octane difference between the best and poorest "regular" gasolines among nationally advertised brands. These differences would be greater if local brands were included. Oil companies are continually analyzing their own and competing brands (and making improvements) and oil men know of the differences that exist.

5. Improvements in gasoline over a period of years have been astonishing.

The gradual improvement that has taken place has resulted in a product that is vastly better than gasoline of 15 or 20 years ago. Typical octane ratings have increased from 52 to 75 between 1920 and 1940, or 44 $\frac{1}{4}$ per cent; besides this and many other improvements the average retail price of gasoline has been reduced from 29 $\frac{3}{4}$ ¢ to 12 $\frac{3}{4}$ ¢ per gallon (not including taxes). Most improvements have resulted from a succession of painstaking small changes, along with technical developments in the automobile industry, permitting the adoption of high compression motors and increased operating efficiency. There is no doubt but that the opportunity to capitalize on improvements through advertising has been a potent force in bringing these improvements about.

The tendency to belittle the small differences in competing products at any one time completely disregards the longer-time changes that result in such definite improvement. It is obvious that any restrictions on our economic system that decrease the opportunity to profit from product differentiation, however unimportant the differences appear at any one time, would remove one of the greatest incentives in our economic system toward improvement of products.

6. Advertising is of practical value in the marketing of petroleum products.

Advertising helps to move petroleum products into the hands of consumers; supplants the more expensive method of personal salesmanship; results in increased sales; reduces the amount of switching from one brand to others; means more customers per dealer; furnishes valuable information to salesmen; builds loyal dealers; increases turn-over through bulk plants and dealers. In short, it has helped in creating and maintaining a distributing system that is more efficient and less costly than it could have been without advertising.

7. The cost of advertising per unit of product is extremely low.

It is to be measured in tenths of a cent per gallon, and has no appreciable effect on prices.

8. Government restriction of advertising would be a definite step toward the destruction of our competitive economy.

If one believes that we make progress through our system of free enterprise and competition, he can't help believing in advertising. Without advertising there would be little incentive to strive for product differences, which mean product improvement, and the right to influence the public to buy. Advertising is at the very root of our competitive system; anything that hampers it would break down individual incentive and free competition.

Advertising has contributed to the development of mass demand, without which large-scale production, with low operating costs, would have been impossible.

It has made people want things so that they are willing to work in order to get them. It has been a factor in making business men willing to invest in new production facilities, resulting in production of more goods, giving more people employment and earning power. It has been a factor in raising the standard of living and increasing national income from \$100 per capita in 1850 to \$600 per capita today.

Advertising has been a basic stimulus to lower costs, increased investment, greater production, improved products, increased earning power and rising standards of living.

PER-INQUIRY AND FREE TIME

The Hayo Co., of Omaha, Neb., makers of HAYO, a hay-fever remedy, are seeking per-inquiry deals. Previously reported here when the business was placed through an advertising agency, the company now seeks to place orders direct.

Ellen Rose Dickey, "Beauty News Editor", **Ogilvie Sisters**, New York, seeks free time for scripts called "Hair Care in Summer" to promote hair and scalp preparations.

Travel Radio Service, New York, seeks free time for travel scripts on behalf of American Express Travel Service.

Legislation

FEDERAL LEGISLATION

HOUSE RESOLUTION

H. Res. 292 (BARRY, D-N.Y.) PROPAGANDA—Authorizing an investigation of propaganda disseminated by the motion picture and radio industries tending to influence participation of the United States in the present European war. Referred to the Committee on Rules.

National Defense

NEW HIGH IN NAC ENLISTMENTS

The last two or three months have been the best period for enlistments of Naval Aviation Cadets in the entire history of the U. S. Navy. This information was given NAB today and is reliable and official. "Don't let them tell you differently".

NAC recruiting announcements are carried in quantity by nearly every radio station in the country. Other announcements urge general Navy enlistments and enlistment in the Naval Reserve.

THE ANSWER IS "YES"

With reports of Radio Station National Defense Activity for the month of July have come inquiries from a number of executives as to whether a report for August was also desired. The answer is "yes"; the NAB National Defense Committee will appreciate receiving such a report. Toward the last of the month the request will be repeated in a letter to stations.

Many station managers have also written that they have started to keep a national defense log which they believe will be of benefit to themselves as well as helpful in making out the reports.

NEW STATION ASSISTS ND

KBUR, went on the air in Burlington, Iowa, July 20. "Since the very beginning", writes Clark G. Kuney, program director, "we have been cooperating in the national defense program."

WHO'S "DRESS REHEARSAL"

WHO, Des Moines, sponsoring "Dress Rehearsal", a half hour variety show in behalf of defense bonds and stamps 8:30 to 9:00 p. m., Fridays. It is written and produced by Dick Anderson of the WHO staff. Cast includes an orchestra conducted by Don Hovey, WHO musical director, the Songfellows, the Three Little Girls Who Love to Sing, The Foursome, the Sunset Corners Choir, Swackley & Tuttle and guest artists.

AD SECTION FOR KFAR

The July 15 issue of the Fairbanks (Alaska) "Daily News" contains a special "KFAR National Advertisers' Section".

The editorial copy contained a nice balance of stories between the station, station features and product publicity. Half of the space was devoted to consumer advertisements of products advertised over the station.

Just in case you are interested the high temperature in Fairbanks on July 14 was 76 degrees. The low on the 15th was 52 degrees but by 2:00 p. m. the temperature had risen to 69.

FCC FORM 303 CLARIFIED

Numerous stations having found difficulty in answering question 15(a) in FCC Form No. 303 ("Application for Renewal of Standard Broadcast License"), NAB requested the Commission to clarify the meaning of the question. On August 5 the Commission replied as follows:

"Gentlemen:

Receipt is acknowledged of your letter of July 22, 1941, in which you request a clarification of question 15(a) in our Form 303.

The contracts covering program service called for in that question include management contracts, affiliation contracts with networks providing for the broadcasting of live talent programs, contracts with transcription companies providing for transcription service, and any other contracts covering general program service as distinguished from contracts covering specific programs or contracts with individual artists.

Very truly yours,

(Signed) T. J. SLOWIE,
Secretary."

DCB DRAFTS PLANS FOR AIR RAID AND EMERGENCY USE OF BROADCASTING

Nation-wide plans to use standard broadcasting stations for air raid warnings and other messages, communiques and announcements in the event of military emergency were outlined August 8 by the Defense Communications Board through James Lawrence Fly, Chairman of the DCB and of the FCC.

The Chairman emphasized that broadcasting would remain in private hands and that all utilization of broadcast facilities will be on a cooperative basis except for possible areas of actual combat. The defense studies have been made in considerable part by the industry itself.

Also announced were protective safeguards designed to ensure continuous operation of broadcasting stations under emergency conditions. The DCB finds the broadcasting structure well adapted to air raid warning and similar uses, but notes certain remediable shortcomings still to be overcome.

Present plans, now under joint consideration by the DCB and the Office of Civilian Defense, are concerned with ways of linking of broadcast stations to local civilian defense centers for instantaneous receipt of local and regional warnings, announcements, etc. In addition, a potential nation-wide supernetwork is available for messages of national scope.

Current reports to the DCB indicate that of approximately 880 standard broadcast stations in operation, nearly 500 are already connected to the potential supernetwork carried on telephone lines. An additional 132 have studios in cities now served by the supernetwork, so that only local links need be secured; and 240 are

located along the lines of the supernetwork and so can be tapped in. Only 12 stations in the country are located away from the regular program lines; and these can be hooked in for emergency announcements, etc., by means of ordinary telephone interconnections. Thus substantially every broadcasting station in the country can be promptly utilized for military or civilian defense message broadcasts. The program transmission network is also available for instantaneous warnings to a particular station that it is in danger of becoming a beacon for enemy aircraft.

DCB surveys indicate that even with every station in the country tied in for emergency broadcasts, certain rural areas would be without reliable reception, especially during daylight hours and during summer months in the Southern States. Various plans for providing reliable broadcast service to such areas are now under consideration. The DCB notes that all urban areas are adequately covered for emergency defense communications, and that few towns with a population of more than 25,000 are without local broadcasting stations.

Forestalling Program Interruptions

Successful use of broadcasting for military or civilian defense under private ownership and operation, the DCB notes, depends upon the reliability of transmission and its freedom from accidental or deliberate interruptions. Preliminary reports to the Board indicate that reliability varies from station to station, but that a high degree of freedom from program interruptions can be attained. Thus 20 selected stations were found to be losing an average of less than a minute and a half per week from program interruptions of all kinds. Reliability of these stations was calculated at 99.982%.

Electric power failure, it was found, is the most frequent cause of interruptions, accounting for about 50% of all program breaks. Since continuous operation of broadcast stations during power failures is essential, the Board has in progress means of continuing service while public power is cut off. At present an estimated 10% of all broadcast stations are equipped with emergency gasoline or steam-driven power generators which will enable them to continue operations under any conditions except actual demolition of the transmitters. A few other stations are served by two or more independent sources of public power. Studies are now under way to decrease the likelihood of broadcast failures from power shut-offs.

Other protective measures fostered by the DCB include procurement of replacement parts, especially tubes, duplicate pumping and tube-cooling facilities, reduction in the vulnerability of antenna installations, standby transmitters, and alternative links between studios and transmitters if the two are geographically separated.

Supernetwork Protection

In addition to steps designed to protect particular stations which may be designated for special defense functions, the DCB has instituted reliability studies of the potential supernetwork which welds the stations into a nation-wide unit. Reports to the Board indicate that the 45,000 miles of program transmission circuits now in existence provide alternate routes to all but two of the 310 cities now served. Thus in the event that all network stations were mobilized for a nation-wide defense broadcast, any particular circuit interruption could be compensated by rerouting over alternative transmission lines. Alternative power supplies for these program transmissions are provided by adequate storage battery reserves in 4,000 relay centers, by two or more independent public power supplies in 800 centers, and by stationary engine-driven generators at 50 centers now, with 350 more on order. To provide for emergencies, 200 small and 25 large portable engine-driven generators are available at key points throughout the country.

The Board states that while certain problems remain, the broadcasting system of the country is cooperating fully, and is in most substantial respects ready for public service in connection with air raid warnings, civilian defense announcements, and other emergency communications, under private ownership and operation.

DEFENSE PROMPTS AIRCRAFT FREQUENCY CHANGES

On recommendation of the Defense Communications Board, through its Aviation Communications Committee, the FCC has withdrawn the frequency 3105 kilocycles from use by scheduled aircraft and substituted the frequency 3117.5 for such use. This action, prompted by congestion on 3105 kilocycles and communication needs for off route flights of aircraft in connection with defense, necessitates the withdrawal of the frequency 3120 kilocycles from availability for assignment to aircraft. However, the latter is little used at the present time and the private flyer will benefit materially by now having exclusive use of 3105 kilocycles.

Section 9.72 of the Commission's Aviation Rules and Appendix B of Part 2 of the General Rules are amended accordingly. The change does not involve modification of existing aircraft licenses.

903 STATIONS

During the month of July, 1941, the Federal Communications Commission issued operating licenses to five stations and granted six permits for the construction of new stations. A comparative table by months follows:

	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1
Operating	799	806	810	816	825	831	835	836	837	836	849	854	859
Construction	58	57	54	52	51	51	46	54	54	55	48	43	44
	857	863	864	868	876	882	881	890	891	891	897	897	903

FCC SUBPOENA TESTED

There was an argument early this week before Justice James W. Morris of the U. S. District Court for the District of Columbia as to how far the FCC can go in requiring witnesses to appear at its hearings.

Although the case argued before the justice involved only one subpoena, directed to James G. Stahlman, Nashville publisher, counsel for both Stahlman and the FCC drew the basic issue of powers of the commission.

Accordingly the decision will have broad effects on the FCC's future policy. The case is the first in which the FCC power to require testimony has been questioned in the courts.

FCC Commissioner Ray C. Wakefield subpoenaed Stahlman on July 29 to appear August 1 at a hearing on the FCC's future policy toward applications of newspaper owners for licenses for frequency modulations (FM) or standard broadcasting stations.

Thomas E. Harris, FCC assistant general counsel, told Justice Morris that the commissioners wanted to ask Stahlman about the attitude of organized press groups toward radio a few years ago. Elisha Hanson, general counsel for the American Newspaper Publishers Association, appeared for Stahlman and said he had advised the Nashville man not to appear because the FCC had no right to call him. The FCC then asked the District Court to compel Stahlman to testify.

Harris told the court that the FCC had power to hold hearings about any subject in its field of jurisdiction. Hanson replied that any FCC policy singling out newspaper owners from other applicants for radio licenses, whether favorably or unfavorably, would be invalid because of the discrimination, and if the policy being considered was invalid, he continued, hearings on the subject would be without authority and witnesses could not be compelled to appear at them.

FCC AND NETS STILL DISCUSSING RULES

At a press conference early this week speaking of network conferences which have been going on here for weeks, FCC Chairman James Lawrence Fly said that points have been drafted but not written into the rules.

He told the newspapermen that things have been on paper for some time and he expressed the opinion that the conferences

are about over. Right now, he stated, there are some major questions outstanding in wording of the points, particularly on option time. There is not a lot of discussion on other points.

Right now, the Chairman said, the broadcasters are busy getting up a list of the number of cities served by a given number of stations. The subject, he said, is the grounds for some differences of opinion among the broadcasters. He expressed the hope that the results of the network conferences may be clarified before the next press conference (on next Monday).

TELEVISION GRANTS TO CHICAGO AND HOLLYWOOD

FCC has granted construction permits for two new commercial television broadcast stations, one for Chicago and the other for Hollywood, Calif.

The Zenith Radio Corporation, in the first named city, is authorized to operate unlimited time on Channel No. 1 (50,000-56,000 kilocycles), using special emission for FM (frequency modulation). The applicant proposes to use the facilities of its present experimental station W9XZV for the purpose.

Don Lee Broadcasting System, Hollywood, will use the same channel. It, too, contemplates utilizing the equipment of its experimental television station, W6XAO.

TELEVISION STATIONS

FCC has announced the following commercial television broadcast stations as of July 25.

<i>Licensee and Location</i>	<i>Call Letters</i>	<i>Frequency (kc.)</i>	<i>ESR (Effective Signal Radiated)</i>
Columbia Broadcasting System, Inc., New York, N. Y.	WCBW	60000-66000 Channel 2	2400 (C. P. only)
General Electric Company, Schenectady, N. Y., T-New Scotland, N. Y.	WRGB	66000-72000 Channel 3	3100 (C. P. only)
National Broadcasting Co., Inc., New York, N. Y.	WNBT	50000-56000 Channel 1	1800

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 17. They are subject to change.

Monday, August 18

Broadcast

Consolidated Hearing

Further Hearing

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control, 1400 kc., 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license, 1400 kc., 100 watts, unlimited time.

FUTURE HEARINGS

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

September 16

KGLU—Gila Broadcasting Company, Safford, Arizona.—Renewal of license, 1450 kc., 250 watts, unlimited time.

Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for 1400 kc., 250 watts, unlimited time.

NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited time.

NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited time.

September 29

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., 1340 kc., 250 watts, unlimited time.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Texas.—C. P., 1230 kc., 250 watts, unlimited time.

NEW—Texas Star Broadcasting Company, Houston, Texas.—C. P., 1230 kc., 250 watts, unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—C. P., 1230 kc., 250 watts, unlimited time.

October 10

WSAM—Saginaw Broadcasting Company, Saginaw, Mich.—Modification of license, 1400 kc., 250 watts, unlimited time.

October 13

WJAX—City of Jacksonville, Jacksonville, Florida.—C. P., 930 kc., 5 KW, DA-night, unlimited time.

October 15

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P., 580 kc., 1 KW, DA-night, unlimited time.

October 17

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., 950 kc., 1 KW, DA-night, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Western Radio Corporation, Pendleton, Oregon.—Granted construction permit for a new station to operate on 1240 kc., 250 watts, unlimited time (B5-P-3183).

Don Lee Broadcasting System, Hollywood, Cal.—Granted construction permit for a commercial television broadcast station to operate on frequencies 50,000-56,000 kc.; Emission A5 and Special for frequency modulation. Unlimited time (B5-PCT-7).

Zenith Radio Corporation, Chicago, Ill.—Granted construction permit for a new commercial television station to operate on frequencies: Channel No. 1, 50,000-56,000 kc.; Emission: A5 and special for frequency modulation (B4-PCT-9).

W3XE, W3XP—Philco Radio & Television Corp. (Transferor), Philco Corporation (Transferee), Philadelphia, Pa.—Present assignment: (W3XE) 66,000-72,000 kc.; A3, A5 emission; 10000 watts night and day, visual and aural. (W3XP) 230,000-242,000 kc.; emission: A5; 15 watts night and day. Granted consent to transfer control of experimental television stations W3XE and W3XP, Philadelphia, from stockholders of Philco Radio and Television Corp. to Philco Corporation. The transferors agree to exchange all the issued and outstanding capital stock of the licensee (13,826 shares, common, par value \$100 per share) for an equal number of shares of

the common voting stock of the transferee (par value \$100 per share) (B2-TCVB-1).

- WKNE—Twin State Broadcasting Corp. (Assignor), WKNE Corp. (Assignee), Keene, N. H.—Present assignment: **1290 kc.**; 5 KW unlimited time. DA night and day. Granted consent to the assignment of license of station WKNE, from Twin State Broadcasting Corp. to WKNE Corp. (B1-AL-309).
- W9XBT—Balaban & Katz Corp., Portable-Mobile Area of Chicago, Ill.—Present assignment: (Under construction permit which expired 5-17-41), Channel No. 11, **204000-210000**, Channel No. 12, **210000-216000 kc.** Emission A5, 250 watts. Granted reinstatement of construction permit (B4-PVB-72) for a new relay television station to operate on frequencies: Channel No. 11, **204000-210000** and Channel No. 12, **210000-216000 kc.** Emission: A5, 40 watts night and day and for changes in equipment (B4-PVB-84).
- Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to Station CKLW, Windsor, Ontario, Canada, to stations owned and operated by the Canadian Broadcasting Corp. and to stations licensed by the Canadian Minister of Transport, through the facilities of the American Telephone and Telegraph Co. (B4-FP-89).
- WMBG—Havens & Martin, Inc., Richmond, Va.—Present assignment: **1380 kc.**; 1 KW night, 5 KW day, unlimited time. DA night and day (Under ML granted subject to installation of DA for night use only, using 5 KW night and day). Granted construction permit to make changes in directional antenna system for night use only (B2-P-3197).
- W3XP, W3XE—Philco Radio & Television Corp., Philadelphia, Pa.—Granted renewal of experimental television broadcast station licenses; W3XP to operate on frequencies **230000-242000 kc.**, 15 watts, Portable-Mobile relay. W3XE **66000-72000 kc.**, 10000 watts visual and aural (B2-RVB-19 and B2-RVB-8).

DESIGNATED FOR HEARING

- KRBC—Reporter Broadcasting Co., Abilene, Texas.—Present assignment: **1450 kc.**, 250 watts, unlimited time. Application for construction permit to change frequency to **1470 kc.**; increase power to 1 KW night and day, nondirectional antenna night and day; install new transmitter, make changes in antenna and move transmitter to North 12th, 1.4 miles West of Abilene (B3-P-2553).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Present assignment: **1390 kc.**, 1 KW, daytime only. Modification of license to change frequency to **1470**, change hours to unlimited time using 500 watts night and 1 KW day (B3-ML-1076).
- H. C. Cockburn, tr/as San Jacinto Broadcasting Co., Houston, Texas.—Construction permit for a new station to operate on **1470 kc.**, 1 KW, unlimited time, contingent on channel being vacated by KXYZ. This application will be heard jointly with that of KRBC and WQBC listed above (B3-P-3214).

MISCELLANEOUS

- KFJZ—Tarrant Broadcasting Co., Ft. Worth, Tex.—Granted modification of construction permit for new transmitter, increase in power from 1 to 5 KW, install directional antenna and move transmitter, for change in frequency from **1240 kc.** to **1270 kc.** and make changes in directional antenna system, accordingly, and extend commencement date to one day after grant and completion date 180 days thereafter (B3-MP-1349).
- KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Tex.—Granted renewal of relay broadcast station license for the period ending October 1, 1941 (B3-RRY-10).
- WNYC—City of New York, Municipal Broadcasting Co.—Granted special temporary authority to operate additional time from sign-off time (August, 8:15 p. m., EST) to 9 p. m., EST, on August 2, 4, 5, 6, 7, 9, and 11 to 31, 1941, inclusive, in order to broadcast musical programs only.
- WKRC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Granted special temporary authority to operate with power of 5 KW from 2 p. m. to 3 p. m., EST, August 9, 1941, only, in order to carry a special DX broadcast.
- Nashville Radio Corp., Nashville, Tenn.—Denied motion for continuance until Commission has reached decision on Order No. 79, consolidated hearing scheduled for August 11, 1941, on petitioner's application for construction permit for new

- station to operate on **1410 kc.**, 1 KW, unlimited time directional antenna day and night and the application of A. M. Burton for the same facilities. Exception to ruling noted by counsel for Nashville Radio Corp.
- WIBU—Wm. C. Forrest, Poynette, Wisc.—Granted authority to make changes in automatic frequency control equipment (B4-F-233).
- KSKY—Chilton Radio Corp., Dallas, Tex.—Granted modification of construction permit for new station, for approval of antenna system, approval of studio site and transmitter (B3-MP-1359).
- WFDF—Flint Broadcasting Co., Flint, Mich.—Granted license to cover construction permit for new transmitter, directional antenna for day and night use, increase in power, change in frequency and move of transmitter to new site (B2-L-1463).
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted license to cover construction permit for increase in power and installation of directional antenna for night use (B3-L-1456).
- Scripps-Howard Radio, Inc.—Denied motion for postponement of hearing indefinitely, now scheduled for September 15, 1941, in re applications of Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., for new stations at Houston, Tex., with leave to petitioner to file within 5 days a petition to delete issue No. 6 in the notice of hearing. On Commission's own motion, continued hearing to September 29, 1941.
- KONB—MSB Broadcast Company, Omaha, Nebr.—Dismissed motion for conditional continuance of hearing in re applications for construction permit for new station to operate on **1490 kc.**, 250 watts, unlimited time, and application for modification of construction permit.
- KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Dismissed motion for conditional continuance of hearing in re applications for renewal of license of KORN and application for transfer of control.
- WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Withdrew petition to intervene in re hearing on application of Thomas Patrick, Inc. (KWK), St. Louis, Mo., for construction permit to operate on **680 kc.**, 50 KW, unlimited time, directional antenna day and night.
- George Grant Brooks, Jr., Scranton, Pa.—Granted in part motion for continuance of hearing now set for August 20 in re applications of George Grant Brooks, Jr., and Anthracite Broadcasting Co., Inc., for new stations at Scranton, Pa., and application of Union Broadcasting Co. (WARM), Scranton Pa., for license to cover construction permit; said hearing continued to September 16, 1941, only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension of special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a. m., EST, Monday, through Friday from August 16 to September 8, 1941, provided WSVS remains silent.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate on frequency **790 kc.**, with power 5 KW, daytime, using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit for a period not to exceed 30 days, pending completion of the second antenna tower and proof of performance measurements.
- Evansville on the Air, Inc., Portable-Mobile, area of Evansville, Ind.—Granted construction permit for new relay broadcast station; **156750, 158400, 159300, 161100 kc.**, 30 watts, special emission for frequency modulation (B4-PRE-402).
- Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.**, 25 watts (B3-PRE-401).
- Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Granted construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.**, 2 watts (B5-PRE-400).
- WSAZ, Inc., Portable-Mobile, area of Huntington, W. Va.—Granted construction permit for new relay broadcast station; **1606, 2102, 2758** and conditionally **2074 kc.**, 40 watts (B2-PRY-247).
- Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—Granted license to cover construction permit for new relay broadcast station; **30820, 33740, 35820, 37980 kc.**, 2 watts (B5-LRE-353). Same (B5-LRE-354).

W49D—John Lord Booth, Detroit, Mich.—Granted modification of construction permit which authorized construction of new high frequency broadcast station, to make changes in antenna system (B2-MPH-33).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted modification of construction permit which authorized increase in daytime power and installation of new transmitter, for change in type of transmitter (B2-MP-1362). Granted license to cover construction permit as modified (B2-L-1460).

WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted modification of construction permit which authorized new broadcast station, for extension of completion date from August 17, 1941, to February 17, 1942 (B1-MP-1376).

WBAF—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted special temporary authority to operate relay station WBAF with one-half watt transmitter in order to broadcast from a parachute jumper while in descent on August 10, 1941, only.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted license to cover construction permit for new transmitter, installation of directional antenna for day and night use, increase in power from 1 to 50 KW, and move of transmitter (B5-L-1453).

WSBT—The South Bend Tribune, South Bend, Ind.—Granted license to cover construction permit to install directional antenna, change frequency to 960 kc., change hours of operation to unlimited, and move transmitter (B4-L-1440).

K45LA—Don Lee Broadcasting System, Los Angeles, Cal.—Granted extension of special temporary authority to operate frequency modulation station commercially on 44500 kc., 1000 watts power, special emission for frequency modulation, with transmitter located on top of Mt. Lee, Los Angeles, described as Western Electric type 503-A-1, maximum rated power 1000 watts and using a 4-day turnstile antenna, for the period September 5 to not later than November 3, 1941.

W8XVH—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 frequency modulation, with transmitter located at 50 West Broad St., Columbus, described as General Electric Type 4GF1A1, maximum rated carrier power 250 watts, for period August 29 to not later than September 28, 1941.

W43B—The Yankee Network, Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on 44300 kc., 50000 watts power, special emission for frequency modulation, using the transmitter of High Frequency Experimental Station W1XOJ at summit of Asnebumskit Hill, Paxton, Mass., for a period August 27, 1941 to not later than October 25, 1941, without prejudice to the issues to be determined in the hearing on application File No. B1-PH-51).

WADA—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate relay mobile station WADA, licensed to the Charleston Broadcasting Company, for a series of special programs consisting of interviews with housewives of Huntington, W. Va., the program originating in the studios of WSAZ and being transferred to selected points in various parts of the city of Huntington, on August 8, 15, 22, 29, and September 5, 12, 19 and 26, 1941, only.

KFQD—R. E. McDonald and Barbara McDonald (Transferors), Midnight Sun Broadcasting Co. (Transferee), Anchorage, Alaska.—Present assignment: 780 kc., 250 watts, day and night; specified hours. Placed in pending files pursuant to Order No. 79, the application for consent to transfer control of Anchorage Radio Club, Inc. (KFQD), Anchorage, Alaska, from R. E. McDonald and Barbara McDonald, to Midnight Sun Broadcasting Co. (B-TC-264).

WWNC—Asheville Citizen-Times Co., Asheville, N. C.—Granted petition for reconsideration and grant without hearing application for renewal of license; hearing heretofore designated, cancelled; and WWNC granted renewal of license to operate on 570 kc., 1 KW, unlimited time (B3-R-457).

KMA—May Broadcasting Co., Shenandoah, Iowa.—Granted petition for reconsideration and grant without hearing application for renewal of license; hearing heretofore designated, cancelled, and KMA granted renewal of license to operate on 960 kc., 1 KW night, 5 KW day, unlimited time (B4-P-2827).

West Allis Broadcasting Co., West Allis, Wisc.—Denied petition to reconsider and grant without a hearing application for a new

station to operate on 1480 kc., 250 watts, daytime only (B4-P-3045).

WWRL—Long Island Broadcasting Corp., Woodside, L. I., New York.—Denied petition of WWRL requesting Commission to amend its Findings, Conclusions and Order heretofore issued in Brooklyn cases, or in the alternative for reconsideration and oral argument thereon; the answer to said petition filed by Arthur Faske (WCNW); and response to said answer filed by WWRL.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Present assignment: 560 kc.; 5 KW from 6 a. m. to local sunset; 1 KW from 5 to 6 a. m.; daytime. Granted petition to reconsider and grant without hearing application for construction permit to install directional antenna for night use and increase hours of operation to unlimited, subject to such rules or policies as may hereafter be adopted with respect to multiple ownership of stations serving same area.

APPLICATIONS FILED AT FCC

600 Kilocycles

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—License to cover construction permit (B3-P-2979) for changes in directional antenna system and increase in power.

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Authority to determine operating power by direct method.

1280 Kilocycles

WDSU—WDSU, Incorporated, New Orleans, La.—Modification of Construction permit (B3-P-2923) for move of transmitter, increase in power and installation of directional antenna for day and night use, for extension of completion date from 9-1-41 to 12-1-41.

1300 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power for main transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power for auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to use directional antenna (as authorized under C. P. B1-P-3131), with auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover construction permit (B1-P-3131) which authorized increase in power from 1 KW; 5 KW-day to 5 KW day and night, and changes in directional antenna.

NEW—Lake Shore Broadcasting Corporation, Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on 1300 kc., 5 KW, unlimited time, employing directional antenna day and night.

1490 Kilocycles

KSAM—H. G. Webster, C. N. Shaver & W. Bryan Shaver, d/b as Sam Houston Broadcasting Association, Huntsville, Texas.—Voluntary assignment of license from H. G. Webster, C. N. Shaver & W. Bryan Shaver, d/b as Sam Houston Broadcasting Association, to W. J. Harpole and J. C. Rothwell, d/b as Radio Station KSAM.

MISCELLANEOUS APPLICATIONS

NEW—Adirondack Broadcasting Co., Inc., Portable-Mobile Area of Albany, N. Y.—Construction permit for a new relay broadcast station; to be operated on 31620, 35260, 37340, 39620 kc., 2 watts power, A3 emission.

NEW—WOKO, Inc., Portable-Mobile, area of Albany, N. Y.—Construction permit for a new relay broadcast station to be operated on 33380, 35020, 37620, 39820 kc., 2 watts power, A3 emission.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Texas.—Authority to determine operating power by direct measurement.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Bentley Company—Melvin V. Eisenberg, Irwin Goldberg, Harry Krohner and Seymour Eisenberg, individuals trading as Bentley Company, Mail Order Division, located at 900 North Francisco Ave., Chicago, engaged in the sale and distribution of a medicinal preparation designated as "Fat-O-No," are charged in a complaint with misrepresentation and false advertising. (4552)

Curtiss Candy Company—A complaint has been issued charging The Curtiss Candy Co., Chicago, large candy manufacturer, with knowingly inducing some manufacturers of corn syrup to discriminate in price in favor of itself and with knowingly receiving the benefits of price discrimination from some of such manufacturers contrary to the Robinson-Patman Act. (4556)

Electrical Alloy Section of the National Electrical Manufacturers' Association, 155 East 44th St., New York City; George B. Cumming and William J. Donald, its executive secretary and managing director, respectively; Alloy Metal Wire Co., Inc., Prospect Park, Pa.; Hoskins Manufacturing Co., Detroit; Wilbur B. Driver Co., Newark, N. J.; C. O. Jelliff Manufacturing Corp., Southport, Conn., and Driver-Harris Co., Harrison, N. J., are charged in a complaint with entering into and carrying out an agreement having the effect of restricting and hindering price competition. (4558)

Felder Brothers, Inc., 583-587 Broadway, New York City, and Abraham Felder, David Felder and Louis Felder, individually and as officers of the corporation, are charged in a complaint with misrepresentation. (4555)

General Surveys, Inc., and John H. Thies as president and G. J. Doucette as a director, respectively, of the corporation, are charged, in a complaint, with misrepresentation.

The complaint alleges that the respondents, whose place of business is at 203 North Wabash Ave., Chicago, are engaged in the sale and distribution of sets of reference books known as "The American Educator Encyclopedia" and other books and a so-called quarterly loose-leaf extension service for the encyclopedia, and certain so-called research services. The encyclopedia is sold in sets of ten or twenty volumes and also in conjunction with the loose-leaf extension service and a ten-year membership in an organization known as General Research Foundation, which answers members' questions on general subjects within the scope of encyclopedia service. (4554)

Grant Company—Grant T. Whiteside, trading as Grant Company, Sabina, Ohio, engaged in the preparation and sale of medicinal preparations designated as "Ton Jon No. 1," "Ton Jon No. 2" and "Ton Jon No. 3," is charged, in a complaint, with misrepresentation and false advertising. (4553)

Milk & Ice Cream Can Institute—Alleging unfair practices in restraint of trade in the sale and distribution of milk and ice cream cans, a complaint has been issued against The Milk and Ice Cream Can Institute, the industry's trade association, and against a promoting and organizing group, and nine manufacturing corporations which sell approximately 1,000,000 milk and ice cream cans a year. (4551)

Stay Die Cutters Assn., Inc.—A complaint has been issued charging a manufacturer and three distributors of "bogus" paper; seven operators of stay die cutting businesses; the Stay Die Cutters Association, Inc., a trade association, and Sidney Haberman, its executive secretary, all of New York, with a combination and conspiracy to restrain competition and trade in the sale of "bogus" paper. (4559)

J. E. Todd, Inc., Kenmore, N. Y., engaged in the sale and distribution of a medicinal preparation designated "Todd's Capsules," is charged, in a complaint, with misrepresentation. (4549)

STIPULATIONS

During the past week the Commission has made public the following stipulations:

Plough, Inc., Memphis, Tenn., engaged in selling "Mufti Shoe White," has stipulated that it will discontinue representing that Mufti Shoe White will not rub off; that it provides twice the ordinary coverage or is more economical than other shoe whites, and that it does not build up on leather. The respondent further agrees, in connection with the offering for sale and distribution of Mufti Shoe White, that whenever it represents that its product is guaranteed, the terms and conditions of the guarantee will be clearly set forth within the representation making such guarantee. (02851)

Frederic W. Ziv, Incorporated, 2436 Reading Road, Cincinnati, an advertising agency, has stipulated to cease disseminating advertisements on behalf of Rubel Baking Co., Cincinnati, which contain certain representations concerning "Rubel's High Vitamin B₁ Wheat Bread," also designated as "Rubel's High Vitamin Wheat Bread." (02850)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

Atlas Wall Paper Mills, Inc., Coal City, Ill., engaged in the manufacture and sale of wall paper, has been ordered to cease and desist from misrepresentation in connection with the sale of its products. (4288)

Bengor Products Company—Benjamin Gordon and Louis Gordon, trading as Bengor Products Co. and Magnet Merchandise Co., 878 Broadway, New York City, engaged in the sale and distribution of drug sundries, notions, and other novelty merchandise, have been ordered to cease and desist from the use of lottery methods in the sale and distribution of their merchandise. (4474)

Lee Boyer's Candy, 103 Southwest Front Ave., Portland, Ore., and George G. Blaisdell, Walter G. Blaisdell and Homer G. Barcroft, trading as Zippo Manufacturing Co., Bradford, Pa., have been ordered to cease and desist from lottery methods in the distribution of their products. (4265-4497)

Giant Tiger Corporation—An order has been issued directing Giant Tiger Corporation, 41st and Chestnut Sts., Philadelphia, to cease and desist from violation of the brokerage section of the Robinson-Patman Act. (4276)

Thermalaid Method, Inc., and Charles H. McFarland, its president, Steubenville, Ohio, have been ordered to cease and desist from certain misrepresentations in the sale of "Thermalaid," an electrical device for the treatment of prostate gland and associated ailments by application of heat. (4078)

C. F. Sauer Co., with headquarters in Richmond, Va., and operating plants in Richmond and in Greenville, S. C., has been ordered to discontinue price discriminations and discriminatory

advertising allowances in the sale of food products and insecticides in violation of the Robinson-Patman Act. (3646)

FTC CLOSES CASE

The Federal Trade Commission closed without prejudice a case growing out of a complaint which had charged six individuals trading as National Optical Stores Company and Dr. Ritholz Optical Company, 1148-1160 West Chicago Ave., Chicago, with violation of Section 5 of the Federal Trade Commission Act in the sale of eye glasses. The individual respondents are Benjamin D., Morris I., Samuel J., Sylvia, Fannie and Sophie Ritholz.

The case was closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant. (3143)

TIME SALES TAX FIGHT PUSHED

Necessity for redoubled efforts to lick the radio time sales tax developed Thursday when the International Allied Printing Trades Council asked the Senate Finance Committee to double the graduated tax approved by the House.

The committee appeared to be favorably impressed by arguments against the tax presented Monday by the NAB and others.

But the battle is far from won. The bill has a long way to go. Until Congress sends it to the President without the time sales tax included, no one can be sure it's beaten.

Help from back home is essential. Let your Senators and your Representative in Congress know how you feel about this unfair, discriminatory, super-tax on radio.

James Lawrence Fly, FCC chairman, was the first to go to bat for the industry at Monday's hearing before the Senate Finance Committee. He told the Senators how much time, effort and money the industry was devoting to public service, especially that public service devoted to national defense. In the event of war, he indicated, the demands upon radio for service producing no revenue would be even greater, while income might drop. He also pointed out that competing advertising media were not taxed by the new revenue bill.

When asked by Senator Davis (R-Pa.), "If you put a tax on advertising in radio, will that not set a precedent for taxing advertising in newspapers?" Mr. Fly replied that he thought "it might very well do so." Mr. Fly said the Commission had been considering for some time the possibility of a bill "which would access broadly upon the communications industry, roughly the cost of regulation." He indicated, however, that a great deal of study should be made of a proper base for such a tax before it was originated.

Maurice Lynch, financial secretary of the Chicago Federation of Labor, operator of station WCFL, was the second witness, and said their objections were, first, that the tax placed an unequal and discriminatory burden on broadcasting and second, that it departed from the well-established precedent of not taxing income of non-profit organizations and labor unions. He pointed out that station WCFL donated much valuable time to the Government and that "it would not be just that radio stations which donate so much time to Government agencies be discriminated against."

Harold A. Lafount, president of the National Independent Broadcasters, said that the stations he spoke for did not object to increased taxes but wanted the burden of financing national defense to be distributed equally. As the bill stood, he said, it discriminated against the broadcasting industry. Although the lower income stations were exempt, he

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

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

TIME SALES TAX FIGHT PUSHED

(Continued from page 695)

said, many independent stations whose incomes were in excess of \$100,000 had little or no profit. These, he pointed out, certainly were in no position to pay the tax.

Ellsworth C. Alvord, nationally known tax expert, appeared for the NAB. He opposed the tax on four grounds:

(1) It was the first tax, with one minor exception, ever imposed upon gross receipts. "It has nothing to do at all with ability to pay, or any principle that I know of, or which I have read, or have heard of, which could underlie the taxing policy of this Government."

(2) The tax was discriminatory, but even if it were not, it would be unjust. A tax on advertising "is nothing more than a tax upon the dissemination of information, upon the dissemination of news."

(3) Radio is rendering an important public service. "I cannot believe that the Congress would so desire to hamper, even jeopardize, the service which the radio industry is now performing in the interest of the public."

(4) The tax would hit "the winners and losers" in the radio business and might throw those now making a slight profit into the red. This was against any just tax principle.

Mr. Alvord said that the industry could not object to a non-discriminatory general franchise tax but that the radio industry should not be the first industry for that experiment. Other industries were Government regulated without having to pay for the regulation, he said.

Mr. Alvord submitted a lengthy memorandum, giving detailed arguments against the tax.

Mrs. Emily Holt, executive secretary of the American Federation of Radio Artists, and Lawson Wimberly, international representative of the International Brotherhood of Electrical Workers, both appeared in opposition to the tax. Mrs. Holt pointed out that the AFRA convention in Detroit last week adopted a resolution against the tax because the union felt it would restrict the opportunities of actors, singers and announcers. Mr. Wimberly pointed out that the tax originally was the idea of a group of printing trades workmen who thought it would shift advertising from radio to the printing media. He said he thought they were mistaken, and pointed out that the American Federation of Labor was on record in opposition to the tax.

James C. Petrillo, president of the American Federation of Musicians, addressed the following telegram to the Committee:

"The American Federation of Musicians has gone on record by a unanimous vote of its international executive board protesting a 15% tax on the gross radio receipts on the grounds that the more tax paid by radio stations the more unemployment of all crafts will be the ultimate outcome of the entire matter."

IRNA Analyzes Deal Between NBC—ASCAP

The following analysis of the NBC-ASCAP deal, prepared by the chairman and vice-chairman of IRNA, will be of interest not only to NBC affiliates but also to all broadcasters. It should be studied carefully:

INDEPENDENT RADIO NETWORK AFFILIATES, INC.

Chairman's Office

August 19, 1941.

The NBC-ASCAP Formula

To All N. B. C. Affiliates:

On many occasions in the past few years we have all complained about the short-sightedness, the bull-headedness and the narrow-mindedness of network executives from our point of view, in failing to comply with requests from IRNA which we believed to be for the good of the industry. We believe much of the present mess the networks are in could have been averted.

This makes it all the more imperative that we should speak up when we have obtained from a network a deal for Affiliates which we regard as a major accomplishment. The advantages obtained for Affiliates in the copyright deal tentatively arrived at between N. B. C. and ASCAP are a victory for Affiliates. They are the direct result of demands made by IRNA. They also reflect the better understanding of Affiliates which Trammell, as president, has brought into the direction of NBC.

In recent months the broadcasting industry has had a crisis every morning before breakfast. Broadcasters have faced so many emergencies they are shell-shocked.

Many of you have not followed the details of the copyright situation. The telegram you got from Trammell was too short and needs to be amplified. We therefore believe it is in order to review and explain the proposed new formula and state our views. The decision is up to you. You are free to act. We have obtained a proposition which, when it is satisfactorily embodied in contract form, is an offer to you. We have made no commitment for you. We have made no representations that we have authority or power to bind you.

It is, of course, not possible to make final recommendations on the copyright deal tentatively set up between NBC and ASCAP until affiliates have had a chance to examine not only the final NBC-ASCAP contract but also the single station blanket contract, the single station per program contract, and the contract for clearance at the source of commercial transcriptions.

However, it is our considered judgment that this is a very fair deal and that now is the time to settle copyright differences between networks and affiliates so that ASCAP music can go back on the air and so that the major problems which confront the industry can have our undivided attention.

First of all, let us spot the high-lights of what we shall call the ASCAP Formula of August 1, 1941 (the year of the Big Wind). This is how we see them as Affiliates.

The Advantages

1. No affiliate is compelled to take a local ASCAP license. Even if you don't take one, you will get the benefit of ASCAP music on network service and the network will pay the cost of sustaining programs. On commercial programs you will be asked to reimburse to the network only the same amount which the network pays ASCAP on the net dollars you get from the network.

You used to pay ASCAP 5% on these dollars. You are now asked to pay 2 $\frac{3}{4}$ %.

2. Any affiliate who wants ASCAP music locally can get it on a per program basis or a blanket basis. An affiliate must also be able to get the music on commercial transcriptions cleared at the source, and this contract must be satisfactorily negotiated. On

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RADIO AND SCHOOLS



Any investment broadcasters may make in aiding schools to more effectively use radio is money well spent.

No better investment can be made than the distribution to every superintendent, principal, supervisor and teacher in every community of a copy of the revised and improved

How to Use Radio in the Classroom

Your copy is being sent you next week.

How about ordering a quantity of these or joining with other broadcasters in your community to see that one is placed in the hands of all of the school people?

With your copy is a blank for your convenience in placing your order.

IRNA ANALYZES DEAL

(Continued from page 696)

either the per program or blanket license basis, you are allowed to deduct, as before, advertising agency commissions, quantity discounts, and income from political broadcasts. IN ADDITION, IRNA HAS OBTAINED FOR YOU A FLAT DISCOUNT OF 15% ON TOP OF ALL THAT, REPRESENTING COST OF SALES TO THE STATION ITSELF AND NOT CONTINGENT UPON ANYTHING.

On the final balance you pay ASCAP 2¼% if you take a blanket license, which is obviously comparable with 1.91% on the previous basis by reason of this new 15% deduction we have obtained for you.

Add to that your local sustaining fee. Instead of an arbitrary figure as before, this will be, for a blanket sustaining license, 12 times \$1.00, if your annual gross is under \$50,000; 12 times your highest ¼ hour rate if you gross \$50,000 to \$150,000; and 12 times your highest ½ hour rate if you gross over \$150,000.

On blanket licenses, adding your commercial and sustaining fees, your total cost of ASCAP will average well under 3%, as compared with a total of between 6% and 7% for both commercial and sustaining licenses before 1941.

THIS BASIC DIFFERENTIAL IN FAVOR OF AFFILIATES, THAT IS, 2¼% AS AGAINST THE NETWORK 2¾%, IS ALSO AN IRNA CONTRIBUTION TO THE TERMS OF THE DEAL.

If you want to try a per-program commercial plan you still get the benefit of the extra 15% deduction we have obtained for you, so that the 8% on full programs of ASCAP music and 2% on incidental use of ASCAP music such as bridge, background, theme or signature, are really 6.8% and 1.7% respectively for comparison with previous experience.

You can even take a per-program sustaining license if you wish and pay 1% of the card value of local sustainers using ASCAP music.

If you wish, you can start with a program license and switch from program to blanket if you think it will be cheaper, or vice versa. Or you can combine a per-program commercial license with a blanket sustaining, or vice versa.

3. There is no minimum guarantee if you take a per program license so as to make yourself eligible to play ASCAP numbers for any local advertisers who wish it. There is a fixed obligation, however, to log all of your numbers for ASCAP, and this will be onerous.

4. You can refrain at present from taking any kind of ASCAP license and change your mind any time you like and take one, and you will get the benefit of this deal for the full length of the term without being penalized because you want to wait and see.

5. This deal is for a full nine (9) years with provision for renewal for nine (9) more years if ASCAP gets rights from its members. The terms for the second nine (9) years will be unchanged unless ASCAP demands an increase which we refuse, in which event the question of an increase would be determined by arbitration.

6. The terms for every affiliate are identical with the terms for every other one, including network M & O stations. The stations previously signed up, including the Mutual affiliates, share in these improved terms. The previous discriminations in favor of certain stations, such as the newspaper contract, are abolished.

7. The deal, when made, will provide for releases up to the date of signing for the network, the stations that sign, BMI and NAB, from the various threats for anti-trust and infringement violations that have been in the air. The local station deal should include a complete release for the stations signing it from all claims, at least up to the date that NBC signs the network deal, including not only infringement violations and anti-trust claims, but also claims for past years.

8. Although it is not, of course, part of the deal with ASCAP, NBC has given assurance that it intends to do its part to maintain BMI and to continue to support BMI and encourage it to grow, and we feel that BMI will be maintained by the broadcasters.

9. The aggregate cost of both BMI and ASCAP music on blanket licenses will be less than 4% for most Affiliates as compared with between 6% and 7% on the old basis before 1941 (when you add your sustaining fees).

10. In the event of a reduction in the ASCAP catalogue so material as to justify a remedy, we will have a right to cancel. If it is impractical to take ASCAP music off the air after having restored it, we always have the remedy of switching to the per program method of payment.

11. The deal imposes a considerable added financial cost on NBC which pays ASCAP on its network revenue which, as you know, was previously exempt. If the new formula were applied

to 1940 business the annual sum payable by NBC to ASCAP on network programs, commercial and sustaining, would be in round figures, \$680,000. Against this, the network asks the Affiliates to reimburse, in round figures, \$280,000. This leaves a network net cost of \$400,000. In addition, NBC would have paid for its M & O stations, commercial and sustaining fees on blanket licenses, in round figures, \$100,000. This makes a total cost for ASCAP music to NBC \$500,000 if the new formula were applied to 1940 business. In addition, NBC payments to BMI for the same period, on the reduced rate plan, are \$160,000. Therefore, cost to NBC for ASCAP and BMI together, on the new plan on 1940 business would be, in round figures, \$660,000 as compared with actual payment to ASCAP for that year, \$410,000.

In other words, NBC is taking on an additional cost, in round figures, of \$250,000 per annum based on 1940 business (and this will increase with growing volume and with clearance at the source on BMI music when it begins) in order to make this deal possible.

Most Affiliates, on the other hand, will find, as above explained, that combined cost of ASCAP and BMI will run under 4% as compared with between 6% and 7% before 1941. This should effectively dispose of any hangover of resentment against the network from past dealings where people felt the network had made a better deal for itself at the expense of Affiliates.

12. Proof that ASCAP is taking with good grace the licking it has received is self-evident when you figure that if all networks and stations take blanket licenses under the new formula, ASCAP stands to receive approximately \$3,200,000 per annum based on 1940 business, as compared with over \$5,000,000 it actually received on 1940 business under the old formula. As further evidence of ASCAP's willingness to bury the past and live in friendship with us, ASCAP has further agreed that if any special Federal broadcast tax is imposed, it will be deductible before applying the percentages.

13. At the present time all we are asked to do is to inform NBC of our agreement to reimburse the network to the extent of 2¾% of our compensation from it, subject to approval by us of the final detailed form of all the contracts which are to be submitted as soon as the ASCAP and NBC regiment of lawyers have agreed upon them, namely, the network contract, and the single station contracts, both blanket and per program. In addition the deal for clearance at the source of commercial transcription programs must be completed.

The Objections

Now we intend to review the objections which have been expressed by some affiliates and our comments on them. The time has come for bringing this matter to a conclusion. Full and free debate is healthy and democratic, but let's not be just a debating society that paralyzes action.

Underlying all criticism of the deal and the formula are these fundamental and basic questions in the minds of many affiliates:

Why should we make any deal with ASCAP at all? Who says we need any ASCAP music whatever? We have made out satisfactorily for eight months without ASCAP music, so why bring it back? Admitting the deal is good enough in dollars, why add this expenditure to what we are already spending for BMI if we don't need it? Is this money not just an extra luxury for something the network may need but we don't? If the network wants ASCAP music, why doesn't the network pay for it and leave it alone?

Let us first dispose of this subject: We all know what a voracious appetite for music radio has and it is up to us, as a matter of public service, to supply our program builders with every bit of material available, providing only that we can obtain that material at an equitable price. We had not only the right, but the duty to refuse to pay ASCAP the exorbitant demands made on the industry last year. But no matter how unreasonable ASCAP was with us we must not overlook our public obligation and be unreasonable with them. We must continuously improve our programs and the ASCAP repertoire will be a help in doing that.

Some of the large national advertisers who have cooperated with us for the past eight months because they knew that any great increase in copyright fees would result in increased rates, are now becoming restless. They are saying to the network executives: "We have cooperated with you when the demands upon you were unreasonable but now that you can make a fair deal we expect you to make it and not hold out simply because you seem to be getting along fairly well with the music now

available. We want to use everything that has ever been written and we expect you to obtain the right for us to do so."

This is no reflection on BMI. BMI, in the few months of its existence, has done a wonderful job. The fact that it has enabled us to keep music on the air at all is in itself a miracle of accomplishment. It is not reasonable to expect that in one year of experience, half of which was taken up with preparation, BMI could accumulate for us a catalogue sufficient to supplant entirely the ASCAP library accumulated over more than 50 years.

It may be that many stations are not fully aware of the difficulties that have faced program builders. Many stations depend mostly on phonograph records or transcriptions foremost of their musical output, and BMI has done a wonderful job in making available lists of numbers free of ASCAP obligations.

The networks have developed whatever position they have, because in the last analysis they have furnished the public with programs of such high quality that audiences have been educated to expect nothing but the best. They cannot afford to lose this hallmark. We cannot afford to let them lose it.

However, stations which take the view that it is up to the networks and not a matter of interest to the stations, are only trying to hitch-hike a free ride without realizing the facts. With ASCAP music on the networks, many stations will eventually find that listener interest will require them to add ASCAP music to their local program service. Furthermore, the problem of avoiding ASCAP-controlled phonograph records will increase because there will be an increase in ASCAP tunes recorded.

Another consideration that should be present in the minds of all broadcasters is the opportunity by closing with ASCAP at this time to avoid the damage that would be caused by any other course to our public and governmental relations at a time when we are being attacked from several quarters.

Any broadcaster who thinks that the object we had in view was to destroy and disintegrate ASCAP is equally mistaken. We all recognize the established fact that composers and publishers of individual songs or numbers own the copyrights and have a right to be paid for their use. If we use the music someone has a right to be paid. If we don't pay through ASCAP as a central collecting agency, if ASCAP is completely disintegrated, the probable result might be that these composers and publishers would deal with us for themselves or would form smaller groups in larger numbers and we would then be faced with the problem of dealing not with one single collecting agency but with many. The confusion, correspondence, bookkeeping and detail involved in dealing with all these people separately, and the flood of infringement charges and suits that might descend upon us would far counter-balance any sentimental satisfaction that last-ditch fighters would enjoy in the dissolution of ASCAP. As far as emotion is concerned, such broadcasters should derive all the comfort which they need from the obvious fact that on the revised basis of the Consent Decree and the Formula, ASCAP will have to make plenty of changes and cut out most of the abuses which we broadcasters objected to.

Program or Blanket Basis

The next general set of questions comes under the head of Program and Blanket:

As long as two successive conventions of the industry went on record in favor of a Program license or plan of measured use, why are we now called upon to reimburse to the network on a blanket basis, or to consider blanket licenses for local use?

In the first place, you will note that the percentages in the Program plan offered to N.B.C. by ASCAP are considerably reduced below the percentages offered by ASCAP to Mutual. THESE REDUCTIONS ARE DIRECTLY DUE TO DEMANDS BY IRNA THAT THE PERCENTAGE SHOULD BE REDUCED, and ASCAP has reduced them as described earlier in this letter, to a point where they amount to 6.8% on full programs and 1.7% on incidental use. N.B.C. has figured that on the Program basis its possible cost for network music would be, in round figures, \$1,000,000 as compared with \$680,000 on the Blanket basis, and that the amount of reimbursement it would seek from its affiliates, if computed on a Program basis, would be in round figures \$460,000 instead of, as stated earlier in this letter, \$280,000 on a Blanket basis.

In other words, on the Program basis Affiliates would be asked to reimburse the network \$180,000 per annum more than on the Blanket basis, and even then the net cost to the network would be \$140,000 more than on the Blanket basis on network business alone, or an actual net loss to the industry in favor of ASCAP of \$320,000 if the Program basis were in force instead of the

Blanket license. From the viewpoint of NBC and its affiliates, therefore, it is obvious that a program basis for network service is uneconomic. Whether it will be economic for stations will depend on the cost of logging the programs and on the percentage of revenue which the station derives from musical programs which will use ASCAP music. For some stations the per program method may prove economic; for many stations, however, we believe that it will prove uneconomic, especially in the case of the smaller stations, because of the cost of maintaining logs. In any event, this is a matter on which every station can make its own decision on its local contract. The stations which say the network has a right to take a blanket license from ASCAP but should only ask for reimbursement from affiliates on a program basis would certainly be on the losing end, because reimbursement on a program basis would exceed the reimbursement on a blanket basis.

The Reimbursement Feature

The next objection relates solely to the matter of the amount of the compensation or reimbursement between Affiliate and network. Several stations have argued that they are satisfied with every aspect of the deal except this one:

Admitting that the network pays ASCAP much more than it ever did before, nevertheless the network is getting the benefit of two deductions which it does not pass along to the stations: These are the deductions of 15% for general sales cost and approximately 10% for wire lines. On the basis of the 1940 business these two items will exempt approximately \$8,000,000 of network revenue from the ASCAP tax, or at 2¾% approximately \$220,000. These stations argue that part of this saving ought to be credited to the stations against the amounts of station compensation on which the stations are asked to reimburse to the network 2¾%. This argument is based upon the view that part of the network sales cost and cost of wire lines is already borne by the stations in the formula for station compensation set forth in the affiliation contracts, so that these costs, to a large extent, already come out of the pockets of the stations.

However, there is a certain inconsistency in this particular complaint. Suppose it will be agreed, for instance, that the money paid by the network for wire lines is really the money of the stations, and suppose the plan of payment is amended so that the network distributes more money to the stations, and the stations then contribute directly to the telephone company and pay the cost of the wire lines. In such event the stations would merely demand from ASCAP an exemption of the wire line cost from ASCAP tax and cheerfully pay to ASCAP the same 2¾% on the remaining dollars which would be the same as the net compensation now received from the network. For this reason we cannot urge that Affiliates should band together to enforce this particular demand against the network. Is there any flaw in this reasoning?

So much for the deduction for wire lines. As for the deduction allowed the network of 15% for sales and promotion, it seems to us fair that as between network and affiliate the network should get a credit for the sales and promotion work done by it at its expense, which contributes to the sale of the affiliate's time. The network says its actual sales and promotion expense exceeds 15%. Most of us are satisfied to pay 15% to a national representative. In principle, it seems as fair that the network should be exempt from tax on this disbursement as on the wire-line disbursement. In fact we obtained the 15% deduction for sales costs for affiliates who take a local license, on the ground that if the network is entitled to it the affiliates are. We think both are.

Fundamentally this goes to the whole basic question of the proper rate of ultimate compensation the station should receive from the network out of the advertiser's dollar. We prefer not to express any view in this connection regarding the fairness of the present basis of station compensation. Naturally we would like to get more. It is human nature that the network would like to make more profit off the stations, and the stations would like to get more profit off the networks. IRNA has never set out to be a bargaining agency for station compensation. Therefore the only position IRNA can take on this is that if any individual station thinks it has a good enough argument with which to improve its general basis of station compensation, go ahead and get it.

Transcriptions Cleared at the Source—National Spot Transcriptions

For stations signing the per program or blanket contract with ASCAP, either plan will apply to transcriptions, and for these

people clearance at the source of transcriptions is unnecessary. For those desiring to have no contract with ASCAP, we are insisting that ASCAP live up to the consent decree, and provide for clearance of such transcriptions at the source, that is, by the transcription companies or advertisers. It is obvious that the deal must be made now before stations commit themselves to carrying and paying for the music on network programs. The cost of clearing transcriptions at the source would have to be rebated to the companies which make the payment by the stations which get the business, so that there can be no increase in the cost of transcriptions to the advertisers. This is necessary so that there will be no tendency toward the use of network as against spot transcriptions due to any increase in cost.

The Rest of the Industry

Another view expressed has been that it is a breach of faith for N.B.C. and the N.B.C. affiliates to make a deal with ASCAP before there is assurance that the rest of the industry is willing to do likewise. Under the consent decree every other network and every affiliate will be entitled to the benefit of whatever deal can be made by N.B.C. and its affiliates, and there can be no higher charge under the consent decree to non-affiliated stations than to affiliates. We have sat in as advisers with the N.B.C. executives at a number of the discussions with ASCAP. We are prepared to express the view on our own responsibility that no better deal can be made with ASCAP without a strong likelihood of breaking up ASCAP. This might result in our having to deal with scattering groups of composers and publishers.

The last question of which we have knowledge is the problem of what to do about States where local legislation forbids dealing with ASCAP. This is a local problem in those States and cannot be treated nationally.

Our Recommendation

The above observations are made by us in our capacity as members of the Negotiating Committee of N.B.C. Affiliates constituted by IRNA. Morency is in Hartford and Rosenbaum in Philadelphia. This accident of geography is solely responsible for the fact that we were frequently called in, whereas the other three members of our Committee are at some distance. Craig in Nashville, Norton in Louisville, and Campbell in Dallas. We are aware that some of them may have views which differ from ours on some of these points, but we take the responsibility for expressing our views to you because of the contact we have had with this situation as it has developed.

We have not endeavored to cover in detail all the points the contracts should include. Some of these are satisfactory provisions regarding delayed broadcasts and origination of network programs without a local license; full indemnity provisions to protect affiliates, their artists and clients and their agencies; satisfactory definition of time sales; and there are others of equal importance. Every affiliate will have to study and analyze the contracts for itself, because, as you know, IRNA has no funds with which to engage attorneys and no staff available to act in that capacity.

For the reasons given we recommend the approval of the formula in principle and the agreement to reimburse to N.B.C. subject to final examination of the detailed contracts when they come.

Very truly yours,

PAUL W. MORENCY,
Vice-Chairman.

SAMUEL R. ROSENBAUM,
Chairman.

EXECUTIVE COMMITTEE

The NAB Executive Committee will meet next Wednesday, August 27, at 10:30 a. m. in the Roosevelt Hotel, New York, to consider copyright and other matters.

BMI

Try Smilin'

We have just received a letter from Ray Seeley of Folsom Prison, Represa, California, to which he has been sentenced for

life. Seeley entered prison with the knowledge that the court had adjudged him an habitual criminal and that he must serve twelve years before he could be considered for parole. "Somewhere," he writes, "I found the courage to look at myself as I really was, and it wasn't long before I knew there had to be some changes made. I determined to make every year of this sentence count for something worthy and to make good, not after a future release from prison when the going got easy, but behind the walls themselves."

Seeley then relates how he started writing songs and wrote fifty of them which were rejected as fast as he submitted them to publishers. Then he had one accepted and within the next year fifteen more were accepted. But little or no royalties were received. "After much discouraging correspondence with the publishers," Seeley writes, "I began to realize that I was right back where I started and I didn't have much heart to start from scratch again, but something happened which gave me another spurt of courage. I read Elsie Robinson's column in the paper about two prisoners who wrote the *Stars Went to Sleep*. It was the inspiration for *Try Smilin'*. I went to work on the story that very night and didn't stop until the song was finished.

"Two days later I mailed the song to the Bell Music Company, a BMI affiliate, and it was accepted by them.

"Professional copies have already been released. Last week the song was given a plug by Stuart Hamblen over KFWB, Hollywood, and I wish you could see the friendly fan mail I've received from that one local plug—they are worth every single hour I've spent writing songs."

Standard Numbers

In response to many requests the editors of *Big Song Magazine* have picked some BMI tunes which they believe have become standard numbers and will be heard from year to year on the air. They are: *High on a Windy Hill*, *Practice Makes Perfect*, *The Wise Old Owl*, *I Hear a Rhapsody*, *So You're the One*, *I Can't Remember to Forget*, *I Give You My Word*, *It All Comes Back to Me Now*, *You Walk By*, *Accidently on Purpose*, *May I Never Love Again*.

New Song Contest

Encouraged by the spectacular success of *Daddy*, Sammy Kaye is announcing a contest open to all amateur song writers. The contest is for lyrics only. The winning words will be set to music by Sammy and his arrangers and published by the Republic Music Corporation, a BMI affiliate. Prize—a hundred dollars in cash as an advance against royalties of the song.

Which all goes to show that you never can tell where you'll find a good song. Ten thousand can be submitted and not worth the paper they are written on and then suddenly one will pop up like *Daddy*, which has what it takes to win and hold the favor of the music public.

The Friendly Tavern Polka

In connection with the observance of Friendly Tavern Week, September 15th to September 21st, we are reprinting, for the benefit of broadcasters who wish to cooperate with the National Tavern Association in observance of the week, the numbers of the transcriptions and records carrying the *Friendly Tavern Polka*:

—Transcriptions—

Associated	280	Thesaurus	933
McGregor	2312	"	943
Standard	P152	World	4319

—Records—

Horace Heidt	CO	36006	Frankie Masters	OK	6142
Milt Herth Trio	DE	3757	Teddy Powell	BL	B-11113
Sammy Kaye	VI	27381	Lawrence Welk	DE	3725

Virtually all of the name bands have arrangements of *Friendly Tavern* in their books.

New Song Research Service

BMI has just signed a contract for one year with the Bureau of Radio Research, directed by Dr. John G. Peatman of the Department of Psychology of the College of the City of New York. This is the organization which has been issuing a daily radio log and program analysis of popular music since the middle of June.

In addition to these reports the Bureau plans to issue graphs of trends showing the proportion of popular music to other types of music played on the air on both day and night programs. Trends of the proportion of titles to total performances and trends of those songs having ten or more performances in a week. Periodic releases will survey the public taste for popular music showing who listens, what they like, and the breakdown of age, sex, educational, and purchasing power differences. There may also be a psychological analysis of the characteristic developments between the outstanding hit tunes and those that didn't quite make the grade.

Chicago Lions Adopt *Hi, Neighbor*

The Central Lions Club of Chicago, which meets every Thursday at 12:15 p. m. at the Hotel Sherman, has adopted *Hi, Neighbor*, BMI's new greeter, as one of the club songs. Writes Ray S. Klein, Executive Secretary:

"It is indeed a very effective way of starting off our meetings and 'breaking the ice.'

"When you are in Chicago drop in at our luncheons and meetings and hear us sing your song."

Melodies That Linger

We have given you many a story on the origin of BMI popular numbers. Here is one from the *Progressive Farmer* on how *The Old Oaken Bucket* came to be written:

On a hot day in 1817 Samuel Woodworth left the office in New York City where he was employed as a printer and entered a saloon nearby. While at the bar drinking brandy, he called to an acquaintance:

"There is no better drink than this in the world."

"Yes, there is," rejoined the other.

"What is it?" asked Woodworth.

"A draught from the old oaken bucket that hung in the well at home," was the answer.

Woodworth made no reply, but finishing his drink he hurried back to his office. For two hours he worked steadily and then called in the man with whom he had talked in the saloon. He read aloud the lines, later set to music by George Kailmark.

Thus a chance remark over a bumper of brandy and a strange sort of genius brought into being *The Old Oaken Bucket*. The song was Woodworth's only worthwhile accomplishment. Various attempts to found newspapers and magazines failed, and he remained a "tramp printer" until his death in 1842.

BMI FEATURE TUNES

August 25 - August 31

1. WASN'T IT YOU
2. I WENT OUT OF MY WAY
3. YOU MEAN SO MUCH TO ME
4. DELILAH
5. HI, NEIGHBOR
6. TO TE AMO, OH! BABY
7. ALL ALONE AND LONELY
8. THE RELUCTANT DRAGON

New Subscribers

The following stations were added to our list of subscribers during the past week, bringing the total to 683, excluding non-commercials:

KPRO—Riverside, Calif.

WALB—Albany, Ga.

KGFJ—Los Angeles, Calif.

WCBD—Chicago, Ill.

WCRS—Greenwood, S. C.

"Sleeper" Into Natural

Written over a year ago *You Mean So Much to Me* has been sleeping peacefully in the music departments of the broadcasting stations for lo these many months. Then something happened, no one seems to know just what, and orders have been pouring into BMI for the sheet music. The record companies also began to prick up their mechanical ears and are talking about adding to the recordings which now include waxings by Freddy Martin and Una Mae Carlisle. That's why you see it as number 3 of the BMI features tunes.

National Defense

TO SPONSOR COAL CAMPAIGN

Plans for a "Buy Coal Now" Campaign to be sponsored by the coal industry were mailed to station executives by NAB on Wednesday, August 20. The mailing piece, entitled "It's a Radio Sales Job," contained on page 2 a copy of the message sent by Luther Harr, Bituminous Coal Consumers' Counsel, Washington, D. C., to wholesale and retail bituminous coal associations and dealers, to coal producers and district boards.

He suggested that as a patriotic duty the industry at its own expense should utilize every means of buying and storing (selling) coal now so as to release shipping space for increasing defense needs in the months ahead.

Page 3 explained why demand for coal is up—away up, why the coal tie-up must be prevented and why preventing this tie-up is a sales job. The back page contained a number of 50, 75 and 100 word spots.

In a covering letter Arthur Stringer suggested that it would give the campaign a great lift if it were launched with suitable local ceremonies much in the same fashion as stations launched the scrap aluminum collection in July. Under the caption "Other Ways to Help the Campaign" he suggested that local firms sponsor insulation programs and that building supply merchants sponsor storm window campaigns.

SURVEYING CP NEEDS

The NAB National Defense Committee has begun a survey to ascertain the material and equipment needs, expressed in terms of tons of metal, required to satisfy outstanding construction permits. This was done after conferences with government officials who have the responsibility for releasing metal. At the same time with information assembled in our spot, it might be possible to secure a "Civilian Allocation Program for the Broadcasting Industry." If granted this would be a directive which would speed the filling of orders for material and equipment needed to satisfy construction needs.

STATION ND SHORTS

Edith R. Garrett, traffic manager, KXRO, Aberdeen, Wash., writes of a new use for the "Keep 'em Flying" slogan. It is written into the station's local talent show, "Doodlebug Revue." The slogan is also used on the sign-off.

KMBC's Mark N. Smith, director of merchandising and research, has drawn up special forms for the station to use in keeping track of defense broadcasts. At the end of the month data from the sheets quickly enables the preparation of the station's monthly national defense report.

WCPO, Cincinnati, has set aside 9:15 to 10:00 p. m. week days for "Songs of America." This includes transcription music and Army, Navy, defense, Air Corps, etc., spots. A similar Sunday evening show, "Land of Liberty," is scheduled from 9:15 to 9:45 p. m. Personal appearances of recruiting officers in the local area are included in the Sunday show.

Daily, 2:10 to 2:30 p. m., is "Patriotic Parade," similar in format to the other two broadcasts.

N. C. Ruddell, vice president and general manager, WJMS, Ironwood, and WATW, Ashland, Wis., has evolved tri-daily broadcasts which he finds effective. The three shows are called "Defense for America" and are aired daily at 10:15 a. m., 1:45 p. m. and 9:05 p. m.

PROMOTION

Radio talent will feature the National Tobacco Festival to be held in South Boston, N. C., September 4 and 5. Major Edney Ridge's WBIG Ensemble, Greensboro, will play at the distinguished guest banquet on September 5.

Sales

EXECUTIVE COMMITTEE MEETS

The Sales Managers Executive Committee will meet at the Roosevelt Hotel, New York City, August 25-26.

Studies Available

Two reports will be issued this week by the Department of Broadcast Advertising. One is "The Effect of Priorities on Radio Advertising"; the other is a record of department store advertising compiled from station reports to the "Broadcast Advertising Record." Limited extra copies of each will be available free upon request.

Notice

Any one planning to do business with Ed. M. Palmer, Supplemental Time Sales Operation, 428 Grand Ave., Akron, O., is asked to communicate with Benedict Gimbel, Jr., WIP, Philadelphia, Penn.

Free Time Request

"The Cranberry Kitchen" of South Hanson, Mass., is seeking free time for the promotion of cranberries, by sending scripts to stations conducting home economics programs.

DISTRICT 15

Broadcasters of the fifteenth NAB district held a meeting August 15, in San Francisco to discuss the status of the time sales tax and ASCAP negotiations. Howard Lane, KFBK, district director, just returned from Washington, gave a full report on the situation in the Capitol. Members present included:

Philip Lasky, KROW; Riley H. Allen, KGMB; David H. Sandeberg, Paul H. Raymer Co., San Francisco; Charles P. Scott, KTKC; Horace E. Thomas, KMYC; C. L. McCarthy, KQW; William B. Smullin, KIEM; Ralph Brunton, KJBS; Art Westlund, KRE; Clyde Coombs, KARM; S. H. Patterson, KSAN; Lincoln Dellar, KSFO; Harold Meyer, KYA; Charles Lloyd, KLX; Wilt Gunzen-

dorfer, KSRO; S. W. Warner, KLS; Howard Walters, KDON; Howard Lane, KFBK, and Eddie Calder KHUB.

CIO UNION CERTIFIED

Upon the basis of a stipulation for certification on consent comparison of records, the National Labor Relations Board announced certification of American Communications Association, Broadcast District No. 1, Eastern Branch as the sole collective bargaining agency designated and selected by a majority of all broadcast technicians of Westinghouse Radio Stations, Inc., in the broadcast engineering department of Station KYW, Philadelphia, Pennsylvania.

FEDERAL COMMUNICATIONS COMMISSION

IMPROVE INTERNATIONAL BROADCAST

With a view to improving reception abroad of short-wave broadcasts emanating from this country, the FCC modified Section 4.44 of its rules governing international broadcast stations to permit greater flexibility in the choice of operating frequencies and thereby bring about more efficient use of the limited number of frequencies available for this purpose.

International broadcasting has passed through its experimental stage and has developed into a service of the utmost importance. Existing world conditions demonstrate the necessity of the United States being well represented in the international broadcast band, and of maintaining an adequate service to the people of foreign nations. At the present time the expansion of international broadcast facilities in other countries has resulted in considerable and increased interference to the transmissions of United States stations engaged in international broadcasting.

The changes made in rule 4.44 will make it possible to assign more than one frequency in the international broadcast band to a single domestic licensee. This will enable the licensee, should interference be experienced on one frequency, to shift operations to another frequency not subject to the same degree of interference. In addition, due to the time differential in foreign lands served by our international broadcast stations, it is possible to assign the same frequency to two or more stations broadcasting to different portions of the world without confusion.

There are now a dozen international broadcast stations in operation or under construction in the United States. The Commission's requirement of a minimum power of 50 kilowatts insures transmissions of reasonable strength reaching the countries for which they are intended.

NEW FM STATION

The Columbia Broadcasting System, Inc., has been granted a construction permit by the FCC for a new high frequency (FM) station at St. Louis, Mo., to serve 13,000 square miles with more than 1,800,000 population. The proposed site of the transmitter is the Mart Building, 12th and Spruce Streets. The station will operate on 45,900 kilocycles.

To enable the Philadelphia area to have scheduled television program broadcasts as soon as possible, the Commission has given the Philco Radio and Television Corporation special authorization to so operate its present experimental television station W3XE for a period of 60 days on television Channel No. 3 (66,000-72,000 kilocycles) pending the furnishing of additional engineering data required by the Commission to pass on that company's pending application for a construction permit for a full-fledged commercial television station in Philadelphia.

NATHAN H. DAVID TO ASSIST INFORMATION COORDINATOR DONOVAN

Nathan H. David has resigned from the Law Department of the FCC to join the staff of Coordinator of Information William J. Donovan.

Mr. David, who is 28 years old and a native of Massachusetts, joined the Commission in 1939 as Assistant to the Chairman. Subsequently transferring to the legal staff, his most recent assignment has been as Chief of the Litigation Section.

FROM THE FCC MAIL BAG

A Boston broadcast listener has written the Commission suggesting that an arrangement be made whereby dramas be transmitted over one network, symphonic music over another, and that varied programs be carried over a third network. But the Commission has no authority to direct this or other programming.

An Asheville resident requests copies of Commission "regulations" requiring written scripts of programs to be submitted to broadcast stations 24 hours in advance of their presentation. The Commission has adopted no such regulations; it is within the discretion of the individual broadcast station whether or not to require submission of written scripts in advance so long as the licensee retains full control over programs.

A music company complains of alleged inability to obtain information from broadcast stations as to the extent to which they have broadcast its songs. This, too, is outside of Commission jurisdiction.

A Texas inquirer is informed that it is impossible for the Commission to determine in advance of the filing of an application for broadcast facilities, and in absence of such record of engineering and other facts on which to base consideration, that establishment of a new station would be practicable and in the public interest.

A list of radio stations operating in the emergency service, such as requested by a Pennsylvanian, is not available for distribution, and, in view of pressure of other business, it cannot be stated at this time when a revision will be possible.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, August 25. They are subject to change.

Monday, August 25

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—C. P., 800 kc., 1 KW day, daytime. Present assignment: 1490 kc., 250 watts, unlimited time.

Consolidated Hearing

KFJM—University of North Dakota, Grand Forks, N. D.—Renewal of license, 1440 kc., 500 watts night, 1 KW day, unlimited time.

KFJM—University of North Dakota, Grand Forks, N. D.—Modification of license, 1440 kc., 500 watts night, 1 KW day, share 3 to 5 p. m. daily. Present assignment: 1440 kc., 500 watts night, 1 KW day, unlimited time.

NEW—Dalton LeMasurier, Grand Forks, N. Dak.—C. P., 1440 kc., 500 watts night, 1 KW day, specified hours.

Wednesday, August 27

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Renewal of license, 990 kc., 1 KW, daytime.

Thursday, August 28

NEW—West Allis Broadcasting Co., West Allis, Wis.—C. P., 1480 kc., 250 watts, daytime.

Friday, August 29

NEW—KNOE, Incorporated, Monroe, La.—C. P., 1420 kc., 250 watts, unlimited time.

FUTURE HEARINGS

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

September 24

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—C. P., 710 kc., 5 KW, unlimited time, DA-night.

September 25

Consolidated Hearing

WICA—WICA, Incorporated, Ashtabula, Ohio.—C. P., 970 kc., 1 KW night, 5 KW day, unlimited time, DA-night.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—C. P., 970 kc., 1 KW night, 5 KW day, unlimited time, DA-night and day.

September 26

KGKO—KGKO Broadcasting Co., Ft. Worth, Texas.—Modification of license, 570 kc., 1 KW night, 5 KW day, unlimited time, DA-night.

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., 1340 kc., 250 watts, unlimited time.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Texas.—C. P., 1230 kc., 250 watts, unlimited time.

NEW—Texas Star Broadcasting Co., Houston, Texas.—C. P., 1230 kc., 250 watts, unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—C. P., 1230 kc., 250 watts, unlimited time.

Further Hearing

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 680 kc., 50 KW, unlimited time, DA-day and night.

October 14

Consolidated Hearing

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of license, 1400 kc., 250 watts, unlimited time.

KFGQ—Boone Biblical College, Boone, Iowa.—Renewal of license, 1400 kc., 100 watts day, specified hours.

October 16

NEW—Hennessy Broadcasting Co., Butte, Montana.—C. P., 1490 kc., 250 watts, unlimited time.

NEW—Barclay Craighead, Butte, Montana.—C. P., 1490 kc., 250 watts, unlimited time.

October 20

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Modification of license, 990 kc., 1 KW, limited to Knoxville, Tenn.

October 22

WBRY—American Republican, Inc., Waterbury, Conn.—Modification of C. P., 560 kc., 1 KW, unlimited time, DA-night and day.

October 27

Consolidated Hearing

NEW—Jefferson Broadcasting Corp., Birmingham, Ala.—C. P., 1340 kc., 250 watts, unlimited time, request facilities of WSGN when vacated.

NEW—George Johnston, Jr., Birmingham, Ala.—C. P., 1340 kc., 250 watts, unlimited time, request facilities of WSGN.

NEW—WBAM, Inc., Birmingham, Ala.—C. P., 1340 kc., 250 watts, unlimited time, request facilities of WSGN when vacated.

November 3

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—C. P., 1480 kc., 1 KW night, 5 KW day, unlimited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of C. P., 1520 kc., 1 KW night, 5 KW day, unlimited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Renewal of license, 1420 kc., 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Columbia Broadcasting System, Inc., St. Louis, Mo.—Granted construction permit (B4-PH-102) for a new (FM) broadcast station to operate on frequency 45900 kc., to serve 13,000 square miles.

Westinghouse Radio Stations, Inc., Hull, Mass.—Granted construction permit (B1-PEX-37) for a new developmental broadcast station to operate on frequency 9570 kc., with power of 700 watts, for the purpose of furnishing a signal for the National Bureau of Standards in Washington, in connection with radio wave propagation studies made by that agency.

West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted special service authorization (B2-SSA-2) to operate on 1170 kc., 5 KW, unlimited time, for the period ending February 1, 1942. (Now operates on 1170 kc., 5 KW, Simul-Day-WOWO, shares night-WOWO, and has construction permit for 50 KW unlimited time, DA night.)

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted reinstatement of construction permit (B2-P-3257) to install a new transmitter, move transmitter to about 7 miles south southeast of center of Dayton; install directional antenna for night use, and increase night power to 5 KW. (Now authorized under construction permit which has expired, to use 1290 kc., 5 KW day, 1 KW night, DA at night, unlimited time.)

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of construction permit (B3-MP-1250) to increase night power to 5 KW, make changes in directional antenna and extend commencement and completion dates to 60 and 180 days after grant, respectively. (Now has construction permit (B3-P-2944) for 1290 kc., 1 KW night, 5 KW day, DA night, unlimited time.)

WCBX—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-MPIB-27) for international broadcast station to add frequencies 6060 and 21520 kc., sharing time on both frequencies with WCRC and WCAB and to share time with WCRC on 6120, 6170 and 21570 kc. (Now has construction permit to operate on frequencies 6120, 6170, 9650, 11830, 15270, 17830, 21570 kc., 50 KW day and night; share on 17830 kc. with WCRC; share on 9650, 11830, 15270 kc. with WCAB and WCRC; unlimited time on 6120, 6170, 21570 kc.)

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Granted modification of construction permit (B1-MPIB-28) for international broadcast station to add frequencies 6120, 6170, 21570 kc., sharing time with WCBX and to share time on 6060 and 21520 kc. with WCBX and WCAB. (Now has construction permit to operate on 6060, 9650, 11830, 15270, 17830, 21520 kc., 50 KW; share on 6060, 21520 kc. with WCAB; shares with WCBX on 17830 kc.; shares 9650, 11830, 15270 kc. with WCAB and WCBX.)

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Granted special authorization (B2-PCT-4) to operate television station W3XE, on a commercial basis for a period of 60 days from September 1, 1941, using Channel No. 3 (65000-72000 kc.).

MISCELLANEOUS

WPIC—Sharon Herald Publishing Co., Sharon, Pa.—Denied request for special temporary authority to operate additional

time from 8 p. m. EST to conclusion of program in connection with the Mercer County Holy Name Society Rally on September 7, 1941.

WMRO—Martin R. O'Brien, Aurora, Ill.—Denied request for special temporary authority to operate from sign-off time (August 7 p. m. CST) to 10 p. m. CST on August 14, 1941, in order to broadcast the baseball game between Aurora and Sycamore.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Denied request for special temporary authority to operate from sign-off time (September 6:45 p. m. EST) to 7 p. m. EST, for a period beginning September 1, 1941, and ending not later than September 30, 1941, in order to carry baseball games and half-hour network programs.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from regular sign-off time (9 p. m. EST, September) to the conclusion of the Simon-Baer boxing bout on September 5, 1941, only, in the event this bout runs later than regular sign-off time.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from regular sign-off time (9:45 p. m. EST, August) to the conclusion of the Lesnevich-Mauriello light heavyweight championship boxing bout on August 26, 1941, only, in the event this bout runs later than regular sign-off time.

W9XBK—Balaban and Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitting units to be installed and operated from the State-Lake Building, Chicago, Illinois; 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 August 18, 1941, to not later than September 16, 1941, in accordance with construction permit.

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on 47100 kc., power 1000 watts, special emission for frequency modulation, at 444 Madison Ave., New York City, using Western Electric Type No. D151182, Serial No. 101, one kilowatt transmitter for a period of 60 days, beginning August 20 and ending not later than October 18, 1941.

KGBS—Herbenito Broadcasting Co., Harlington, Tex.—Granted modification of construction permit for authority to move studio to approximately 3½ miles from Harlington, Tex. (B3-MP-1340).

WCRC-WCBX—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to use already licensed Mackay Radio and Telegraph Co. point to point transmitter, Type 34-C, on 6060, 6120, 6170, 9650, 11830, 15270, 17830, 21520, 21570 kc., A1 emission, in order to conduct antenna tests for International Broadcast stations WCRC and WCBX, for period of 30 days, beginning August 12 to not later than September 10, 1941.

WBNT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WBNT (formerly W2XBS) on Channel No. 1 in order to make comparisons of FM and A5 emissions and to obtain engineering data for period August 18 to not later than September 16, 1941.

KFUO—Evangelical Lutheran Synod of Mo., etc., Clayton, Mo.—Granted modification of construction permit (B4-P-2882) for extension of completion date to 9-13-41 (B4-MP-1382).

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted special temporary authority to operate an additional transmitter on 43 mc. with power not in excess of 40 KW, using FM for a period ending no later than September 8, 1941, in order to conduct further experiments on adjacent channel operation of FM broadcast stations and demonstrate such operation to certain engineering committees of the RMA.

W2XYU—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority for the period August 19 to September 17, to use a 25-watt test transmitter on 330.4, 333.4 and 336.4 mc. in order to conduct tests.

WRCA—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate on 9670 kc., with effective power of 100 KW, using sepa-

rate power amplifiers feeding separate directional antennas, for the period August 19 to September 17, 1941.

WKRC—The Cincinnati Times Star Co., Cincinnati, Ohio.—Granted special temporary authority to operate with power of 5 KW from 2 to 3 a. m., EST, August 16 only, to carry a special DX program (B2-S-280).

W10XF—National Broadcasting Co., Inc., Portable.—Granted modification of license for developmental broadcast station to change type designation of transmitter (B1-MLEX-13).

Tri-State Broadcasting Co., Inc., Portable-Mobile, area of El Paso, Texas.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KTSM; frequencies 1622, 2058, 2150, 2790 kc., 50 watts (B3-PRY-248).

WBLR—Columbus Broadcasting Co., Inc., Portable-Mobile, area of Columbus, Ga.—Granted license to cover construction permit (B3-PRY-237) for new relay broadcast station to be used with applicant's standard station WRBL; frequencies 1622, 2058, 2150, 2790 kc., 50 watts (B3-LRY-234).

WJRL—James Broadcasting Co., Inc., Portable-Mobile, area of Jamestown, N. Y.—Granted license to cover construction permit (B1-PRE-391) for new relay broadcast station to be used with applicant's standard station WJTN; frequencies 30820, 33740, 35820 and 37980 kc., 25 watts (B1-LRE-355).

KFUO—Evangelical Lutheran Synod of Mo., etc., Clayton, Mo.—Granted modification of construction permit (B4-P-2882, for new transmitter, antenna and increase in power from 1 to 5 KW) for change in frequency from 830 to 850 kc. under NARBA.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted license to cover construction permit (B1-P-2757), for increase in power to 5 KW day and night, installation of new transmitter, directional antenna for night use and move of transmitter (B1-L-1465).

WGEA—General Electric Company, Schenectady, N. Y.—Granted license to cover construction permit (B1-PIB-25), which authorized increase in power, new equipment and additional frequencies in international broadcast station; frequencies 6190, *9559, 15330, *21500, and 21590 kc., 50 KW. (*Subject to special conditions contained in construction permit.) (B1-LIB-18.)

KONO—Eugene J. Roth, tr/ as Mission Broadcasting Co., San Antonio, Tex.—Granted special temporary authority to operate on an unlimited time basis, using those day and night hours vacated by KMAC for a period not to exceed 30 days.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied request for special temporary authority to operate from 1:30 p. m. to 2 p. m. MST on August 18, 19 and 20, 1941, in order to broadcast programs in connection with the Logan County Fair, Sterling, Colo. only.

Jewel Lee Noble, E. Francis Egleston, M.D., and James W. Bonner, d/b as Physicians and Surgeons Emergency Radio Call Service, San Francisco, Calif.—Granted motion to continue hearing now set for August 18 on application for construction permit to operate on frequency 2398 kc., 100 watts, A3 emission, unlimited time. Hearing continued to December 9, 1941.

Jewel Lee Noble and Harry Bell, d/b as Physicians and Surgeons Radio Page Service, Los Angeles, Calif.—Granted motion to continue hearing now set for August 18 on application for construction permit to operate on frequency 2398 kc., 100 watts, A3 emission, unlimited time. Hearing continued to December 9, 1941.

Edward Tom O'Brien, David Shepard, Howard S. Johnson and John W. Boler, a partnership, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition for leave to file amendment late in re application for construction permit for new station to operate on 1550 kc., 1 KW, unlimited time.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Denied petition to intervene in the hearing on the application of Herald Publishing Co. for a new station in Klamath Falls to operate on 1400 kc., 250 watts, unlimited time.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Petition to intervene, and opposition thereto filed by D. Schaeffer, in re application of Dorman Schaeffer for a new station at Klamath Falls, Ore., to operate on 1400 kc., 250 watts, unlimited time—denied; Schaeffer's petition for investigation and to strike KFJI's petition as false and sham, also denied; exception noted by counsel for Schaeffer.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted petition to intervene in the hearing on application of Washington Broadcasting Company for a new station in Washington, Pa., to operate on 1450 kc., 250 watts, unlimited time.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted motion for continuance to November 3, of hearing now set for September 4, on application for renewal of license and for construction permit and modification thereof.

WEEU—Berks Broadcasting Co., Reading, Pa.—Motion for leave to amend application for construction permit to request change of antenna and equipment, and 5 KW unlimited time, DA night, granted, amendment to be filed within 15 days; motion to remove application from docket, without prejudice to filing another petition to remove, dismissed.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to retransmit the transmissions of experimental high frequency broadcast stations W2XAG, W65N and W1XOJ (W42B) for the period August 28 to October 27, in order to continue rebroadcasting experiments.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental station on 117190 kc., 5000 watts, special emission for FM, for the period August 29 to October 28, 1941.

W51R—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on 45100 kc., special emission for FM, with transmitter located at 89 East Ave., Rochester, for the period September 2 to November 1, pending completion of construction pursuant to permit (B1-PH-75).

WOKO—WOKO, Inc., Albany, N. Y.—Granted special temporary authority to operate a 2-watt pack transmitter as a relay broadcast station on 33280, 35020, 37620 and 39820 kc., in order to relay to station WOKO program in connection with the Altamont County Fair, from August 18 to August 24, only.

W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate frequency modulation station commercially on 47100 kc., 10,000 watts power, at 444 Madison Ave., New York, for the period August 23 to September 21, pending completion of antenna construction in accordance with construction permit (B1-PH-46; B1-MPH-8).

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted extension of authority to rebroadcast on a sustaining basis the Raymond Gram Swing programs to be received from International Broadcast station WECA over station WPRP, for the period August 23 to October 21, conditionally.

W65H—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to rebroadcast high frequency broadcast stations W2XMN and W1XOJ emissions for a period beginning August 29 and ending no later than October 27, only.

Courier-Journal & Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate portable transmitter licensed to amateur station W9AYH on 9135 kc. and 4797.5 kc., A1, A2 and A3 emission, for day and night use, as a cue circuit between station WHAS and a transcription crew following Army maneuvers in Arkansas and Louisiana, for a period ending no later than September 30.

KBZA-KBZB—Telegraph-Herald, Dubuque, Iowa.—Granted extension of special temporary authority to operate already licensed relay transmitters on 1620, 2058, 2150 and 2790 kc., with power of 125 watts for KDJB and 2 watts for KQHS from August 16 to September 14, in order to relay to station KDTH special events, particularly the Darling-ton, Wisc. Fair.

W1XK—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority to operate an FM experimental b/c station on 42600 kc., 1000 watts, special emission for FM, with transmitter located at Newport Road, Hull, for the period August 29 to October 28, pending completion of new FM station W67B.

W1XSN—Westinghouse Radio Stations, Inc., Springfield, Mass.—Granted extension of special temporary authority to operate an FM experimental b/c station on 42600 kc., 1000 watts, special emission for FM, with transmitter located at 625 Page Blvd., E. Springfield, Mass., for the period August 29 to October 28, pending completion of new FM station W67B.

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, special emission for FM, with transmitter located at New Scotland, N. Y., for the period August 28 to September 27.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117130 kc.**, 40 KW power, using special emission for FM, for the period September 9 to November 7, in order to conduct tests, pending completion of new FM station W31NY.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40,000 watts, special emission for FM, with transmitter located north of Alpine, N. J., for the period August 28 to October 27, pending completion of new FM station W31NY.

Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted special temporary authority to operate 2-watt pack transmitter as a relay broadcast station on **31620, 36260, 37340 and 39620 kc.**, with A3 emission in order to relay to station WABY program in connection with the Altamont County Fair from August 18 to 24, only.

Robert V. Lee, Bradenton, Fla.—Denied petition to reconsider and grant without a hearing application for a new station to operate on **1490 kc.**, 250 watts, unlimited time.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted petition to reconsider and grant without hearing the application for renewal of license; cancelled hearing heretofore scheduled, and granted renewal on a regular basis to operate on **1400 kc.**, 250 watts, unlimited time.

WRDW—Augusta Broadcasting Co., Augusta, Maine.—Granted petition to reconsider and grant without hearing the application for construction permit to change frequency to **1480 kc.**, increase power, install new transmitter and change antenna system, subject to filing with and obtaining approval of the Commission of an application for modification of construction permit requesting operating power of 5 KW, unlimited time, employing directional antenna at night, and specifying exact transmitter location, transmitting equipment, and antenna system to be used.

Utica Broadcasting Co., Inc., Utica, N. Y.—Denied petition requesting reconsideration and grant without hearing of application for new station to operate on **1450 kc.**, 250 watts, unlimited time.

APPLICATIONS FILED AT FCC

550 Kilocycles

NEW—Eastern Broadcasting Co., Patchogue, N. Y.—Construction permit for a new broadcast station to be operated on **550 kc.**, 1 KW, unlimited time.

KFYR—Meyer Broadcasting Co., Bismarck, N. D.—License to cover construction permit (B4-P-2576) to install directional antenna for night use and increase night power to 5 KW.

KFYR—Meyer Broadcasting Co., Bismarck, N. D.—Authority to determine operating power by direct method.

560 Kilocycles

WIND—Johnson-Kennedy Radio Corporation, Gary, Indiana.—Authority to determine operating power by direct measurement of antenna power.

570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Modification of construction permit (B3-P-2571) for changes in directional antenna system and increase in power from 1 KW night and 5 KW day to 5 KW day and night, requesting extension of completion date from 9-14-41 to 3-14-42.

600 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Texas.—Construction permit to install new transmitter.

610 Kilocycles

NEW—The Continental Broadcasting Co., Salt Lake City, Utah.—Construction permit for a new broadcast station to be operated on **610 kc.**, 1 KW, directional antenna, unlimited time.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified, for a new broadcast station, requesting extension of completion date from 8-15-41 to 9-15-41.

630 Kilocycles

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Construction permit to change frequency from **1400 to 630 kc.**, increase power from 250 watts to 5 KW, install new transmitter, install directional antenna for day and night use, and move transmitter. Amended: to reduce proposed night power to 1 KW and change transmitter site to Richfield, Minn., and make changes in directional antenna.

770 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Construction permit to move transmitter from Atlantic Street, Dock "A," Seattle, Wash., to Second and Union, Rhodes Store Building, Seattle, Wash., and install vertical antenna.

850 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio, and other States, Clayton, Mo.—Modification of construction permit (B4-P-2882) as modified, for new transmitter, antenna, and increase in power, requesting extension of completion date from 8-13-41 to 9-13-41.

860 Kilocycles

NEW—Etowah Broadcasting Co., Gadsden, Ala.—Construction permit for a new station to be operated on **860 kc.**, 250 watts power, unlimited time.

910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—Authority to determine operating power by direct method for auxiliary transmitter.

940 Kilocycles

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **820 to 940 kc.**, increase power from 250 watts to 250 watts night and 1 KW day, and change hours of operation from limited to unlimited.

960 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—License to cover construction permit (B1-ML-868) as modified, for increase in power from 250 watts night and 500 watts day to 500 watts night and 1 KW day, and for changes in directional antenna.

WELI—City Broadcasting Corp., New Haven, Conn.—Authority to determine operating power by direct method.

990 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Authority to transfer control of corporation from Joseph M. Nassau, James A. Nassau, John Morgan Davis, Theodore H. Elsner, Edward D. Clery, Jack Compter, Margaret R. Collins, and LaVerne K. Shiffer, to Paul F. Harron, Joseph Lang, John B. Kelly, and Anthony J. Drexel Biddle, Jr., by transferring 100 shares of common stock and issuing 100 shares of new stock.

1040 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—C. P. to change frequency from **1370 (1400 kc., NARBA) to 1040 kc. (1080 kc., NARBA)**, increase power from 250 watts to 5 KW, directional antenna for night use, change type of transmitter, move studio, also move transmitter to point between Pete Amperes and St. Mary's Rd., and Freidberger Rd., New Albany, Ind. Amended: to change requested frequency from **1040 (1080 NARBA) to 790 kc.**, decrease proposed power from 5 KW day and night to 1 KW; 5 KW-day, install new directional antenna for night use only, and change requested transmitter site from a point between Pete Amperes and St. Mary's Road and

Friedberger Road, New Albany, Ind., to Highway 31W, near New Albany, Ind., omit requested change in studio site.

1050 Kilocycles

NEW—James F. Hopkins, Inc., Ann Arbor, Mich.—Construction permit for a new station to be operated on 1050 ke., 1 KW power, daytime hours of operation.

1060 Kilocycles

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Penna.—Authority to determine operating power by direct measurement.

1070 Kilocycles

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit to change frequency from 1140 to 1070 ke. (under NARBA), install a new transmitter, increase power from 5 to 50 KW, change hours of operation from simultaneous day and share night with KVOO to unlimited time, install directional antenna for night use, and move transmitter from near Pratt City to 9 miles north of Birmingham, Ala. Amended: to change proposed transmitter site from 9 to 7 miles north of Birmingham, Ala.

1080 Kilocycles

NEW—WKAL, Incorporated, Kalamazoo, Mich.—Construction permit for a new station to be operated on 1080 ke., 1 KW, daytime hours of operation.

1130 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Special service authorization to operate with power of 1 KW night and 5 KW day, unlimited time.

1160 Kilocycles

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from 1340 ke. to 1160 ke. under NARBA, increase power from 100 watts to 5 KW, change hours of operation from shares with WTEL to unlimited time, and move transmitter. Amended: To request daytime hours of operation.

1190 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Special Service Authorization to operate unlimited time for a period ending 2-1-42.

1220 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment and changes in directional antenna for day and night use, change frequency from 1480 ke. to 1220 ke. under NARBA, and change power from 1 KW night and 5 KW day to 50 KW day and night. Amended: Re directional antenna and move of transmitter from Cuyahoga Heights to Broadview Heights Village, Ohio.

1240 Kilocycles

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Authority to determine operating power by direct method.

1270 Kilocycles

WXYZ—King-Trendle Broadcasting Corporation, Detroit, Michigan.—Construction permit to make changes in directional antenna system.

1300 Kilocycles

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Michigan.—Construction permit to increase power from 500 watts to 5 KW, install new transmitter, directional antenna for night use, move studio from 16th Floor Grand Rapids National Bank Bldg., Grand Rapids, Mich., to 1st National Bank Bldg., Grand Rapids, Mich., and move transmitter from Walker Twp., Grand Rapids, Michigan, to RFD,

South of Grand Rapids, Mich., Amended: To make changes in proposed directional antenna system.

1340 Kilocycles

NEW—B. S. Sadler, New Bern, N. C.—Construction permit for a new broadcast station to be operated on 1340 ke., 250 watts, unlimited time.

1400 Kilocycles

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Special service authorization to operate under terms of B5-P-2023, on 1090 ke., 250 watts, unlimited time, using equipment specified under this construction permit.

NEW—Kennebec Broadcasting Co., Augusta, Maine.—Construction permit for a new broadcast station to be operated on 1400 ke., 250 watts, unlimited time, requesting facilities of WDRO.

WEOA—Evansville On The Air, Inc., Evansville, Ind.—Authority to determine operating power by direct method.

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Authority to determine operating power by direct method.

1430 Kilocycles

WBYN—WBYN Brooklyn, Inc., Brooklyn, N. Y.—Modification of license to change location from #1 Nevins Street, Brooklyn, New York, to 132 West 43rd Street, New York, New York.

1450 Kilocycles

KLBM—Harold M. Finlay, LaGrande, Ore.—Voluntary assignment of license from Harold M. Finlay to Ben E. Stone.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Authority to determine operating power by direct method. Amended: Re engineering data.

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Modification of license to increase power from 100 to 250 watts.

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Authority to determine operating power by direct method.

1480 Kilocycles

NEW—Southern California Broadcasting Co., Pasadena, Calif.—Construction permit for a new broadcast station to be operated on 1430 ke., 1 KW, daytime. Amended: Re transmitter site to be determined.

1490 Kilocycles

WHBB—Selma Broadcasting Co., Inc., Selma, Ala.—Authority to determine operating power by direct method.

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-2233) for changes in equipment, installation of new antenna, and move of transmitter.

FM Applications

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit for a new high frequency broadcast station on 43100 ke., coverage 20,437 square miles; population, 6,606,882; studio located 18 Franklin St., Worcester, Mass., and transmitter at Paxton, Mass. (G. E. type GF 150-B, Max. 50 KW). Amended: To change frequency from 43100 to 46100 ke., coverage from 20,437 to 10,000 square miles, population from 6,606,882 to 2,703,202, change transmitter location from Paxton, Mass., to Shrewsbury St., Holden, Mass., make change in antenna system and change type of transmitter. (G. E. type GF 103D Amplifier with G. E. type 4GF 1A1 Exciter, Max. 3 KW.)

W67C—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of construction permit (B4-PH-57, which authorized new HFB Station) for extension of completion date from 9-14-41 to 3-14-42, only.

W51C—Zenith Radio Corporation, Chicago, Ill.—Modification of construction permit (B4-PH-16, which authorized new H.F.B. Station) to make changes in antenna system, only.

W67NY—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of C.P. (B4-PH-55, which authorized new

H.F.B. Station) for extension of completion date from 9-28-41 to 3-28-42, only.

NEW—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 47500 kc., coverage 8,730 square miles, population 11,328,743, transmitter located at 138 Pine St., Cliffside Park, N. J., and studio at 260 E. 161st St., New York, N. Y. (G.E. Type GF 110-B, Max. 10 KW). Amended: To change frequency from 47500 kc. to 48300 kc.

K51L—St. Louis University, St. Louis, Mo.—Modification of construction permit (B4-PH-37) for a new high frequency broadcast station, requesting change in type of transmitter and approval of antenna system.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for a new studio transmitter broadcast station to be operated on 337000 kc., 50 watts, special emission for frequency modulation. Amended: To change requested power from 50 to 25 watts.

Television Application

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XEA) to be operated on Channel No. 6—96000-102000 kc.; A5 and special emission for frequency modulation; ESR 3243; unlimited time; coverage 2215 square miles, population 2,645,521.

Miscellaneous Applications

WEOF—The National Life & Accident Insurance Co., Inc., Nashville, Tenn. (Mobile)—Construction permit to change type of transmitter, only.

WEOF—The National Life & Accident Insurance Co., Inc., Nashville, Tenn. (Mobile)—License to cover construction permit (B3-PRE-406) for change in type of transmitter, only.

KEIY—Oregonian Publishing Co., Portable-Mobile, Area of Portland, Ore.—License to cover construction permit (B5-PRE-398) for change in equipment and decrease in power.

KEIZ—Oregonian Publishing Co., Portable-Mobile, Area of Portland, Ore.—License to cover construction permit (B5-PRE-399) for changes in equipment and decrease in power.

WOAI—Southland Industries, Inc., San Antonio, Texas—Authority to install automatic frequency control equipment for auxiliary transmitter.

WEIN—The Journal Company (The Milwaukee Journal), Portable-Mobile, area Milwaukee, Wisc.—Construction permit to make changes in equipment and increase power from 25 to 50 watts.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

James Bell Company, Inc., 36 Green St., Newark, N. J., engaged in the sale and distribution of aluminum ware, enamel ware, radios and other articles of merchandise, is charged in a complaint with using lottery methods in the sale and distribution of its products. (4566)

Houston's Mineral Well—W. A. Houston, trading as Houston's Mineral Well, New Market, Tenn., engaged in the sale of a so-called mineral water intended for use in the treatment of certain ailments of the human body, is charged, in a complaint with misrepresentation and false advertising. (4567)

Malone & Moles—E. B. Moles, trading as Malone & Moles, Sioux City, Iowa, engaged in the sale and distribution of a mechanical device for use on automobiles and trucks, designated as "Gas-Miser," is charged, in a complaint issued with misrepresentation. (4557)

National Association of Sanitary Milk Bottle Closure Manufacturers—A complaint has been issued charging the National Association of Sanitary Milk Bottle Closure Manufacturers, Philadelphia; five of its officers and executive committee members, and 10 manufacturers of closure milk bottle caps, with carrying out combinations and agreements for fixing and maintaining prices, and other practices in restraint of trade.

The other respondents in the case are: Stanley Dennis, chairman, and George J. Lincoln, Jr., manager of the trade association, both of Philadelphia; Daniel A. Mackin, Long Island City, N. Y.; Harvey M. Smith, Oneida, N. Y.; and Jarvis Williams, Jr., Chicago, members of its executive committee, and the following member manufacturers: Aluminum Seal Corporation, New Kensington, Pa.; American Seal-Kap Corporation, Long Island City, N. Y.; Cowdrey Products Co., Inc., Fitchburg, Mass.; Crown Cork & Seal Co., Inc., Baltimore; Mid-West Bottle Cap Co., Belvidere, Ill.; Sanitary Metal Cap Corporation, Syracuse, N. Y.; Sealright Co., Inc., Fulton, N. Y.; Smith-Lee Co., Inc., Oneida, N. Y.; Standard Cap and Seal Corporation, Chicago; and Universal Seal Cap Corporation, Brooklyn.

The complaint charges that the respondent association members, pursuant to their combinations and agreements, have filed with the respondent association their price lists for closure milk bottle caps; agreed that they would not deviate from the filed prices until new and different prices were so filed; permitted the respondent association to disseminate prices so filed to all other members of the association; fixed and maintained uniform discounts and other conditions for the sale of their closure caps; and fixed and maintained, with dairies, uniform contract terms which provided for the sale of the dairies' actual yearly requirements of closure milk bottle caps at prices dependent on the quantity contracted for. (4565)

National Rivet & Mfg. Company—Five manufacturers of tubular and bifurcated rivets are charged, in complaints, with violation of the "tying clause" section of the Clayton Antitrust Act.

The respondent companies, who also lease and license, and in a number of instances manufacture, rivet-setting machines, are: Edwin B. Stimpson Co., Brooklyn; National Rivet & Manufacturing Co., Waupun, Wis.; Chicago Rivet and Machine Co., Cicero, Ill.; Penn Rivet Corporation, Philadelphia; and Shelton Tack Co., trading as Shelton Tubular Rivet Co., Shelton, Conn.

The complaints allege that the respondents leased, licensed and sold their rivet-setting machines, or fixed a price charged therefor or discount from, or rebate upon such price, on the condition, agreement, or understanding that the lessees, licensees or vendees thereof would not use the respondents' machines for setting any other tubular or bifurcated rivets than those manufactured by the respondents or sold under their authority. (4560-61-62-63-64)

Parfums Ronni, Inc., 18 West 20th St., New York City, engaged in selling and distributing a cosmetic preparation variously designated as "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni" and "Mascara," is charged, in a complaint, with misrepresentation. (4569)

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Ajax Tire & Rubber Corporation, 601 West 26th St., New York City, engaged in the sale and distribution of automobile tires and tubes, has been ordered to cease and desist from misrepresentation in the sale of its products. (3943)

Alvi Company—Casimiro Muojo, trading as Alvi Co. and as Alvi, Inc., 158 Grand St., New York City, has been ordered to cease and desist from certain misrepresentations and false advertisements in the sale and distribution of a hair dye cosmetic designated as "Vitale Instantaneous Hair Dye," "Vitale Rapid Hair Coloring," "Vitale Rapid," "Vitale Hair Coloring," "Vitale Hair Dye," and as "Vitale." (4484)

Gates Medicine Co., Inc., Charleston, W. Va., has been ordered to cease and desist from false and misleading advertising in the sale of drugs represented as cures for the liquor habit. (4301)

Illinois Nut Products Co., Chicago candy manufacturer, has been ordered to cease using lottery methods in the sale of its products. (3807)

Jacks Chemical Company—Lambert Agin, trading as Jacks Chemical Company and as Jacque Chemical Company, Pleasant Ridge Station, Cincinnati, has been ordered to cease and desist from misrepresentation in the sale of a medicinal preparation called "Jacks" and "Jacque." (4247)

Kemico—F. W. Johnson, trading as Kemico, Park Ridge, Ill., has been ordered to cease and desist from making misleading representations in the sale of 14 formulas for medicinal and cosmetic preparations. (4505)

G. Krueger Brewing Co., Newark, N. J., has been ordered to cease and desist from misrepresentation in the sale of beer. (4434)

Rockford Furniture Factories, Inc., Newark, N. J., seller at retail and distributor of furniture, has been ordered to cease and desist from using the word "Rockford," or any simulation of it, in the firm's corporate name or in any way to refer to its business or display rooms, when the furniture sold is not in substantial proportion manufactured in Rockford, Ill., known as a furniture center. (4503)

Uco Food Corporation—An order has been issued directing Uco Food Corporation, Newark, N. J., food wholesaler, to cease and desist from violation of the brokerage section of the Robinson-Patman Act. (4277)

STIPULATIONS

Commission has made public the following stipulations:

Associate British Manufacturers—Miles Llewellyn Finch, Miles L. Finch, Jr., Guy Giordanelli and Cora S. Sontag, trading as Associate British Manufacturers, 200 Fifth Ave., New York City, engaged in the sale and distribution of textile fabrics, have entered into a stipulation with the Federal Trade Commission in which they agree to discontinue representing, through the use of any word, terms, symbols or depictions indicative of British or other foreign origin, or in any other manner, that products which are manufactured in the United States of America are made in or imported from the British Isles or any other foreign country, provided, however, that the country of origin of the various constituent fibers thereof may be stated when immediately accompanied in equal conspicuous type with an explanation that such products are manufactured in the United States. (3187)

Barton Chemical Company—Vincent B. Bartos and Clara J. Bartos, trading as Barton Chemical Company, 3907-11 South Langley Ave., Chicago, engaged in the sale and distribution of chemical preparations, such as bleaches, cleaners, whiteners, and insecticides have stipulated that they will cease and desist from representing to customers or prospective customers through the use of advertisements, printed matter, or otherwise, that the

goods or merchandise offered as a premium for the return of coupons issued by them have a retail price or value greater than the price at which such products are currently sold in the usual course of business, or representing that the product given for the return of such coupons is of a certain quality or composition, when in fact the product is not of the quality and composition represented. (3186)

Paul F. Beich Co., Bloomington, Ill., candy manufacturer and distributor of enlarged tinted photographs for use as so-called premium merchandise, has entered into a stipulation in which it agrees to cease employing the words "Painted," "Hand Painted," "Portrait," "Oil Portrait" or other words of similar meaning, alone or in conjunction with other expressions, to describe or refer to colored or tinted photographs or photographic enlargements or other pictures produced from a photographic base or impression. (3197)

Cassell Products, Inc., also trading as Jaland Parfums, 131 West 33rd St., New York, entered into a stipulation to cease use of the word "Swiss" on tags, labels, invoices or other advertising matter as descriptive of bath oil not produced in Switzerland. The stipulation recites that the respondent designated as "Cassell Swiss Pine Needle Bath Oil Concentrated" a product which neither was imported from Switzerland nor contained oil of pine needles which were grown in Switzerland. (3196)

Certain-Gro Hair Preparations—Louise G. Ramsey, trading as Certain-Gro Hair Preparations, Gary, Ind., has stipulated to cease and desist from representing that "Certain-Gro Hair Preparation" is a remedy or cure for baldness, falling hair, dandruff and itching scalp, or that it will thicken or improve the health or color of hair, prevent early baldness or revitalize lifeless hair; that "Certain-Gro 'Liquid' Hot Oil Treatment" will recondition, stimulate and promote the growth of hair, and further agrees to cease representing, through use of the term "Certain-Gro" or similar terms, that such preparations will grow hair. (02859)

Elene of Vienna, Inc., and Ella M. Schnuck, 522 Fifth Ave., New York City, engaged in selling a cosmetic designated "Dervita," has stipulated that they will discontinue representing that Dervita corrects sagging facial contours or removes other evidence of age, clears away lines of fatigue, restores youthful color or facial contours, keeps the skin youthful looking or free from blemishes, drives out all dirt in the pores, or contains healing herbs. (02858)

Elmo Sales Corporation, Philadelphia, in connection with the sale of its products "Elmo Special Formula Cream," stipulated to cease the use in advertising matter of representations which tend to convey the impression that use of the product will retard or otherwise influence or prevent changes giving rise to wrinkles, crowsfeet or lines characteristic of advancing age, or that it would do more than temporarily soften or mask and thereby lessen the prominence of such lines or age signals or temporarily correct dryness and redness of the skin. (3194)

Fanny Farmer Candy Shops, Inc., Rochester, N. Y., stipulated that in connection with the sale of its factory made candies it will cease using in advertising matter or on containers of its products the words "Home Made" or other words of similar implication as descriptive of such products, and will cease employing the words "Home Made" in any way implying that the products are home made or cooked in the home. According to the stipulation, the respondent corporation advertised factory made candies as "Old Time—Home Made Fanny Farmer Candies." (3195)

Food Balance Corporation, 519 North Central Ave., Chicago, has stipulated to cease certain representations in connection with the sale of unfermented berry juices sold under the name "Hercules." (02857)

C. J. Gordon Co., 309 West Adams St., Chicago, has entered into a stipulation to cease certain representations in the sale of fur products. (3200)

Hammond Paint & Chemical Co., Beacon, N. Y., engaged in selling an insecticide and fungicide spray for roses designated "Kix," formerly known as "Triad," has stipulated that it will cease and desist from representing that its product will kill or control all forms of insect life or all types of beetles or all types of sucking or chewing insects, and that its product contains insecticides that are new. (02853)

Olbas Company—R. Keller, trading as Olbas Co., 500 Fifth Ave., New York, has entered into a stipulation to cease representing that his medicinal preparation "Olbas Herb Oil" will ease the spasms of coughing, asthma, or irritation of the respiratory channels, and will relieve flatulence or digestive disturbances; that the essential oil from which Olbas is distilled is scarcely known in the Western world; and that every detail of Olbas's varied application is supported by clinical evidence from European physicians. (02855)

Parker Industries—A Chicago dealer and a Chicago manufacturer have agreed in stipulations to cease certain representations in the sale of flashlights described as having self-generating mechanisms producing their own lighting power and eliminating the necessity of battery or cord.

Respondents in these cases are Milton M. Tigerman, trading as Parker Industries, 100 West North Ave., who sells a type of flashlight called "Magic-Lite," "Parker-Lite," and "Flashmaster," and Match King, Inc., trading as Monarck Manufacturing Co., 711 West Lake St., manufacturer of a type of flashlight designated "The Flashmaster."

Each respondent agrees to cease using representations which tend to convey the impression that its product is of such unlimited span of usefulness that it will assure light forever or provide service for a lifetime, without necessity of replacing parts and at no cost beyond the first cost. (3198-3199)

Perspir-ator Manufacturing Company—Irene G. Fenton, trading as Perspir-ator Manufacturing Company, Toledo, Ohio, engaged in selling a Turkish bath cabinet designated "Perspir-ator," has stipulated that she will cease and desist from representing that use of the device will rejuvenate the entire system; that it is a cure or remedy in the treatment of excess weight; that it will keep the pores open or induce proper elimination of body poisons; that it will afford relief to the nervous manifestations of a woman during menopause; that it will cure, break up or is beneficial in the treatment of colds; that it will help to replace sallow, sluggish skin with a healthy youthful glow, or help to eliminate blackheads or the cause of acne and other skin blemishes; that it is a cure or remedy for symptoms of over-indulgence; or that the device is a cure or remedy in the treatment of rheumatism, lumbago, arthritis and muscular aches and pains. (02852)

A. Rhodes Company, Inc., Lowell, Mass., manufacturer of a hair dye designated "Rejuvena" and "Reju-Vena," has stipulated that in connection with the sale and distribution of its product it will discontinue the use of any representations implying to purchasers that the product has healing properties. (3192)

Chester H. Roth Co., Inc., 389 Fifth Avenue, New York City, and Century Hosiery Corporation, Burlington, N. C., engaged in the sale and distribution of men's hosiery, have stipulated in connection with the sale and distribution of their products to

cease and desist from the use of the words "Linen" or "Irish Linen" as descriptive of the fiber content of hosiery not composed of linen. (3188)

Shannock Narrow Fabric Company, Pawtucket, R. I., a corporation engaged in the manufacture of narrow fabrics or ribbon, has entered into a stipulation in which it agrees in connection with the sale and distribution of its products to cease and desist from the use of the marking "50 Yards" on bolts or containers thereof when, in fact, less than fifty yards of material are contained therein, or otherwise mis-marking or misbranding such products with respect to the yardage thereof or in any other way, with a tendency and capacity or effect of misleading or deceiving purchasers or the consuming public. (3189)

Snare Brothers Ointment Company—Henry I. Snare, trading as Snare Brothers Ointment Company, and George J. Mergenthal and George O. Dennis, trading as Snare's Re-Lef Sales Company, all of Chillicothe, Mo., have stipulated to cease certain representations in the sale of "Snare's Re-Lef," a medicinal preparation. (3193)

Spiegel, Inc., 1061 West 35th St., Chicago, engaged in selling coal tar hair dyes designated "Lakro" and "Instant Clairol," has stipulated that it will discontinue disseminating any advertisements which fail conspicuously to reveal therein the following: "Caution: This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

Provided, however, that such advertisement need contain only the statement:

"Caution: Use only as directed on label," if and when such label bears the first described caution conspicuously displayed thereon, and the accompanying labeling bears adequate directions for such preliminary testing before each application. (02854)

Standard Ribbon Corporation, a New York corporation, with a place of business in Stroudsburg, Pa., engaged in the manufacture of various types of ribbons, including seam binding, has stipulated in connection with the sale of its products to cease and desist from the use of the marking "100 Yards" on bolts or containers thereof when, in fact, less than 100 yards of material are contained therein, or otherwise mis-marking or misbranding such products with respect to the yardage thereof or in any other way, with the tendency and capacity or effect of misleading or deceiving purchasers or the consuming public. (3190)

Sunshine Broadcasting Co., San Antonio, Texas, engaged in interstate commerce in communication by radio and dissemination of such communications, including commercial and other programs, by and through its broadcasting station designated by the call letters "KTSA," has entered into a stipulation in which it agrees that in selling the facilities and services of its station, it will cease and desist from using the slogan or words "KTSA San Antonio, Texas, 5,000 Watts, Doing a 50,000 Watt Job." According to the stipulation, Station KTSA operates on 5,000 watts in the daytime and on 1,000 watts at night. (3191)

Zendel Laboratories—A. M. Zendel, trading as Zendel Laboratories, 924 Kelly St., Bronx, New York City, entered into a stipulation in which he agrees to cease certain representations in the sale of his products designated generally as "Natural Cosmetics." (02856)

SENATE COMMITTEE DROPS RADIO TAX

The industry's all-out fight to lick the time sales tax bore first fruit Wednesday when Chairman Walter George (D-Ga.) announced that the Senate Finance Committee had eliminated the tax from the new federal revenue bill.

Now is the worst possible time to stop fighting. The committee can change its mind. The boys behind the tax can get some friendly senator to introduce it as an amendment when the bill reaches the senate floor. Or the House conference committee can insist that the tax be put back into the bill when it goes to conference to compromise differences between the House and Senate versions.

Let your senators and representatives know how you feel about it!

At the same time that Senator George informed newspapermen that the tax had been removed, he told them that the committee had instructed the Treasury and a sub-committee [Senators Brown (D-Mich.) and Danaher (R-Conn.)] to study a possible franchise tax. Whether this study would be completed in time for inclusion of a franchise tax in the current bill was conjectural, the chairman said.

The NAB is opposed to a franchise tax, unless the federal government reverses long-standing policy and makes all federally regulated industries stand the cost of their regulation.

The American Federation of Labor and labor unions dealing with the industry have continued to express their unqualified opposition to the tax. William Green, A. F. of L. president, urged all state federations and city central bodies to advise their senators and representatives of the federation's position.

After the Allied Printing Trades Council suggested last week that the Senate double the House tax, the NAB, through its special tax counsel, Ellsworth C. Alvord, sent the following letter to the Senate committee:

On August 21 there was submitted to your Committee, on behalf of Mr. John B. Haggerty (Chairman, Board of Governors, International Allied Printing Trades Association, and President, International Brotherhood of Bookbinders), a statement in support of Title VI of the pending bill (H. R. 5417), and recommending a 100 per cent increase in the radio broadcasting tax provided for by that title. While my oral testimony before the Committee (Hearings, pp. 676-681), together with the written memorandum which I submitted for the record (Hearings, pp. 681-689), constitutes an adequate reply to the arguments presented by Mr. Haggerty, his statement contains certain erroneous statements which require correction.

(1) *Need for Revenue.*—Mr. Haggerty's first argument is that the revenue needs justify the imposition of a special tax on radio

broadcasting, at double the rates proposed by the House. The simple answer to this argument is that the revenue needs can never be great enough to excuse an unjust, discriminatory tax.

(2) *Return on Investment.*—Mr. Haggerty next revives the specious argument that the tax is justified because radio broadcasters earn large profits on the investment in, or "value" of, their physical property. He speaks as though the only outlay required were the cost of a moderate amount of technical equipment. He completely neglects the need for operating capital, the certainty of early losses, the constant hazards of the business, and the necessity for plowing back earnings in order to maintain efficient service. In any event, capital is only one of many income-producing factors. As this Committee has repeatedly recognized, such

(Continued on page 712)



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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

SENATE COMMITTEE DROPS RADIO TAX

(Continued from page 711)

factors as individual ability and initiative deserve equal encouragement.

(3) *Entertainment*.—In attempting to justify his position, Mr. Haggerty over-emphasizes the entertainment aspects of radio. Radio broadcasting is, as Mr. Haggerty says, the principal source of entertainment in America today. That entertainment, incidentally, comes to the public whether or not it can afford to pay for it; the cost being borne by the advertiser. Of far greater importance, however, is the fact that radio broadcasting is also the principal source of *information* in America today. In the latter respect, radio performs a unique and vital public service.

(4) *Monopoly*.—Mr. Haggerty once again puts forward the argument that the radio broadcasting industry's alleged monopoly, based upon a public franchise, justifies the tax. It has already been pointed out to this Committee that no broadcaster has a monopoly of the listening public, and that radio has no monopoly of advertising media. Furthermore, the necessity for regulation, far from justifying the proposed tax, does not even justify a tax based upon the costs of regulation, unless a similar tax is imposed at the same time upon all businesses regulated by the Federal Government. The imposition of such taxes would require the reversal of a long-standing national policy.

In an effort to demonstrate that the opposition of advertising agencies is founded solely upon a desire to protect a monopolistic source of unconscionable profits, Mr. Haggerty asserts that newspapers and magazines pay a 15 per cent commission to advertising agencies for securing advertising, but that radio broadcasters "pay rebates, and discounts as well as agency commissions ranging from 36 per cent upward." He alleges that these discounts line the pockets of the advertising agencies, and cites as his authority, first, a letter from Frank K. White, Treasurer of the Columbia Broadcasting System, to Editor and Publisher, the second, the National Broadcasting Company Red Network 1941 published rate card.

Curiously enough, Mr. White's letter, published in the May 3, 1941 issue of Editor and Publisher, specifically states that the standard 15 per cent commission is allowed to recognized advertising agencies; and carefully explains that discounts, which he states "correspond generally to the frequency and space allowances which are made to advertisers by magazines and newspapers", are passed along "to the advertisers (and not to the agencies)".

Similarly, Mr. Haggerty purports to quote the National Broadcasting Company published rate card, as indicating that large discounts are allowed to advertising agencies. His supposed quotation contains words which would prove his point if they appeared on the rate card, but the fact is that they do not appear there. Wherever the word "advertiser" appears on the rate card, Mr. Haggerty has inserted, after that word, the phrase, "(advertising agency)", so that his purported quotation is not a quotation at all.

As Mr. White's letter indicates, the discounts and rebates allowed by radio broadcasters correspond generally to the frequency and space discounts allowed by other advertising media. They are more volume discounts, inducing the advertiser to maintain his advertising throughout the year. In the case of radio, they tend to maintain program continuity, an obviously salutary result.

(4) *Wage-earners' Interest*.—Finally, Mr. Haggerty attempts to belittle the stake the wage-earner has in radio. Here again, he disregards the facts. The radio broadcasting industry has at least 22,000 full-time employees. Its annual pay-roll is about \$60,000,000, or well over \$1,100,000 weekly. The average weekly pay check in the industry is one of the highest in the country, and is becoming higher every year. In addition to full-time employees, about 30,000

more are employed on a part-time basis. Perhaps 250,000 more are employed in the manufacturing and distributing fields. Mr. Haggerty is not specific in his claims of a loss of job opportunities in the printing trades. In view of the increase in recent years in the aggregate circulation of both newspapers and magazines, it is at least doubtful whether he could be specific.

Mr. Haggerty fails to present a single valid argument in favor of the proposed tax. The fact of the matter is that the tax is being urged not because it will produce revenue, not because it is a sound tax measure, but solely in the hope that it will hamper the normal operation of competition between various advertising media. The use of the taxing power for this purpose cannot conceivably be justified. For labor as a whole and even for the printing trades alone, it would be a short-sighted policy. The stimulation of competition by the development of new industries does not destroy job opportunities, it creates them. In this connection, Mr. W. C. Hushing, Chairman of the Legislative Committee of the American Federation of Labor, had this to say to this Committee:

"This is not a new question to us by any means. In the middle 1890's there was another new industry coming into existence and in one of the Central Labor Unions on the West Coast, which was located in the largest West Coast city, there was an organization which came in with a proposal that no member of the organization, of organized labor, ride in an automobile, even to a funeral, and the motion was adopted. This proposal here is on all-fours with and is made for the same reason that that motion was passed through that central body over forty-five years ago; and in the future you will probably look back on this proposal in the same manner that you do on the one which I have just mentioned.

* * * * *

"This proposal in this Bill could well have been made against electric lights, because they put the manufacturers of oil lamps out of business, or could have been made by the candlemakers with the same force when the oil lamp came into use." (Hearings, Aug. 23)

I shall appreciate it if this letter can be incorporated in the record of the hearings.

William C. Hushing, A. F. of L. legislative representative of the American Federation of Labor, told the Senate Finance Committee that the federation was opposed to the radio tax.

Speaking August 23 at the final day's hearing, Mr. Hushing read the resolution against the tax adopted by the A. F. of L. Executive Council at its Chicago meeting.

He pointed out that the tax was the idea of several printing trades unions and was "simply an attempt to deprive the radio industry, a new industry, of some of the work or some of their income and to transfer it to an older industry."

Unions dealing with radio, he added, were opposed to the tax on the ground that it would deprive them of employment opportunities.

Mr. Hushing informed the committee that all the unions asking for the tax had increased their membership since the advent of radio, intimating that they had not suffered because of radio. He then told a story about a West Coast labor group which once adopted a resolution against union men riding in automobiles, and said that the tax proposal someday would seem just as silly.

The proposal to tax radio, he said, might just as well have been made against electric lights because they put the manufacturers of oil lamps out of business.

Statement by Lawson Wimberly

on behalf of the

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS

(Affiliated A. F. of L.)

In Re: H. R. 5417, Title VI—*Radio Broadcasting and Network Tax*

This statement is presented to the Senate Finance Committee on behalf of the International Brotherhood of Electrical Workers, an American Federation of Labor affiliate, in opposition to the

proposed tax on radio advertising sales contained in Title VI of H. R. 5417. Time allotted for our appearance before the Committee did not permit detailed discussion of the various phases of this matter. We therefore wish to present some additional facts with respect to our objections to a tax being imposed only on radio advertising.

Undoubtedly, every one realizes that a radio station, like a newspaper, magazine or any other business must compensate its employees with income from some source. A radio station, like a newspaper or a magazine, derives its principal income, with which employees are paid, from advertising sales. While in the advertising field, the radio utilizes an entirely different type or form of sales appeal—it still must compete with all the other advertising mediums. For Congress to tax one medium of advertising without taxing all would certainly be discriminatory.

It is interesting to look into the background of the proposal to tax radio advertising and not tax newspaper, magazine or periodical advertising—which really constitutes the large volume of advertising sales. This proposal originated in the Ways and Means Committee of the House of Representatives when an agent of the International Allied Printing Trades Association, an organization of five unions in the printing industry, complained to the House committee that radio advertising was reducing the earning opportunities of members of the unions comprising the Association.

The records available do not support this allegation. If we can take the record of the number of members on which these unions have paid per capita tax to the American Federation of Labor as a standard of comparison, their membership has actually increased in the period of radio's greatest expansion. The following with respect to the number of members reported, is taken from the official proceedings of the American Federation of Labor for the years shown:

	Name and membership of respective unions				
	Typographical	Printing Pressmen	Book-binders	Photo Engravers	Stereotypers
1925	71,000	40,000	13,600	7,200	6,800
1930	77,600	40,000	13,900	8,900	7,800
1935	73,400	32,000	11,700	6,700	7,900
1940	79,400*	43,700	18,700	10,500	8,400

It should be interesting to note the number of broadcasting stations which were licensed for operation during the above period. From reports of the Federal Communications Commission we find that the number of standard commercial broadcast stations were as follows:

1925	571 stations licensed
1930	612 " "
1935	605 " "
1940	814 " "

Figures could be given to show how the number of radio receiving sets in use in the United States has risen from a few hundred thousands to over 50,000,000 at the present time. We could also list authentic figures to show the tremendous increase in circulation of newspapers and magazines during the past 20 years; we could quote statistics to show that hundreds of thousands have been provided employment as a result of the development of radio, but we do not feel that is necessary, especially when this information is general knowledge.

The printing industry workers in attempting to have Congress enact a punitive tax on radio advertising, have selfishly disregarded these obvious facts. *They have also apparently ignored the fact that the radio broadcasting industry each year spends several millions of dollars for printed promotional activities.* The radio manufacturing industry spends considerably more for its sales and promotional work.

When the proposed tax was first broached, it was termed "an amusement tax" by its sponsors. The fact that it was so designated emphasizes the existence of inherent deficiencies which render such a disguise necessary. A properly formulated tax on amusement would impose the tax burden upon those who are the beneficiaries of the particular entertainment or amusement. The proposed tax

(*) Figure in 1939. This union not affiliated with AFL in 1940.

would be imposed upon the broadcasting stations and networks—upon the producer, not upon the consumer, and would have a detrimental effect directly upon employees in the broadcasting industry. The only measure of the amount of the tax would be the amount of revenue, irrespective of the quantity or quality of amusement afforded to any listener. While perhaps radio offers more entertainment with the advertising it carries than do newspapers with their advertising, there is no substantial basis upon which an amusement tax levy could be made upon radio.

Another fact regarding radio advertising that is generally overlooked is the type of advertising carried by the radio which requires the services of many vocations, including not only technicians and engineers, but musicians, actors, script writers, announcers and others. The annual wage bill of radio broadcasting amounts to several millions annually.

In view of these facts, we submit that there can be no justifiable reasons for taxing radio time sales unless there is an equal rate of taxation on all other forms of advertising. A radio advertising tax alone would have a very serious effect upon the earning opportunities of the members of this organization employed in the broadcasting industry, as well as thousands of others in broadcasting and other allied industries. This situation would not prevail to such a degree if the tax is made applicable to all forms of advertising.

We would like to reiterate our statement before the Committee to the effect that we are not opposing any tax that may be necessary—so long as that tax is equitable and applies to all alike. We submit that the tax proposed on radio broadcasting in this bill is a punitive tax, unreasonable, discriminatory, and partaking of the character of class legislation, violative of the fundamental democratic principle of equality under law. It should be stricken from the bill.

FCC Calls New Hearing on "Monopoly" Rules

On August 14, 1941, Mutual Broadcasting System, Inc. filed with the FCC a petition requesting it to amend its regulations dealing with network option time and the term of affiliation contracts. This petition has been set for oral argument before the Commission en banc on Friday, September 12, 1941 at 10 A.M. at a place hereafter to be announced. At that time the Commission will hear oral argument by Mutual Broadcasting System, Inc., and by any other licensees and network organizations who desire to be heard with respect to the chain broadcasting regulations as promulgated, the Mutual petition, or any other modification of any of the chain broadcasting regulations which those appearing desire to propose. All persons wishing to be heard are requested to file appearances with the Secretary of the Commission on or before September 10th. Written briefs may be filed on or before September 12th.

The chain broadcasting regulations will not be placed in effect with respect to existing affiliation contracts, or network organization station licenses, or the maintenance of more than one network by a single network organization, until after the disposition of the Mutual petition and of any other which may be filed.

Broadcast licensees will be afforded opportunity to adjust their operations to accord with rules with respect to chain broadcasting following the Commission's September 12 oral argument on petition of the Mutual Broadcasting System to amend same, the Commission said in a statement late Thursday.

Reasonable time will elapse after disposal of this and any other petition offered on that occasion before making such rules effective. This supplementary statement is issued in response to inquiries from the industry concerning possible Commission action in connection with this oral argument.

Priorities

As of Wednesday, August 27, this is the procedure to be followed by broadcasters possessing construction permits:

If a broadcaster needs every item of material and equipment to satisfy the construction permit, he should apply to Mr. Ward Freeman, Project Rating Section, Priorities Division, Office of Production Management, 462 Indiana Avenue, Washington, D. C., for a Project Rating. When, as and if granted this covers the entire bill of material.

In your letter, after advising Mr. Freeman that you are applying for a Project Rating, supply the answers to the following questions:

- 1—Owner or owners of the station.
- 2—Principal office of the broadcasting station.
- 3—Indicate the plant site.
- 4—Material produced. [Broadcaster can not fill this out.]
- 5—Justification of the project.
- 6—General description of the project.
- 7—Types and quantities of material and equipment required.
- 8—Number of certificate of necessity. [Disregard this as a broadcaster would not have such a certificate.]
- 9—Date of completion.
- 10—Cost.
- 11—Per cent completed now.

Now suppose the applicant has physical possession of part of the equipment, say transmitter plus some wire, etc. Under this circumstance the station is advised to fill out form PD-1. Attached to properly filled out PD-1s should be photostat copies of supporting data which would serve to indicate the necessity for the desired material.

A photostat copy of the CP should be attached to it, for example. If the station will be serving a substantial number of additional radio families, now denied regular service, this should be brought out in a letter. These and other things which demonstrate the need for station construction or improvements should be appended.

Full directions for returning the priorities form appear on the form itself. If not available in your city forms may be obtained by writing NAB or Information Division, Division of Priorities, Office of Production Management, 4th and Independence Avenue, Washington, D. C.

(Leon Henderson, OPACS director, announced that material would be allocated to keep in repair the nation's 50,000,000 receiving sets).

Engineering

RECORDING STANDARDS

A meeting of the Executive Committee of the Recording and Reproducing Standards Committee was held in New York City on August 20. Those present were R. M. Morris, NBC, Chairman; H. A. Chinn, CBS; C. Lauda, Jr., World; R. A. Lynn, NBC (guest); E. T. Mottram, Bell Labs; I. P. Rodman, Columbia Recording; and L. C. Smeby, NAB, ex officio.

The Committee made a more detailed study of the answers to the NAB Recording Questionnaire (see REPORTS, p. 612, July 18). In order to proceed with the work of standardization, it is necessary to know what the present practice of the manufacturers is. The Committee, therefore, formulated a comprehensive questionnaire to be sent to all manufacturers for the purpose of obtaining this information. A time table was set up for the purpose of insuring that the results of the questionnaire will be tabulated for use at the next meeting of the main committee on October 23.

It was suggested that the adoption of standards might be expedited by dividing the items into three categories, (1) those already standardized by custom, (2) those upon which standardization is

important, (3) those which fall into the class of "good engineering practice."

The Recording and Reproducing Standards Committee now has a membership of 58 including practically all the leaders in the field. The membership is as follows: Alliance Mfg. Co., P. M. Turner, Chief Engineer; Altec Service Corp., J. H. Littenberg; Associated Music Publishers, K. R. Smith, Chief Engineer; The Astatic Corp., J. R. Bird, Chief Engineer; Audio Devices, Inc., C. J. LeBel, Chief Engineer; Bell Telephone Laboratories, Inc., E. T. Mottram; Blackett-Sample-Hummert, Inc., Henry Rahmel, Studio Manager; David Bogen Co., Inc., Joseph B. Hersh, General Manager; Broadcast Productions, John Stamford, Owner; The Brush Development Co., Dr. S. J. Begun; C. K. Recorders, Pliny O. Clark, Manager; Central Broadcasting Co., WHO, P. A. Loyet, Technical Director (Representing NAB); Christensen Recording Studios, Carle A. Christensen, Owner; Columbia Broadcasting System, Inc., Howard A. Chinn (Representing NAB); Columbia Recording Corporation, I. P. Rodman, Director of Engineering; Electrical Research Products, F. C. Schmid, Licensing Engineer; FM Broadcasters, Inc., Samuel Waite; Federal Recorder Co., Inc., Jack Seigel, Head, Recorder Division; Federal Transcribed Programs, Inc., A. Ralph Steinberg, President; Film Associates, Ray Arn, Owner; General Communication Products Company, R. J. Thompson, Chief Engineer; General Sound Corporation, Edgar P. Kampf, President; Gray Manufacturing Co., H. T. Stenhammer, Director of Research; Lillian Gurdoni Radio Productions, Stan Gurdoni, Recording Engineer; Harvard University, Frederic V. Hunt; Hollywood Recording Co., John Hirsch, Owner; Illinois Educational Sound Service, R. W. Damron, Owner; John D. Keating, John D. Keating, Owner; Kermit-Raymond Corporation, Raymond R. Green, General Manager; Mirror Record Corporation, Paul K. Trautwein; C. P. MacGregor Transcription Company, Arthur Q. Felthausen, Chief Engineer; Memovox, Inc., Sigurd A. Sollie, Sales Manager; Miller Bros. Recording Studio, Ross J. Miller, Partner; Musicraft Records, Inc., Earl Carter, Engineer; National Association of Broadcasters, Lynne C. Smeby, Director of Engineering; National Broadcasting Company, Inc., Robert M. Morris, Business Manager Radio Recording; Pacific Sound Equipment Co., Inc., Robert G. Metzner, President; Permo Products Corporation, F. M. Hummel, Sales Engineer; Photo & Sound, Inc.; Poinsettia, Inc., Earl P. Carter; Presto Recording Corporation, George J. Saliba, President; B. A. Proctor Company, Inc., B. A. Proctor, President; Radiad Service; RCA Manufacturing Co., Inc.; E. T. Dickey, (Representing RMA); Radio Features of America, Oliver W. Nicoll, Director Programs and Production; Reeves Sound Studios, Inc., Hazard E. Reeves, President; Rek-O-Kut Corporation, George Silber; Robinson Recording Laboratories; J. P. Seeburg Corporation, Hugh Davis, Engineering Department; Shure Brothers, Benjamin B. Bauer, Chief Engineer; Star Record Company; Technisonic Recording Lab., James M. Althouse, Chief Engineer; United Artists Bureau, R. B. Eaton, General Manager; Universal Microphone Co., Ltd., Ralph L. Power, Ph.D., Promotion Manager; Thomas J. Valentino, Inc., T. J. Valentino, Sales Manager; Western Sound & Electric Lab., Inc., Edward M. Dieringer, President; WGAR, Morris Pierce, Chief Engineer, (Representing NAB); World Broadcasting System, Charles Lauda, Jr., Plant Manager.

Chairman—Lynne C. Smeby.

Executive Committee—Howard A. Chinn; C. Lauda, Jr.; Robert M. Morris, chairman; E. T. Mottram; I. P. Rodman.

Interference from Trucks

The automobile or motor truck in ordinary operation is a rough-and-ready broadcasting station and interferes seriously with short wave radio communications, according to radio experts of the Department of Commerce.

Most motorists are unaware of the annoyance they cause as they drive along city streets. However, radio broadcasting companies, radio manufacturers, government experts in the communications field and automotive engineers are fully alive to the problem.

One leading broadcasting company has conducted a series of tests and made a large number of measurements to determine the

extent of interference from different types of ignition systems installed in motor vehicles.

A special committee set up by the American Standards Association is giving the problem close attention. A committee of engineers appointed by the Radio Manufacturers Association also is actively at work and a committee of automotive engineers is cooperating.

One way to eliminate interference of this kind is to place a shield over the spark plugs and other exposed parts of motor vehicle ignition systems. Experiments along this line are understood to have eliminated the interference at least to a large extent. Other means have been devised.

This type of interference is understood to be especially serious in television operations. Even frequency modulation, designed to eliminate much of the interference normally encountered in radio communications, is said to be affected under certain conditions.

Technical experts of the Federal Communications Commission, the National Bureau of Standards and other interested government agencies are keeping in touch with developments.

Sales Managers Executive Committee Meets

The Sales Managers Executive Committee met in New York Monday and Tuesday to discuss industry sales problems and plan a coast-to-coast series of district sales meetings.

Presiding was Chairman Gene Carr, WGAR, Cleveland, and committee members present were John Outler, WSB, Atlanta, representing large stations; E. Y. Flanigan, WSPD, Toledo, medium stations; Robert MacKenzie, WCMI, Ashland, Ky., small stations; George Frey, NBC; Arthur Hayes, CBS, and Linus Travers, WAAB, Boston, representing Mutual-affiliated stations. C. E. Arney, Jr., and Frank E. Pellegrin attended from NAB headquarters.

Tuesday's meeting included a conference with a committee from the New York Radio Time Buyers Association, consisting of John Hymes, Lord & Thomas, and William Maillefert, Compton, and with national station representatives holding affiliate NAB membership: Edward Petry, of Edward Petry & Co.; Russel Woodward, Free & Peters; George Bolling, John Blair & Co., and Jerry Lyons, Weed & Co.

Problems discussed included station affidavits, local and national rates, surveys and coverage maps, dealer-cooperative advertisers, visual presentations, per-inquiry and free time requests, handling of commercial mail, merchandising and station promotion, program schedules and similar matters. As a result of the meeting closer cooperation was pledged by the Time Buyers association in helping to solve mutual problems, in line with the theme set by the sales managers committee "to make it easier for more clients to buy more time on more stations."

Full details on specific action and recommendations will be sent each sales managers' district chairman, to be presented to the NAB membership at the forthcoming district meetings.

BMI

Joining the Parade

The Kiwanis Club of Rockland, Massachusetts; the Chamber of Commerce of Alma, Michigan; the Lions Club of Ridgewood, Brooklyn, New York; and the Chamber of Commerce of Lancaster, Pennsylvania, have all notified BMI that they plan to adopt *Hi, Neighbor* as a "break the ice" song to open their luncheons and meetings.

Dr. Benjamin Lelyveld, Secretary of the Kiwanis Club of Rockland, Massachusetts writes:

"At our meeting this week our club adopted the song *Hi, Neighbor* for our club song.

"As a former professional dance pianist I can say that the work you seem to be doing both in this direction and in the

way of backing unknown composers is of distinct advantage to the musicians of the country."

Hi, Neighbor is climbing rapidly up the list of most-played numbers. It ranks 19th in network performances for the week ended August 24.

BMI's Lusty Infant

Radio Tunes, BMI's brain baby, is off to a good start with its first tune *I See A Million People* showing up on the list of network favorites. The tune is by the same team that wrote the highly successful *Walking By the River*. The theme, a romantic natural for these times, or for any times, is based on the idea that there are millions of people in fancy, but in reality only two.

Bob Sour, who wrote the lyric, has proven his ability time after time to touch the heartstrings. Una Mae Carlisle, the composer, who is rapidly gaining popularity as a singer and orchestra leader, has a rare gift for melody.

Recordings have been made by Miss Carlisle, Teddy Powell, Cab Callaway, Jan Savitt, and Benny Goodman. Billboard has the following comment to make on the tune: "*I See A Million People* shows possibilities and should definitely be stocked."

Swell Place

The United States War Department has selected BMI's *It's A Swell Place To Be* as the official song of the Ravenna Arsenal of Ravenna, Ohio. Plans call for the use of the song at other locations where defense projects are under way. The writers are Marsh Crosley of Akron, Ohio, and Bill Wirges of New York.

Britain is Catching Up

Indication that the British know a good song when they hear one is offered in their acceptance of *I Hear A Rhapsody*. *Rhapsody* has just arrived on the British list of best sellers and is climbing rapidly to the top.

Alexander in the Movies

Alexander the Swoose, hero of the song of the same name, has joined the cast of *Hedda Hopper's Hollywood*, a Paramount picture featuring Kay Kyser and his band, to be released on September 16th. World premier of the picture will be held at the Milwaukee American Legion Convention.

Inside Stuff

Illustrative of the opportunity BMI has brought to those in the music business who did not share in the ASCAP distribution is a story in the current *Variety* about a song plugger who has become the publisher of "what looks like a smash hit."

"He was without a job for over a year prior to the ASCAP-radio split," says *Variety*, "and had been living on relief money obtained from the industry's benevolent organization, Professional Music Men, Inc. His break came when an ASCAP firm agreed to return the song in question to the writers because of the firm's inability to exploit the number on the networks. The unemployed plugger soon fell heir to the song and licensed it for radio through Broadcast Music, Inc. A band leader recorded the tune and included it consistently in his remote broadcasts. In quick time three other bands put the song on wax. Recently an ASCAP publisher offered the plugger \$5,000 for outright transfer of the number, but the ex-reliever turned the proposition down."

There is no way of estimating how many publishers and employees of publishers have found opportunities through BMI. But if we made a rough guess of an average of ten employees per publisher we would have three thousand, which all goes to show that any break in established procedure is an opportunity for someone.

Co-eds, Touchdowns, and Siss Boom Bah!

Broadcasters are all set to play BMI football this year with *You Made a Touchdown in My Heart*, *Georgette the Majorette*,

BMI FEATURE TUNES

September 1 - September 7

1. WASN'T IT YOU
2. I WENT OUT OF MY WAY
3. YOU MEAN SO MUCH TO ME
4. DELILAH
5. HI, NEIGHBOR
6. YO TE AMO, OH BABY
7. ALL ALONE AND LONELY
8. RELUCTANT DRAGON
9. HAVE YOU CHANGED
10. A PRETTY CO-ED HAS GONE TO MY HEAD

and *Siss Boom Barbara Brown* in the backfield and a new top tune by a prominent writer, *A Pretty Co-ed Has Gone to My Head* as Center. The writer of the words and music is Captain Paul Fogarty, a producer at WGN. Captain Fogarty crashed through to the big time a few years ago with his *Betty Co-ed*.

Asked about his own football experience the Captain contributes the following verse which he wrote and the *Chicago Tribune* published:

Substitute '93

(Friday Night)

I'm a ninth string sub on the varsity club.
My number is old '93.
And I realize that just ninety-two guys
Are quite a bit better than me.
But my gal thinks I'm the best back of all time.
Another Red Grange more or less.
And if she's her way, she'll be there Saturday,
So, brother, I'm sure in a mess.
The first thing she'll miss is my name on the list,
Of players who MIGHT get to play,
Guess I went too far, when I said I would star,
That's why I'm unhappy today.
The head coach don't know if I'm Tom, Dick or Joe,
He spoke to me once—saying "Hi."
Tho I did infer in my letter to her,
That I kinda apple'd his eye.
Well, alack-alas, I'll be there on the grass,
At gametime—with chin on my knee,
It might help like, if she'd save just one yell,
For substitute—old '93.

(Saturday Night)

Well, I guess my name made the gallery of fame,
That drop kick of mine saved the day.
I'm the fair haired lad—just a kid Galahad,
The king of the campus—they say.
My gal has my pin, I've her rouge on my chin,
The head coach is calling me "Son."
My "ninety-three" has been taken from me,
The new one they gave me is "one."
If you keep it mum, I will tell you how come,
I happened to get such a chance.
When "Butchy" O'Brien tore a hole thru the line,
He tore a big hole in his pants.
Says the coach, says he, "Hey there—YOU—ninety-three,"
"Get out there, give Butchy your pants."
But I thought he said—tho I may be misled,
"Get Butch out of there—here's your chance."

Christmas in September

Preparation for the holidays is practically completed at BMI, which will spend its first Christmas with the broadcasters. Last

year with ASCAP music on the air Christmas was not much of a problem and this year it will not be either as BMI has available many new orchestrations of familiar Christmas carols. Among them are *God Rest You Merry Gentlemen, O Little Town of Bethlehem, We Three Kings of Orient Are, Good Christian Men Rejoice, Good King Wenceslas, Away in a Manger, Hark the Herald Angels Sing, Deck the Halls with Boughs of Holly, I Saw Three Ships, and The First Noel*—not to speak of the well known *Silent Night (Holy Night)* and *Jingle Bells*.

Old Tunes — New Lyrics

The BMI public domain lyric department, under the direction of Irving Weil, is fitting new lyrics to familiar melodies and has about sixty new ones available for vocalists who wish to sing melodies that have been known to radio audiences over the past twenty years. One of the new lyrics by Gertrude Forster to the tune *Romance* follows:

Should you across the years recall our days together,
Those far off happy hours now lost and gone forever.
If but one corner of your heart is all I claim,
Remember dear, my love for you will always be the same.

Your face in dreams I see, so near you seem to be,
I press your lips to mine tenderly again;
I hear the melody, that once you sang to me,
It wakes anew, my longing and my pain.

Like some divided stream your life and mine must be,
To drift apart and flow for ever t'ward the sea,
No one can take your place, the years will not erase
Those days I shared with you;
I live them through and through in mem'ry,
In dreams your sweet caresses belong to me,
Once more your lovely image each night I see.

The longing and the pain,
Return to me again,
In dreams in dreams of you.

National Defense

Indicative of the manner in which stations are able to serve their local citizenry, WSTV, Steubenville, Ohio, has just begun the broadcast of a series of programs on Americanism, Wednesdays at 8:00 p.m. Featured on the program are persons from real life who tell their story. Cooperating is the Ohio office of WPA.

Flying Cadet Series

WCAU, Philadelphia, plans to continue its dramatic series on "Flying Cadets of the Navy". The programs are produced by WCAU for use of stations throughout the Fourth Naval District. Joe Connolly, special events director, and Joe Gottlieb, script writer, went to the Jacksonville, Fla., air base for material for six 15-minute programs for later recording in WCAU studios with professional talent.

"Thirty-four radio stations throughout Pennsylvania, southern New Jersey and Delaware have informed the Cadet Procurement Office for the Fourth Naval District of their intention to carry the program."

Stars and Stripes Forever

"Stars and Stripes Forever" is the name of a new strip program just started over KGGF, Coffeyville, Kan. Melvin Drake, manager, has planned to incorporate several of the national defense spots in each show along with transcribed band music.

"Send 'em — We'll Air 'em"

Says Robert Bentley, patriotic director, WCPO, Cincinnati, Ohio: "Thanks for the new 'Keep 'em Flying' spots. 'Keep 'em Flying' to us, please, and we'll keep 'em on the air."

WGAR's "War" Coverage

John Patt, vice president and general manager, WGAR, Cleveland, is firmly convinced that the production of the station's series of transcriptions from Army camps is a definite public service to listeners and he is sparing no effort or expense to back up his contention. Since last spring a staff of engineers and representatives of Carl George's program department have covered Camp Claibourne, Camp Shelby, Fort Knox, Selfridge Field, Chanute Field and the Naval Stations at Grosse Isle, Michigan and the Great Lakes Base at Great Lakes, Illinois.

At the present time the men are at Wright and Patterson Field. Early in September David Baylor, who has been in charge of these broadcasts, will leave for the Louisiana war games to setup coverage for WGAR's listeners. A few days later he will be followed by three engineers and Program Director George. They plan not only to take their recording equipment but also the short wave mobile unit so as to be able to pick up broadcasts on the run. Transcriptions will be air expressed back to Cleveland. With proper plane connections broadcasts will be on the air within eighteen hours.

Coal Campaign

From as far west as KUTA, Salt Lake City, Utah, letters favorable to the coal campaign, details of which were released to stations on August 20, have been received.

Says Jack A. Burnett, account executive, KUTA: "Your folder 'Coal Dealers Can Prevent a Coal Tie-Up This Winter by Acting Now' has been very well received here."

Federal officials concerned with the coal campaign assured us, this week, that there is an ample supply of coal in every section of the country for dealers to work on. Because of the flood of publicity about shortages in most materials it is fortunate that no shortage of coal exists now. The shortage will show up some two or three months in the future. By storing coal in the bins of the ultimate consumers, coal dealers will be doing a service to their customers and to the country.

ANY SCRIPTS!

The U. S. Office of Education has requests from several broadcast stations for scripts on the subject of vocational defense training. That office would like to send scripts that have already been tested on the air. It will be appreciated by William D. Boutwell, director, information service, U. S. Office of Education, Washington, D. C., if broadcasters having such scripts will forward them to him with a note giving him permission to supply them to these other stations.

PROMOTION

At WCBS, Springfield, Ill., there is a utility program that is now in its fourth year and which, according to Jack Heintz, manager, "is practically an institution as we have almost forgotten it is a commercial show."

At our request Mr. Heintz has written several paragraphs concerning this program in the belief that they may prove helpful to other broadcasters with or without utility sponsorship.

The program is known as "Homemakers Institute." Frequent guest speakers are local persons of interest and representatives of various food companies. It is scheduled each Wednesday afternoon, 2:30-3:00 p.m. CST, and always broadcast before a capacity audience. Always, people from a dozen to several hundred, are turned away. Seats are provided for two hundred.

The homemakers program has always been informal and conducted in a "homey" sort of way. It even permits an open forum discussion for thirty minutes after the broadcast is off the air.

"From our point of view and that of the utility, the Central Illinois Light Company," he said, "it is most gratifying that there is a constant and large turnover of audience, despite the fact that there is always a portion of the audience that come back each week."

RESTRICTS VISITORS

Chairman James Lawrence Fly of the Defense Communications Board has addressed notices to all persons engaged in the wire or radiocommunications industry, including manufacturing, directing attention to the following resolution adopted by the Defense Communications Board restricting access to communication plants and stations:

"WHEREAS on account of the importance to national defense of the plants and facilities of the communications industry it appears desirable to restrict free access thereto;

"BE IT THEREFORE RESOLVED that all persons engaged in the wire or radiocommunications industry, including manufacturing, be requested to take all measures necessary to ensure that access to premises containing communications equipment or facilities (other than the premises necessarily open to the general public) be restricted to employees, federal, state, or local government officers, acting in their official capacity, and other persons considered necessary by the management in the conduct of its business.

"BE IT FURTHER RESOLVED that all persons engaged in the wire or radio communications industry, including manufacturing, be requested to exclude representatives of any foreign government, persons, associations, or corporations, from access to the premises containing communications equipment or facilities (other than premises necessarily open to the general public) except only upon express permission granted at the direction of the Defense Communications Board."

COST OF LIVING

Another rise in living costs for wage earners and lower salaried workers in the larger cities was reported for the month ended July 15 by the Labor Department. The increase was 0.6 per cent, making the total increase almost 7 per cent since the outbreak of the war. The department's index July 15 stood at 105.2 per cent of its 1935-39 average.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 1. They are subject to change.

Wednesday, September 3

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), 920 kc., 1 KW night, 5 KW LS, unlimited time.

Friday, September 5

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, 920 kc., 500 watts night, 1 KW day, share KUSD.

FUTURE HEARINGS

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

September 15

KPAC—Port Arthur College, Port Arthur, Texas.—Modification of license, 1220 kc., 1 KW, unlimited time, DA-night.

Consolidated Hearing

NEW—Herald Publishing Company, Klamath Falls, Oregon.—C. P., 1400 kc., 250 watts, unlimited time.

NEW—Dorman Schaeffer, Klamath Falls, Oregon.—C. P., 1400 kc., 250 watts, unlimited time.

October 3

NEW—Frequency Broadcasting Corporation, Borough of Brooklyn, New York, N. Y.—C. P., 620 kc., 500 watts, daytime.

WEEU--Berks Broadcasting Company, Reading, Pa.—C. P., 850 ke., 1 KW, unlimited time, DA-night.

October 9

WAPI—Voice of Alabama, Inc., Birmingham, Ala.—C. P., 1070 ke., 50 KW, DA-night, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Southern Calif. Broadcasting Co., Pasadena, Calif.—Granted construction permit (B5-P-3108) for a new station to operate on 1430 ke., 1 KW, daytime only. Exact site to be determined, subject to Commission's approval.

Washington Broadcasting Co., Washington, Pa.—Granted petition for reconsideration and grant without hearing the application for a new station; cancelled hearing heretofore scheduled, and granted construction permit to operate on 1450 ke., 250 watts, unlimited time.

Seaboard Radio Broadcasting Corp., Philadelphia, Pa.—Granted construction permit for a new (FM) station to operate on frequency 48100 ke. for commercial FM broadcasts; coverage 9,300 square miles; population 3,900,000.

KONO—Mission Broadcasting Co., San Antonio, Texas.—Granted modification of license (B3-ML-1085) to increase hours of operation to unlimited time. Facilities of KMAC when that station goes on new frequency (Station KONO now operates on 1400 ke., 250 watts day and night; shares with KMAC).

KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—Granted construction permit (B5-P-3150) to install a new transmitter and antenna, increase power to 500 watts night, 1 KW day, and change frequency to 560 ke. (now operates on 1490 ke., 250 watts, unlimited time).

W9XC—Central Broadcasting Co., Mitchellville, Iowa.—Granted modification of construction permit (B4-MPEX-5) to change frequency to 1040 ke. (under NARBA), make changes in antenna system and extend completion date to 150 days after grant (now has construction permit for new developmental broadcast station to use 1000 ke., A3 emission; 150 KW night and day; hours of operation, 12 mid-night to 6 a. m., CST).

WRNL—Richmond Radio Corp., Richmond, Va.—Granted construction permit (B2-P-2995) to install a new transmitter, make changes in directional antenna for night use only, and increase power to 5 KW. (Now operates on 910 ke., 1 KW, unlimited time, DA).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted construction permit (B1-P-3207), subject to redesigned antenna and location approval, to install new transmitter, employ directional antenna both day and night, increase power to 10 KW, day and night, unlimited time, move transmitter to Waverly & Church Roads, Cheltenham Twp., Penna., and move studio to site to be determined in Philadelphia. (Now operates on 990 ke., 1 KW, daytime).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special service authorization (B5-SSA-5), to operate on 1090 ke., 250 watts, unlimited time. (Now operates on 1400 ke., 100 watts night and day; shares with KRKO; and construction permit for 1090 ke.; 250 watts, unlimited).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted petition to reconsider and grant without hearing applications for renewal of license and for authority to transfer control; cancelled hearing heretofore scheduled on renewal application, and granted renewal of license to operate on 990 ke., 1 KW, daytime only; and consent to transfer control of Seaboard Radio Broadcasting Corp. from Joseph M. Nassau, James A. Nassau, John Morgan Davis, Theo. H. Elsner, Edward D. Clery, Jack Compter, Margaret R. Collins, and La Verne K. Shiffer, to Paul F. Harron, Joseph Lang, John B. Kelly, and Anthony J. Drexel Biddle, Jr.

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted modification of construction permit (B3-MP-1368) subject to proof of performance, to make changes in equipment and

for approval of directional antenna. (Has construction permit for 990 ke., 10 KW, unlimited time, DA-N).

RENEWAL OF LICENSES

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted renewal of license for the period ending August 1, 1942.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted renewal of license for the period ending August 1, 1942.

The following stations were granted further extensions of licenses on a temporary basis only, for the period ending October 1, 1941, pending determination upon applications for renewal:

WCNW, Brooklyn, N. Y.; WHK, Cleveland, Ohio; WIRE and auxiliary, Indianapolis, Ind.; WKAT (Aux.) Miami Beach, Fla.; WORK, York, Pa., and WWRL, Woodside, L. I., New York.

W2XVP—City of New York, Municipal Broadcasting System, New York City.—Present high frequency broadcast station license was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1941.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Present high frequency broadcast station license was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1941.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Present high frequency broadcast station license was further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending October 1, 1941.

DESIGNATED FOR HEARING

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit (B2-P-3221), for new station to operate on 1240 ke., 250 watts, unlimited time. Requests facilities of WBAX.

Key Broadcasters, Inc., Wilkes-Barre, Pa.—Construction permit (B2-P-3222), for new station to operate on 1240 ke., 250 watts, unlimited time. Facilities of WBAX.

Central Broadcasting Co., Wilkes-Barre, Pa.—Construction permit (B2-P-3218), for new station to operate on 1240 ke., 250 watts, unlimited time. Requests facilities of WBAX. Exact site and antenna system to be determined subject to Commission's approval. (All three of foregoing applications for the 1240 channel to be heard jointly.)

MISCELLANEOUS

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for extension of termination date of petitioner's temporary license for operation of station WBAX, and extended license from September 1 to November 1, 1941.

Peter Q. Nyce, Alexandria, Va.—Dismissed petition for rehearing directed against the action of the Commission on June 24, 1941, granting without hearing the application of Long Island Broadcasting Corp., Brooklyn, N. Y., for construction permit to increase power of station WWRL from 250 watts to 5 KW, install new transmitter and vertical antenna, and use frequency 1600 ke., unlimited time.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Denied petition for rehearing directed against the action of the Commission July 16, granting the application of Helena Broadcasting Co., Helena, Ark., for construction permit to erect a new station using frequency 1490 ke., 250 watts, unlimited time.

KFJM—University of North Dakota, Grand Forks, N. Dak.; Dalton LeMasurier, Grand Forks, N. Dak.—Granted petition to reconsider and grant without hearing the application of KFJM for renewal of license and for modification of license to change operating time from unlimited to 2 hours a day, 3 to 5 p.m.; together with application for construction permit for LeMasurier to operate station all but the two hours used by the University. (Station operates on 1440 ke., 500 watts night, 1 KW LS.)

Western Mass. Broadcasting Co., Pittsfield, Mass.—Adopted order removing application for a new station from the hearing docket and placing same in pending file pursuant to Order No. 79.

- WFAM, Inc., Lafayette, Ind.—Denied petition for assignment of call letters WFAM to new station authorized July 30, 1941.
- W59C—WGN, Inc., Chicago, Ill.—Granted modification of special temporary authority to operate frequency modulation (FM) station commercially on **45900 kc.**, with power of 3 KW, on a temporary basis only for a period of 60 days.
- WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted motion for continuance of hearing now scheduled for September 10, on application for construction permit, and hearing extended to October 9.
- Herald Publishing Co., Klamath Falls, Ore.; Dorman Schaeffer, Klamath Falls, Ore.—Granted motion for continuance of hearing from September 8 to September 15, on applications for new station to operate on **1400 kc.**, 250 watts, unlimited time, in Klamath Falls.
- Granite District Radio Broadcasting Co., Murray, Utah.—Extended to September 10 the time for filing Findings of Fact and Conclusions due June 6, in re application for new station to use **1490 kc.**, 250 watts, unlimited time.
- KFJM—University of North Dakota, Grand Forks, N. Dak.; Dalton LeMasurier, Grand Forks, N. Dak.—Granted continuance to September 8 of hearing now scheduled for August 25 on application of KFJM for renewal of license and modification of license, and application of LeMasurier for construction permit to operate station KFJM.
- Scripps-Howard Radio, Inc., Houston, Texas.—Granted motion to strike item No. 6 from notice of hearing in re application for new station to operate on **1230 kc.**, 250 watts, unlimited time.
- Homer Rodeheaver, Winona Lake, Ind.—Granted petition to accept late appearance in re application for new station to operate on **1480 kc.**, 1 KW, daytime.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted motion for continuance of hearing now scheduled for August 27, on application for renewal of license, and hearing continued to September 26.
- WOAI—Southland Industries, Inc., San Antonio, Texas.—Granted petition for leave to amend application to change to NARBA frequency, and increase power, on condition that amendment is filed within 30 days.
- The American Legion, Dept. of Hawaii, Honolulu, T. H.—Denied petition for change in location of hearing on application of Hawaiian Broadcasting System, Ltd., for a new station in Honolulu.
- The American Legion, Dept. of Hawaii, Honolulu, T. H.—Granted petition to take depositions in application of Hawaiian Broadcasting System, Ltd., for a new station.
- WJPR—John R. Pepper, Greenville, Miss.—Granted motion to amend application for new station to change frequency from **1600 to 1420 kc.**, and power from 1 KW to 1 KW night, 5 KW-LS, and application removed from hearing docket.
- KDRO—Drohlich Bros., Sedalia, Mo.—Granted motion to dismiss without prejudice, application for new station to operate on **800 kc.**, 1 KW, daytime only.
- WEEU—Berks Broadcasting Co., Reading, Pa.—Granted motion for continuance of hearing now scheduled for September 3, on application for construction permit to operate on **850 kc.**, 1 KW, unlimited time; DA-night. Hearing continued to October 3.
- W2XWG—National Broadcasting Co., Inc., New York City.—Granted extension of special authority for the period August 28 to October 27, pending final authorization and completion of construction of applicant's new FM broadcast station, to operate station W2XWG on **45100 kc.**, 1000 watts, at 350 Fifth Avenue, New York City.
- KAHP—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Cal.—Granted special temporary authority to operate regularly licensed relay station KADB on **1622, 2058, 2150, and 2790 kc.**, power of 200 watts, A3 emission, on August 29 and 30, 1941, only.
- W9XYN—Head of the Lakes Broadcasting Co., Superior, Wisc.—Granted extension of special temporary authority to operate high frequency experimental broadcast station on **43000 kc.**, 1000 watts power, special emission for FM, with transmitter located at 39th St. and Tower Ave., Superior, Wis., for the period August 30 to October 29, EST.
- W47A—The Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted special temporary authority to operate with main studio at the transmitter of FM broadcast station W47A for a period beginning August 30 to September 28, 1941.
- WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to operate daytime with a nondirectional antenna until sunset at Sacramento, Cal., for the period August 25 to September 23 (B2-S-762).
- KWAT—Midland National Life Ins. Co., Watertown, S. Dak.—Granted special temporary authority to remain silent after 4 p. m., CST, on September 1, only, in order to observe Labor Day (B4-S-1048).
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied special temporary authority to operate additional time from 8:30 p. m., CST, to conclusion of Greenbay Packers football game on August 23; and to operate from 8 p. m., CST, to conclusion of Gus Lesnovich-Tami Mauriello light heavyweight championship boxing bout on August 26, only (B4-S-924).
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from sign-off time (August, 7 p. m.; September, 6 p. m., CST), to 9 p. m., CST, on August 29, 30 and 31 and September 1, for the purpose of broadcasting programs in connection with the St. Charles Homecoming and Labor Day celebration, only, on a non-commercial basis (B4-S-995).
- W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authorization to operate a high frequency experimental broadcast station on **42600 kc.**, 1000 watts, special emission for FM, for the period August 29 to October 28, 1941.
- Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—Granted license for new relay station formerly licensed to Mason City Globe-Gazette Co. under call KDJB; frequencies **1622, 2058, 2150, 2790 kc.**; 125 watts power. To be used with applicant's standard broadcast station KDTH, Dubuque (B4-LRY-233).
- Telegraph-Herald, Portable-Mobile, area of Dubuque, Iowa.—Granted license for new relay station formerly licensed under call KQHS; frequencies **1622, 2058, 2150, 2790 kc.**; 2 watts power only. To be used with applicant's standard broadcast station KDTH, Dubuque (B4-LRY-232).
- W65H—WDRG, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate FM station commercially on **46500 kc.**, 1000 watts, special emission for FM, for the period August 29 to October 27, 1941, pending completion of construction pursuant to construction permit (B1-PH-35).
- WGST—Georgia School of Technology, Atlanta, Ga.—Ordered that hearing on renewal of license now scheduled to be held September 3 in Atlanta, be changed to be held in Washington, D. C., and that issues for hearing be re-examined to determine if broad enough to get record of entire situation.
- WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted extension of special temporary authority to operate on an unlimited time basis for a period August 23 to September 21.
- 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, with transmitter located at Avon, Conn., for the period September 1 to October 31, 1941.
- W41MM—Gordon Gray, Winston Salem, N. C.—Granted special temporary authority to operate FM station W41MM commercially on **44100 kc.**, 3000 watts, with transmitter atop Clongman's Peak, N. C., for the period November 15 to December 14, 1941, pending completion of construction of FM station.

APPLICATIONS FILED AT FCC

570 Kilocycles

- WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Construction permit for reinstatement of construction permit (B4-P-2579) as modified for installation of directional antenna for night use, and increase in power from 1 and 5 KW to 5 KW day and night.

580 Kilocycles

- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to install new transmitter and increase power from 5 KW to 5 KW night, 10 KW day.

590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Construction permit for increase in nighttime power from 1 to 5 KW and make changes in directional antenna for night use.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to make changes in equipment (tubes in last radio stage).

810 Kilocycles

NEW—Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on 810 kc., 250 watts and daytime hours of operation.

850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of construction permit (B1-P-2201) for new transmitter, directional antenna for night use, increase in power and hours of operation, requesting changes in transmitting equipment.

860 Kilocycles

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Modification of construction permit (B5-P-2631) for 860 kc., 1 KW, daytime or unlimited time provided directional antenna installed and transmitter site approved, requesting new transmitter, directional antenna for night use, 1 KW, unlimited time and approval of transmitter site.

1150 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—License to cover construction permit (B4-P-2608) as modified, for transmitter, installation of directional antenna for day and night use, increase in power and move of transmitter.

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—Authority to determine operating power by direct method.

1180 Kilocycles

WLDS—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Modification of construction permit (B4-P-2465) for a new broadcast station, requesting change in type of transmitter, approval of transmitter and studio sites and approval of antenna.

1240 Kilocycles

NEW—Charles P. Blackley, Staunton, Va.—Construction permit for a new broadcast station to be operated on 1240 kc., 250 watts, unlimited hours.

1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-2985) as modified for installation of directional antenna for night use, new transmitter, change frequency, increase in power and move of transmitter, requesting changes in directional antenna system.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-2985) as modified, for new transmitter, installation of directional antenna for night use, change in frequency, increase in power and move of transmitter, requesting an extension of completion date from 9-21-41 to 1-21-42.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—License to cover construction permit (B1-P-2948) as modified, for change in frequency, power and new transmitter.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Authority to determine operating power by direct method.

1290 Kilocycles

KUOA—KUOA, Inc., Siloam Springs, Ark.—Authority to install automatic frequency control equipment.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of construction permit (B4-P-2609) for installation

of directional antenna for night use, increase night power, requesting extension of completion date from 8-29-41 to 10-28-41.

1320 Kilocycles

WJHP—The Metropolis Co., Jacksonville, Fla.—Construction permit to change frequency from 1320 to 640 kc., increase power from 250 watts to 50 KW, install new transmitter and directional antenna for day and night use and move transmitter from Jacksonville to Marietta, Fla.

KLCN—Fred O. Grimwood, Blytheville, Ark.—Modification of construction permit (B3-P-3037) for installation new transmitter and antenna, increase in power and move transmitter, requesting change in frequency from 1320 to 950 kc., and make changes in transmitter.

1340 Kilocycles

NEW—J. E. Rodman, Fresno, Calif.—Construction permit for a new broadcast station to be operated on 1340 kc., 250 watts and unlimited hours. (Requests facilities KARM.)

1350 Kilocycles

KSRO—Ernest L. Finley, Santa Rosa, Calif.—License to cover construction permit (B5-P-2916) as modified, for new transmitter and directional antenna for day and night use and change in frequency.

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Authority to determine operating power by direct method.

1380 Kilocycles

KBWD—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Texas.—License to cover construction permit (B3-P-2672) as modified for a new station.

KBWD—Wendell Mayes, Joe N. Weatherby, B. P. Bludworth and J. S. McBeath, d/b as Brown County Broadcasting Co., Brownwood, Texas.—Authority to determine operating power by direct method.

1400 Kilocycles

NEW—Bartlesville Broadcasting Co., Bartlesville, Okla.—Construction permit for a new broadcast station to be operated on 1400 kc., 250 watts, unlimited hours.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—License to cover construction permit (B3-P-3123) for changes in tubes in last radio stage.

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Construction permit to install new transmitter and antenna and move studio and transmitter.

1410 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—License to cover construction permit (B1-P-2723) as modified for changes in equipment, increase in power and changes in directional antenna for day and night use.

WNBC—State Broadcasting Corp., New Britain, Conn.—Authority to determine operating power by direct method.

1440 Kilocycles

NEW—Edward Tom O'Brien, David Shepard, Howard S. Johnson, and John W. Boler, a partnership, d/b as Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Construction permit for a new broadcast station to be operated on 1550 kc., 1 KW, unlimited time. Amended: to change frequency from 1550 (1600 NARBA) kc. to 1400 kc., reduce power to 250 watts, change type of transmitter and make changes in vertical antenna.

1490 Kilocycles

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Acquisition of control of licensee corporation by KTAR Broadcasting Co. through purchase of 65 shares common stock from Albert Stetson.

FM APPLICATIONS

NEW—Globe-Democrat Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to

be operated on **44700 kc.**; coverage: 15,850 square miles; population: 1,858,665. Amended: to change coverage to 13,083 square miles and population to 1,766,569.

NEW—Portland Broadcasting System, Inc., Portland, Me.—Construction permit for a new high frequency broadcast station to be operated on **47100 kc.**; coverage: 5,050 square miles; population: 256,466. Amended: to change coverage to 3,980 square miles.

K53LA—Standard Broadcasting Co., Los Angeles, Calif.—Modification of construction permit (B5-PH-32) for a new high frequency broadcast station, for changes in antenna system and change in studio location.

MISCELLANEOUS APPLICATIONS

NEW—Commercial Radio-Sound Corp., Portable-Mobile.—Construction permit for a new Class II Experimental Public Address Relay Station to be operated on **162080 kc.**, 1/10 watt, special emission for frequency modulation.

W8XO—The Crosley Corp., nr. Mason, Ohio.—Construction permit to make changes in equipment and increase power from 100000 and 500000 watts to 100000 and 750000 watts.

NEW—Wichita Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 2 watts, A3 emission.

WNBT—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power of the aural transmitter from 2200 watts to 2800 watts.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Life Savers Corporation, Port Chester, N. Y., is charged with violation of the Robinson-Patman Act through price discrimination and through allowances made to some of its retailer customers for services and facilities furnished by them in the sale of the respondent's confection product "Life Savers." (4571)

Par-A-Pac Company—Arnold Thompson and Joyce Kittinger, trading as Par-A-Pac Company, 521 Fifth Ave., New York City, engaged in the sale and distribution of a non-medicated pad or device designated as "Par-A-Pac" and "Par-A-Pac Natural Heating Pad," are charged, in a complaint, with misrepresentation. (4568)

Queen Chemical Company—A complaint has been issued charging Charles Shrader, trading as Queen Chemical Co., 126 Arden Road, Mount Lebanon, Pittsburgh, with misrepresentation in the sale of a drug preparation known as "Shrader's Queen Brand Capsules" and as "Queen Brand Capsules." (4570)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week.

Cinchona Products Institute, Inc., 10 Rockefeller Plaza, New York City, a New York Corporation, has been ordered to cease and desist from misrepresentation in advertising the drug quinine. (4398)

Disabled American Veterans of the World War Rehabilitation Dept.—Use of the corporate name "Disabled American Veterans of the World War Rehabilitation Department" by a Chicago corporation selling historical books, or representing in any manner that such corporation is identical to, identified with, or is a constituent part of the Disabled American Veterans of the World War, a national patriotic organization, is prohibited under a cease and desist order issued against the Chicago corporation and four of its officers, Frank J. Mackey, L. C. Maier, Daniel C. Moore and Robert T. Mackey. (4492)

William Clarence Ohlendorf, trading under the names W. C. Ohlendorf, Clarence Ohlendorf, C. Ohlendorf and Dr. Ohlendorf, 1924 Blue Island Ave., Chicago, has been ordered to cease and desist from misrepresentation in the sale and distribution of a medicinal preparation. (4079)

Peoples Hardware Stores—Domenico Del Vecchio, trading as Peoples Hardware Stores, 1434 Florida Ave., N. E., Washington, dealer in paints and other commodities, has been ordered to cease representing that he manufactures the paint products he sells and that he offers them at savings of 20 per cent to 35 per cent or at any other savings in excess of the actual savings available from the prices charged by competitors for similar products. (4495)

Reed-Harlin Grocer Company—Prohibiting violation of the brokerage provision of the Robinson-Patman Act, a cease and desist order has been issued against the Reed-Harlin Grocer Co., West Plains, Mo., which operates branch warehouses in Missouri and Arkansas; against John R. Reed and Orr M. Reed, trading as West Plains Brokerage Co., West Plains, Mo., and against six companies found to have sold merchandise to Reed-Harlin Grocer Co. through the brokerage firm. (4486)

STIPULATIONS

During the past week the Commission has made public the following stipulations:

Continental Diamond Company—W. K. Quinn and C. E. Quinn, trading as Continental Diamond Company, Beloit, Wisc., engaged in selling various articles of jewelry, the jewelry being for the most part simulated diamond rings, have stipulated to cease and desist from using the terms "free," "gift" or "free of extra cost" or other terms of similar meaning to describe a wrist watch or other article of jewelry included in a combination offer with simulated diamond rings or similar articles of merchandise; from representing by use of the word "diamond" or any abbreviation thereof, as part of their trade name, that they sell diamonds; representing that a man's wrist watch advertised and sold by them is shock proof, or from the advertising or sale of finger rings marked in any manner so as to exaggerate or otherwise misrepresent the total or relative amount or fineness of gold therein contained. (02867)

Dr. Deederer Products—Dr. Carlton Deederer, trading as Dr. Deederer Products, Miami, Fla., stipulated to cease certain representations in the sale of "Vitamina," an oil extracted from sharks' livers, and in the sale of the "Vitaminoscope," a device for determining Vitamin A deficiency. (02861)

Home Treatment Service—James M. O'dell, trading as The Home Treatment Service, 1959 Cortland St., Chicago, has stipulated to cease certain representations in the sale of medicinal preparations designated "Pur-Erb Compound No. 1," "Laxative Tea Compound," "Bathing Tea #22," "Fu-Tina," "Nerve Sedative Compound," and "Home Ointment." (02864)

Reclaimo Manufacturing Company—William Schwalge, trading as Reclaimo Manufacturing Company, 2306 North Western Ave., Chicago, engaged in selling an oil filter designated "Reclaimo," has stipulated to discontinue representing that no other device than Reclaimo removes kerosene and distillate from motor oil, or that no other such device applies heat from the exhaust manifold, or that Reclaimo is the only oil filter refiner available for use on automobiles, trucks, tractors or diesel engines, or that the National Bureau of Standards recommends oil reclaiming. (02866)

Salus Laboratory, Inc., trading as Italian Imperial Company, 644 Pacific St., Brooklyn, engaged in selling a medicinal preparation designated "Tónico Del Cappuccino," has stipulated to cease and desist from representing that the preparation has been approved by legal authorities; that it is a general tonic or possesses other than bitter tonic properties, or will cause one to gain weight or possesses any value as a weight builder in excess of that of a stomachic or stimulant to the appetite; that the preparation is indispensable for children or helps their growth; or that it possesses any therapeutic value in excess of that of a stomachic or stimulant to the appetite. (02865)

Stop-Lite Products, Incorporated, 849 South 6th East St., Salt Lake City, engaged in selling three drugs designated "Stop-

Lites," "Haps," and "Anti-Acid Tablets," has stipulated to discontinue representing that the tablet preparation designated Stop-Lites relieves a cold or is a remedy or cure for a cold, or that it is of any benefit in the treatment of a cold or rheumatism beyond inducing laxation and affording temporary relief from the physical discomfort symptoms incident to or associated therewith; or that Stop-Lites are different from any other product intended for the same purpose and use; or that they constitute an effective internal antiseptic; or that Anti-Acid Tablets aid digestion. (02862)

Supreme Publications—Morris N. Beitman, trading as Supreme Publications, 3727 West 13th St., Chicago, has entered into a stipulation to cease certain representations in the sale of a book entitled "Complete Authorized Radio Servicing Course." (02860)

Vita Health Food Company—Walter Camp and Werner Orbach, trading as The Vita Health Food Co., American Health Products Company, and Eastern Health Food Stores Assn., 3040 14th St., N. W., Washington, D. C., have stipulated to cease certain representations in the sale of food products and medicinal preparations designated "Almano," "Bro-Sak," "Cali-Kelp Tablets," "C-Veg-Salt," "Dalmatian Sage Leaves," "Nutrolac," "O-Pep-O-Mint," "Pomona Grape Juice" and "Seven Herbs Laxative." (02863)

Time Sales Tax

The new federal tax bill—minus the radio time sales tax adopted by the House—was on the Senate floor for debate this week.

After the Senate completes its version, the bill will be referred to a conference committee made up of members of the Senate Finance and House Ways and Means committees. This conference committee will iron out the differences between the Senate and House versions. The House conferees might insist that the radio tax be retained.

These House conferees probably will be chosen from among the senior members of the Ways and Means committee. The senior Democrats are Doughton, Cullen, Cooper of Tennessee, Boehne, Disney and Buck. The Senior Republicans are Treadway, Crowther and Knutson.

Remember that our fight on this discriminatory super tax on broadcasting is not yet won. The tax still remains in the measure as it was passed by the House—and the House could get it back into the Senate bill and into the final law.

The NAB is continuing its all-out opposition to the tax, but help back home is needed now, just as much as ever.

Let your Senators and Representatives know how you feel about this tax on their radio stations—and get others to do so as well.

There is a possibility of a round-table conference in connection with a franchise radio tax, James Lawrence Fly, FCC Chairman, told a press conference on Tuesday. In answer to questions Mr. Fly said that he had not prepared any such tax and that the Commission did not have plans in a concrete form. He said, however, that he thought such a tax would be worked out eventually and that broadcasters had indicated a sympathetic interest. (*The NAB is opposed to a franchise tax unless and until all federally regulated industries are similarly taxed.*)

Mr. Fly told the newsmen that he hadn't yet talked with representatives of other portions of the communications industry but he didn't think there will be any great difficulty. Any such plan, he stated, would have to be worked out with the Treasury Department.

Mr. Fly stated that it might be rather difficult to work out such a plan in order to arrive at any formula as the basis for such a tax. In answer to a question, the Chairman declared that such proposals would include the entire communications industry with the probable exception of amateurs and like services. In this way he stated the tax would be spread throughout communications industry as a whole. Mr. Fly expressed the idea that there might be a round-table discussion of this situation.

Chairman Fly told the correspondents again that the broadcasters will be given a reasonable time to do what is necessary in connection with the possible date of network regulations. He stated that the Commission must first dispose of the matter now pending and give due notice to the industry. This, he said, may run into weeks. It is not the Commission's intention, the Chairman stated, to have

any unnecessary extension of time in putting the new network regulations into effect.

DAYLIGHT SAVING

The daylight-saving time situation is much confused at the moment, and appears likely to remain so for several weeks to come. It was reported here that the Federal Power Commission is re-examining the power supply in the Southeastern States resulting from recent rains. The result may be a recommendation that such of those Southeastern states now on daylight time return to standard time September 28.

The President on July 15 requested the passage of legislation authorizing him to provide daylight-saving time upon a regional or national basis, and for such part or all of the year, as he might deem necessary in the interest of national defense. This took the form of H. R. 5343, introduced by Rep. Clarence Lea (Dem.-Calif.). Hearings were held on this bill during which NAB appeared and urged that Daylight Saving be observed on a nation-wide basis. This bill has not been reported out of committee as yet and there is little possibility that it will be enacted before September 28. There has been no indication that any of the Eastern metropolitan centers, such as New York, now on daylight time, intend to remain on daylight time after September 28.

Sales

Two Reports Issued

In the mails last week went a summary table on department store advertising, taken from "The Broadcast Advertising Record", showing the extensive use made of radio by American department stores. In New York last week arrangements were made for radio to be represented at the annual January convention of the National Retail Dry Goods Association, attended by several thousand department store executives.

Also mailed was a study on "The Effect of Priorities on Radio Advertising," intended to assist stations in directing their sales efforts most productively.

Limited extra copies of both studies are available while they last at no charge.

To Speak on Radio

Frank E. Pellegrin, director of the Department of Broadcast Advertising, will discuss commercial radio Sept. 17 at a civic meeting sponsored by the Columbus, Ga., Rotary Club, and Sept. 18 at a meeting of the Atlanta, Ga., Advertising Club.

Information Requested

A member station, wishing to sponsor a cooking school, asks for the names of reliable organizations experienced in that type of pro-

(Continued on page 724)



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; Frank E. Pellegrin, Director of Broadcast Advertising; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

SALES

(Continued from page 723)

motion. If you have had a satisfactory experience with any such organization, please send its name and address to the NAB.

Per-Inquiry Offers

The Benjamin Ansehl Co., St. Louis, is seeking per-inquiry deals on behalf of its toilet preparations.

M. E. Sherman, Dallas, is doing likewise for his pecan products.

Both have been invited to use radio on the proper card-rate basis.

National Defense

Courses for Radio Technicians

Executives of leading American colleges and universities currently are being contacted by District Representatives of the NAB National Defense Committee regarding the establishment of radio technician courses this fall.

These intensive courses are planned to provide a needed supply of competent technicians, not only valuable to the military forces and industry, but to broadcasting. They will be open to both young men and women.

Dean Van Leer, of the Engineering School of North Carolina State, is first to announce a full-time twelve weeks campus course. His plans were transmitted to A. J. Fletcher, president of WRAL, Raleigh, and a member of the National Defense Committee.

The Dean also has in prospect off-campus courses in the larger cities of North Carolina, wherever the minimum number of students can be recruited. A third course, also resident, would be open to graduates of Electrical Engineering Schools.

The details of the courses worked out in North Carolina, together with suggestions resulting from contacts with the Army, the Naval Academy, George Washington University, Chief Engineer Jett, of FCC, and others, were mailed to District Representatives of the Defense Committee last Saturday.

They were accompanied by a covering letter by NAB President Neville Miller which said in part:

"We are sending you all of this information because we believe you may want to talk the subject over with the broadcasters in your district. If you come to the conclusion that such courses would be helpful, you could then take up the subject with the Colleges and Universities of the states within your district.

"We are advised that such radio courses are among those financed by Congress through the U. S. Office of Education. The Dean of your Engineering Schools probably has the application forms in his possession.

"Dean Crothers, U. S. Office of Education, estimates that only approximately 20-25 schools gave radio courses last year. The office is favorably disposed toward them, he said.

"By aggressively using our own medium, I believe that we can be of assistance to the schools in recruiting students, to the services

that will need trained radio technicians, to industry and to broadcasting.

"It is our belief, supported by fact, that the question of trained technical personnel will become more serious as time passes and that if the courses are to be given, they should be started this fall.

"We shall be glad to answer any questions and hope you will keep us advised of any plans you make for your district."

Those responsible for the inauguration of the training courses within their respective districts are:

- E. E. Hill—WTAG, Worcester.
- Harry Wilder—WSYR, Syracuse.
- George D. Coleman—WGBI, Scranton.
- Howard Chernoff—WCHS, Charleston.
- Red Cross—WMAZ, Macon.
- Howard Summerville—WWL, New Orleans.
- Franklin Schurz—WSBT, South Bend.
- Leslie C. Johnson—WHBF, Rock Island.
- George Burbach—KSD, St. Louis.
- Morgan Murphy—WEAU, Eau Claire; WMFB, Hibbing.
- W. C. Gillespie—KTUL, Tulsa.
- George Cranston—KGKO, Forth Worth.
- Ed Yocum—KGHL, Billings.
- Thomas E. Sharp—KFSD, San Diego.
- Paul Connet—KGW-KEX, Portland.

Directors Howard Lane (15) and J. Harold Ryan (7) are soon to announce the National Defense Committee's representative for their Districts.

Coal Spots Zoom

Stations are now broadcasting sponsored announcements in all sections of the country in behalf of the "Buy Coal Now" campaign. Round lot orders of 100 spots are not uncommon; and one letter showed 130 spots from a single coal dealer. Many dealers are buying 20 and 25. Dr. George W. Young, WDGY, Minneapolis, Minn., has scheduled sponsored "Buy Coal Now" copy for the first received in September.

Supports ND from Start

KHMO, Hannibal, Mo., which went on the air August 22, began cooperation with national defense agencies from the beginning. KHMO's report for the eleven days of its existence was among the first received in September.

WMRN's Sign-Off

Stanley A. Miller, assistant general manager, WMRN, Marion, Ohio, has devised a unique sign-off. It is "Buy a Defense Bond and Keep 'em Flying." This is followed by taps. The station's sign-on includes Reveille.

WJPA Has Special Significance

Call letters assigned to the new station, to be erected in Washington, Pa., are WJPA. First two letters, W and J, will serve to remind listeners that Washington is the home of "W & J", Washington & Jefferson College. Last two letters are the abbreviation for Pennsylvania, in which state the city of Washington is located.

BMI

Play Ball

The most complete collection of college music available in the United States will be presented to its subscribers by BMI as a result of a contract just signed with Allen Intercollegiate Music, Inc., headed by Thornton W. Allen. Mr. Allen will also make available to broadcasters the twenty-five best numbers of the Thornton W. Allen Company, an ASCAP member, under the terms of the ASCAP Consent Decree.

BMI has secured exclusive performing rights in the library of Allen Intercollegiate Music, Inc., which has gathered together the most representative songs of the leading universities and colleges and will supplement them during the next few weeks by other important college songs.

The following songs are included:

Alabama	.....	"Bama, You're Wonderful"
Amherst College	.....	"Cheer For Old Amherst"
Boston College	.....	"For Boston"
Boston U.	.....	"Clarissima"
Brown	.....	"Alma Mater"
Bucknell	.....	"Dear Bucknell"
Case School	.....	"Alma Mater, Case"
Chicago	.....	"Go, Chicago"
California	.....	"Bear Down, You Golden Bear"
Colgate	.....	"Alma Mater"
Colorado	.....	"Alma Mater"
		"The Buffaloes"
Columbia	.....	"Sans Souci"
		"Roar, Lion, Roar"
Cornell	.....	"Far Above Cayuga's Waters"
		"The Big Red Team"
Dartmouth	.....	"D-A-R-T-M-O-U-T-H"
Florida	.....	"Alma Mater"
Fordham	.....	"Alma Mater"
		"Fordham Ram"
		"Fordham Marching Song"
Georgia U.	.....	"Glory to Old Georgia"
Georgia Tech.	.....	"Rambling Wreck From Georgia Tech"
Georgetown	.....	"Sons of Georgetown"
Hardin-Simmons	.....	"Anthem"
		"Parade of the Purple and Gold"
Harvard	.....	"Harvard Victory March"
		"Fair Harvard"
Holy Cross	.....	"Ring Out Your Hoiahs"
Illinois	.....	"On to the Goal, Illinois"
Kansas	.....	"For Kansas"
Lafayette	.....	"Ring the Bell"
Louisiana State	.....	"Alma Mater"
Maine	.....	"For Maine"
Maryland	.....	"Hail, Alma Mater"
		"Drinking Song"
		"Maryland Fight Song"
		"Terrapins On Parade"
		"We're In the Army"
		"Old Stone Wishing Well"
		"Maryland, My Maryland"
Manhattan	.....	"Let's Go, Manhattan"
Michigan	.....	"Yellow And Blue"
		"The Victors"
Minnesota	.....	"Hail, Minnesota"
		"U. of M. Rouser"
Mississippi	.....	"Travel Along, Mississippi"
Nebraska	.....	"The Cornhusker"
New York U.	.....	"The Palisades"
No. Carolina	.....	"Hark, the Sound of Tar Heel Voices"
Northwestern	.....	"Alma Mater" (Quaecumque sunt Vera)
Notre Dame	.....	"Spirit of Notre Dame"
New Mexico Mil.	.....	"N. M. M. I. March"
Oklahoma	.....	"Go, Oklahoma"
Ohio State	.....	"Carmen Ohio" (music only)
Pennsylvania	.....	"Cheer, Pennsylvania"
Pittsburgh	.....	"Fight, Fight, Fight"
Princeton	.....	"Orange and the Black"
Rutgers	.....	"Loyal Sons of Rutgers"
San Jose St.	.....	"Spartan Fight Song"
So. Dakota	.....	"Field Song"
South. Methodist	.....	"Go, On, Mustangs"
Stanford	.....	"Hail, Stanford, Hail"
Syracuse	.....	"Syracuse Varsity March"
Tennessee	.....	"Tennessee Forever"
Texas A. & M.	.....	"The Aggie Spirit"
Texas	.....	"The Eyes of Texas"
Tulane	.....	"For Old Tulane"
Vanderbilt	.....	"Vanderbilt Salute"
Wesleyan	.....	"The Battle Cry"
Wash. & Lee	.....	"Fight, Fight, Blue & White"
Washington St.	.....	"Washington, My Washington"
		"The Fight Song"
		"Washington State College"

Washington St.—(Cont.)	"Forth Our Warriors Go"	
	"So This Is Washington State"	
	"My Washington State"	
	"Fight, Cougars"	
	"W. S. C. Color Song"	
	"Victory Song"	
	"Color Clouds of Morning"	
	"Loyalty Song"	
	"The Old State College"	
West Point	"Army Blue"
Yale	"Toast to Yale"
Miscellaneous Colleges	..	"Fight for the Red, White & Blue"

In reference to the licensing of the twenty-five numbers from the Thornton W. Allen Company, Mr. Allen has sent out a letter informing broadcasters that they are available on the following basis: \$3.00 for stations having a 1940 revenue of \$50,000 or less; \$5.00 for stations having a 1940 revenue of between \$50,000 and \$150,000; and \$7.00 for stations having a 1940 revenue in excess of \$150,000.

A copy of the Thornton W. Allen Company proposed license agreement under the ASCAP Consent Decree has also been sent to broadcasting stations. BMI urges the acceptance of the terms of the proposal made by the Thornton W. Allen Company inasmuch as the twenty-five songs from its catalogue together with those of the Allen Intercollegiate Music will give the broadcasters an ideal football repertory for all places and occasions. In the event that any BMI subscriber desires to broadcast the music of any college not included in either the catalogue of Allen Intercollegiate Music, or among the twenty-five songs, we suggest that he communicate directly with BMI and best efforts will be made to secure such rights for him.

Be Neighborly

The Kiwanis Clubs of Wilkes-Barre, Penn., and Scranton, Penn., report the adoption of "*Hi, Neighbor*" and its use at club meetings. George Sutherland, President of the Scranton club, had the words screened so that all the members could join in the singing.

The Santa Clara County Fair in Northern California has made the song its theme for the annual fair which will be staged in San Jose during the early part of October. Permission has been granted to change the second and fourth lines of the chorus so that the chorus used at the fair reads:

"Hi, Neighbor! Hi, Neighbor!
Come to the Fair—let's make it a day!
 Hi, Neighbor! Hi, Neighbor!
Meet your friends in San Jose!
 Come on and shake my hand—and let a grin do the rest
 It makes ya feel so grand to get your chin off your chest.
 I'm shoutin', Hi, Neighbor! My Neighbor!
 Time to play and say "HI!"

Designed to "break the ice," "*Hi, Neighbor*" seems to be just what the doctor ordered. It is already the second ranking BMI published song and will soon be heard wherever men are gathered together for a good time. The National Tavern Association which chose BMI's *Friendly Tavern Polka* for the theme of National Tavern Week, September 15-September 21, is using the slogan "*Hi, Neighbor*, let's get acquainted" on some 200,000 window streamers which will be displayed in taverns during the week.

Local Hit Parades

In several cities of the country, and in some states, compilations are being made up week by week of the ten top ranking songs in the territory covered. While in certain instances, these songs conform well to the national favorites, in others preferences expressed for tunes not well known nationally. BMI would like to have copies of as many of these lists as it can obtain and if broadcasters know of any of them, we would appreciate receiving them. Send them in care of the Public Relations Department.

White Selects Professional Men for Radiotunes, Inc.

Elmore White, Professional Manager of Radiotunes, Inc., BMI subsidiary, announces the appointment of Charles Gordon as a member of the New York staff; Jack Perrin as manager of the Chicago office and Alan Ross as manager of the Hollywood office. They are all men of long experience in popular music.

American Folk Music

BMI has conducted a special campaign to popularize its music in coin operated phonographs. Evidence of the wide spread popularity of this music in the coin phonographs of the country is contained in the following editorial from the *New York Herald Tribune* of August 22nd. Every song mentioned is a BMI tune:

"From ocean to ocean, from the Gulf to the Great Lakes, countless juke boxes bright with glamour lights, stirring the hearts and the feet of youth in roadside dance halls, seaside casinos, short order restaurants, excursion boats, small-town bars—where not among the places of entertainment of the folk—pour in a Niagara stream of the popular music of the American people. Last spring it was *Amapola* that charmed a fortune of nickels out of the pockets of lumberjacks and cowmen on payday night; of defense workers having a late snack at the Greek's after overtime; of soldiers who had just signed the pay roll; of boys piling out of cars with their girls for a beer or two at Gil's diner or Ted and Ruth's place. Now it is *Maria Elena*, *Daddy* and *The Hut Sut Song* that magnetizes nickels in every city ward and every joint in Montana and Alabama.

"Coldly, professionally, analytically, as is their duty and right, the purveyors of these ephemeral folk songs weekly measure the popular approval that they win. What is going strong? What is coming up? What songs get the most radio plugs? What is the score in sheet music and the retail record stores? Like insects on a June night fluttering in a headlight beam, the comic and the sentimental hits swirl about, rise and fall, drop and pass, as the fickle heart of the amusement public continuously changes. But so it was in the days of Stephen Foster; and some of these songs blared today on the radio and the juke, like his no doubt, are alive with the unpretentious immortality of popular songs that speaks the language of the heart with the accent of genuine folk song."

BMI FEATURE TUNES

September 8 - September 15

1. WASN'T IT YOU
2. I WENT OUT OF MY WAY
3. YOU MEAN SO MUCH TO ME
4. DELILAH
5. HI, NEIGHBOR
6. YO TE AMO, OH BABY
7. HAVE YOU CHANGED
8. A PRETTY CO-ED HAS GONE TO MY HEAD

Til Reveille, inspired by the news that one of its writers would be drafted, climbed to the top position this week in national sheet music best sellers, running neck to neck with Meredith Willson's *You And I*. *I Went Out of My Way* was the sensation of the week in eastern sales, jumping from 13th place in the week ending August 22nd to 6th place in the week ending August 29th. *Green Eyes* continues to head the list of national retail records with the exception of the south where Jimmy Dorsey's *Yes, Indeed* has top billing. Martin Block's *I Guess I'll Have To Dream the Rest* continues to show up in the first division of radio performances by all stations.

In response to a request, Stanley Cowan (the son of Ruby Cowan of NBC) who wrote *Til Reveille*, with Bobby Worth, has written us the following letter:

"As for me . . . I happen to be a married man, but up until a short time ago, my partner, Bobby Worth, was a real target for the draft. A couple of days after Bobby received his papers, I walked into a room and found him sitting there in deep meditation. The only thought on his mind at the time was that, if he was accepted for the army, he would be separated from his sweetheart. Bobby figured that from the time they sounded taps in the evenings until reveille the next morning would be the only time he would have to himself—time in which to dream of his sweetheart. About three hours later, I returned to the room again to find Bobby seated at the piano, playing the melody and with part of the lyrics of what he called '*Til Reveille*.' The fact that we had just been speaking of his predicament but a few short hours before served to inspire Bobby to write a song, which he felt depicted, not only his own particular situation, but that of many another young man who was being separated from his loved one by the army. I can honestly say that this song was rightfully Bobby's, as it was one of those things that come to a person only when he is truly inspired. As for myself, there was very, very little work remaining to be done on the song, as it was almost perfect all 'round as Bobby had it, but I was glad to help out in the few little changes that were made.

"To make a long story short, as someone once said, 'Most of us spend a lot of time worrying about things that never happen,' and in this particular case the same thing held true, as when Bobby went up for his physical examination he was deferred because of a physical disability resulting from an accident that happened to him years before. Anyway, the whole thing resulted in a break for us in the form of '*Til Reveille*.'"

Monitor Station on Gulf Coast

A radio receiving station for defense operations of the Federal Communications Commission in checking air messages in the Gulf of Mexico is under construction with WPA aid at Kingsville (Texas) near the southern border, on the upper reaches of Baffins Bay which empties into Laguna Madre. WPA crews will be on the job eight months to erect most of the station except the antenna. This monitor station is located on a 69-acre site. WPA workers have started to clear the land and will build roads, erect a heavy-duty fence, and remodel a farm house on the property. In addition, 75 poles will be erected for antenna and transmission lines.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 8. They are subject to change.

Thursday, September 11

KFXM—J. C. Lee and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—C. P., 1420 kc., 1 KW, unlimited time. Present assignment: 1240 kc., 250 watts, S-KPPC.

Friday, September 12

Oral Argument Before the Commission En Banc

On the Petition of Mutual Broadcasting System, Inc., requesting the Commission to amend its regulations dealing with network option time and the term of affiliation contracts.

Friday, September 12

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., 1500 kc., 250 watts, unlimited time. Present assignment: 1340 kc., 100 watts, S-WHAT.

FUTURE HEARINGS

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

October 2

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, **920 kc.**, 500 watts night, 1 KW day, S-KUSD.

October 13

WJAX—City of Jacksonville, Jacksonville Fla.—C. P., **930 kc.**, 5 KW, DA-night, unlimited time.

Consolidated Hearing

NEW—Scripps-Howard Radio, Inc., Houston, Texas.—C. P., **1230 kc.**, 250 watts, unlimited time.

NEW—Texas Star Broadcasting Co., Houston, Texas.—C. P., **1230 kc.**, 250 watts, unlimited time.

NEW—Greater Houston Broadcasting Co., Inc., Houston, Texas.—C. P., **1230 kc.**, 250 watts, unlimited time.

October 21

Consolidated Hearing

KVOA—Arizona Broadcasting Co., Inc., Tucson, Arizona.—C. P., **590 kc.**, 1 KW, unlimited time, DA-day and night.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.—C. P., **590 kc.**, 5 KW, unlimited time, DA-night.

KVSF—New Mexico Broadcasting Co., Sante Fe, N. M.—C. P., **1260 kc.**, 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WIAC—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—Granted modification of construction permit (B-MP-1337), subject to condition that applicant install a directional antenna if it is shown by actual measurement that objectionable interference is caused to WDBO, Orlando, Fla., for approval of antenna and approval of transmitter location, 3 miles east of San Juan, change in type of transmitter and increase of nighttime power to 5 KW, unlimited time. Now operates on **580 kc.**, 1 KW night, 5 KW day.

KMPC—KMPC, The Station of the Stars, Beverly Hills, Calif.—Granted modification of construction permit (B5-MP-1274) to install new transmitter, increase power to 10 KW, for approval of directional antenna for day and night use, and for approval of transmitter site between Whitsett and Coldwater Canyon, Van Nuys, Calif. Now operates on **710 kc.**, 1 KW night, 5 KW day, unlimited time, and construction permit for 5 KW night.

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted special service authority to operate on **1190 kc.**, 10 KW, unlimited time, for the period ending February 1, 1942 (B4-SS-6).

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Granted construction permit (B1-P-3185) to increase day and night power to 5 KW, change frequency to **1290 kc.**, install new transmitter and change transmitter site to approximately 3.4 miles SW of center of Binghamton, and to employ a directional antenna system for use during nighttime only. Now operates on **1490 kc.**, 250 watts, unlimited time.

WSAU—M. F. Chapin (Transferor), W. E. Walker (Transferee), Waseau, Wisc.—Granted consent to transfer 5 shares of common stock of the Northern Broadcasting Company, licensee of Station WSAU, from M. F. Chapin to W. E. Walker, for a consideration of \$1,500 (B4-TC-273).

WWDC—Capital Broadcasting Co., Washington, D. C.—Granted application for license (B1-L-1418) to cover construction permit to operate on **1450 kc.**, 250 watts, unlimited time, and for license to operate booster amplifier (B1-L-1419)

using 100 watts power in connection therewith; also granted authority to determine operating power by direct measurement (B1-Z-957 & B1-Z-959).

W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted modification of construction permit (B4-MPH-29) for FM station for approval of transmitter, antenna system and antenna site at R. F. D. No. 1, Addison, Ill., and for a change of coverage from 10,800 square miles to 10,950 square miles.

DESIGNATED FOR HEARING

Lake Shore Broadcasting Corp., Cleveland, Ohio—Application for construction permit (B2-P-3267) for new station to operate on **1300 kc.**, 5 KW, unlimited time, using directional antenna day and night; to be heard in consolidation with the application of Cuyahoga Valley Broadcasting Company.

MISCELLANEOUS

WHER—Westinghouse Radio Stations, Inc., Portable-Mobile, (Area of Boston, Mass.)—Granted license to cover construction permit (B2-PRY-244) which authorized installation of new transmitter, increase in power to 25 watts; **1606, 2074 kc.**, conditionally, **2102, 2758 kc.**; to be used with applicant's standard broadcast stations WBZ and WBZA (B1-LRY-235).

WRUW—World Wide Broadcasting Corp., Hatherly Beach, Scituate, (Boston,) Mass.—Granted modification of construction permit (B1-PIB-30, which authorized increase in power and changes in equipment of international broadcast station) for extension of completion date to 11/15/41 (B1-MPIB-30).

KGEI—General Electric Co., Nr. Belmont, Cal.—Granted license to cover construction permit (B5-PIB-24, which authorized installation of new transmitter, move of transmitter and increase in power to 50 KW for international broadcast station (B5LIB-16).

W3XWT—Allen B. DuMont Labs., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-31, for new television station), for change in transmitter location from 14th and F Sts., N. W., to 726 11th St., N. W., Washington; change type of visual and aural transmitters and extend commencement and completion dates to 30 and 180 days after grant, respectively (B1-MPVB-50).

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted modification of construction permit (B4-PVB-50, which authorized a new television station) for extension of completion date from 9/1/41 to 2/1/42 (B4-MPVB-53).

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-PVB-58 which authorized a new television station) for extension of completion date from 7/28/41 to 3/1/42 (B1-MPVB-52).

WCHB—The Tribune Co., Portable-Mobile, Area of Tampa, Fla.—Granted license to cover construction permit (B3-PRY-240) for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts; to be used with applicant's standard broadcast station WFLA (B3-LRY-229).

WEOF—The National Life and Accident Ins. Co., Portable-Mobile, (Area of Nashville, Tenn.)—Granted license to cover construction permit (B3-PRE-406) which authorized change in type of transmitter only, of relay broadcast station (B3-LRE-357). Also granted construction permit for change in type of transmitter, only (B3-PRE-406).

WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for September 3 on application for renewal of license, for an indefinite period.

WKBH—WKBH, Inc., LaCrosse, Wisc.—Granted modification of construction permit (B4-P-2738, to move transmitter, install DA for night use, and increase power to 5 KW, day and night, change frequency to **1410 kc.** under NARBA) for move of transmitter from proposed site to Junction of County Highway, Area of Campbell Twp., Wisc., extend commencement date to 30 days after grant and completion date to 180 days thereafter (B4-MP-1365).

WOL—American Broadcasting Co., Washington, D. C.—Granted license to cover construction permit (B1-P-3033, which authorized move of old Western Electric Type 301-B transmitter from 1111 H St., NW, Washington, D. C., to Ager Road near Chillum, Md., and use as auxiliary transmitter using 100 KW, for emergency purposes only) (B1-L-1461).

- WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted license (B2-L-1464) to cover construction permit (B2-P-2700, for new transmitter, new antenna, increase in power and move of transmitter). Also granted authority to determine operating power by direct measurement. (B2-Z-1181.)
- WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted motion to withdraw without prejudice application for new station to operate on **590 kc.**, 1 KW, unlimited time; DA—day and night.
- Nashville Radio Corp., Nashville, Tenn.—Passed for a week motion for order to take depositions in re application for new station.
- KFNF—KFNF, Inc., Shenandoah, Ia.—Granted motion for postponement of hearing on application for renewal of license now scheduled for Sept. 5 to Oct. 7, 1941.
- Greater Houston Broadcasting Co., Inc., Houston, Texas—Granted petition and order to take depositions in re applications for a new station in Houston by Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., to use **1230 kc.**, 250 watts, unlimited time; and the Commission on its own motion continued the hearing until October 13.
- Trent Broadcast Corp., Trenton, N. J.—Granted petition for extension of time to Sept. 20, in which to file an opposition to petition for rehearing in re application for new station to operate on **920 kc.**, 1 KW, unlimited time, using directional antenna day and night.
- WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted license to cover construction permit (B3-P-1939, for installation of new transmitter, DA for night use, increase in power, change in frequency and move of transmitter (B3-L-1467)). Also granted authority to determine operating power by direct measurement of antenna input (B3-S-1184).
- WREC—WREC Broadcasting Service, Memphis, Tenn.—Granted license (B3-L-1474) to cover construction permit (B3-P-2979 for increase in power and changes in DA system). Also granted authority to determine operating power by direct measurement of antenna power (B3-Z-1192).
- WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1119).
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1179).
- WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1180).
- KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1176).
- W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43,200 kc.**, 1000 watts, for the period August 28 to October 26, with transmitter located at 1219 Wisc. Ave., N. W. (Action taken 8/27).
- W55M—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of construction permit (B4-MPH-35) which authorized a new FM broadcast station, for extension of completion date to 11/30/41.
- W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of construction permit (B1-MPH-9) which authorized a new FM station, for approval of transmitter and antenna system, and change in population from 4,893,439 to 1,036,400; **45,300 kc.**; 6,100 square miles.
- W67C—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted modification of construction permit (B4-MPH-36) which authorized a new FM station, for extension of completion date from Sept. 14/41 to March 14, 1942.
- W47C—WJJD, Inc., Chicago, Ill.—Granted modification of construction permit (B4-MPH-28) for new FM station, for change in type of transmitter and to make changes in antenna system.
- W39B—The Yankee Network, Inc., Boston, Mass.—Granted modification of construction permit (B1-MPH-27) which authorized a new FM station, to make changes in antenna system and extend commencement and completion dates to 60 and 180 days after grant, respectively.
- W51C—Zenith Radio Corp., Chicago, Ill.—Granted modification of construction permit (B4-MPH-38) for changes in antenna system only, in authorization for new FM station.
- W9XLA—KLZ Broadcasting Company, Denver, Colo.—Granted license (B5-LHB-70) to cover construction permit authorizing change in transmitter location of experimental high frequency station. The license is granted on an experimental basis only, conditionally.
- WELB—WAVE, Inc., Portable-Mobile (Area of Louisville, Ky.)—Granted license to cover construction permit which authorized installation of new transmitter and increase in power of relay broadcast station to 50 watts (B2-LRE-356).
- WEIN—The Journal Co. (The Milwaukee Journal), Portable-Mobile (area of Milwaukee, Wis.)—Granted construction permit for change in equipment and increase in power of relay broadcast station from 25 to 50 watts (B4-PRE-403).
- WOKO, Inc., Portable-Mobile, (Area of Albany, N. Y.)—Granted construction permit for new relay broadcast station to be used with applicant's standard station WOKO; frequencies **33,380, 35,020, 37,620, 39,820 kc.**; 2 watts. (B1-PRE-404).
- Adirondack Broadcasting Co., Inc., Portable-Mobile, (Area of Albany, N. Y.)—Granted construction permit for new relay broadcast station; frequencies **31,620, 35,260, 37,340, 39,620 kc.**, 2 watts, to be used with applicant's standard broadcast station WABY. (B1-PRE-405).
- Port Huron Broadcasting Co., Portable-Mobile (Area of Port Huron, Mich.)—Granted construction permit for new relay broadcast station to use frequencies **1622, 2058, 2150, 2790 kc.**, 15 watts, to be used with applicant's standard broadcast station WHLS. (B2-PRY-255).
- WTNB—The Tribune Co., Portable-Mobile, (Area of Tampa, Fla.)—Granted license to cover construction permit (B3-PRY-241) for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**; 40 watts; to be used with applicant's standard broadcast station WFLA. (B3-LRY-230).
- KSCJ—Perkins Brothers Company, (The Sioux City Journal) Sioux City, Ia.—Granted modification of construction permit (B4-P-2290, as modified, which authorized installation of directional antenna for night use, and increase in power) for extension of completion date to 11/24/41. (B4-MP-1375).
- Park Cities Broadcasting Corp., Dallas, Texas—Granted motion to accept amendment to application for new station, to delete 4 minority stockholders and pass that stock on to the 3 majority stockholders; and the Commission on its own motion struck items 7 and 8 from the hearing notice. Counsel for applicant to furnish opposing counsel with addresses and names of business connections of proposed deponents. Also granted motion for order to take depositions.
- WHK—WHK Broadcasting Company, Kansas City, Mo.—Granted petition for leave to intervene in hearing on above application of Park Cities Broadcasting Corp.
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Sept. 6:15 P.M., PST), until completion of the Baer-Simon boxing match on Sept. 5, 6, or 7, whichever of these evenings the match is held. (B5-S-896).
- KVAN—Vancouver Radio Corp., Vancouver, Wash.—Denied special temporary authority to operate simultaneously with KLX from 8 to 10 P. M., P.S.T., on Sept. 9, in order to broadcast a program in connection with the Governor's Day Celebration to be held in Vancouver, Wash. (B5-S-1027)
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Denied special temporary authority to operate from local sunrise Glenside, Pa., to local sunset Knoxville, Tenn. (Radio station WNOX) instead of daytime as stipulated in reallocation, for period September 1 to September 30, 1941. (B2-S-339).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Reconsidered action of Aug. 11, and granted special temporary authority to operate additional time from 8 P. M., E.S.T., to conclusion of program in connection with the Mercer County Holy Name Society Rally on Sept. 7, using 250 watts only. (B2-S-984).
- WCNW—Arthur Faske, Brooklyn, N. Y.—Denied special temporary authority to operate additional time from 12 midnight to 1 A. M., E.S.T., Thursdays, Sept. 4, 11, 18 and 25 only, in order to broadcast the "Concert Hall of the Air", on a sustaining basis only. (B1-S-216).
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Denied special temporary authority to operate on **1170 kc.**, with power of 50 KW until local sunset, pending completion of construction authorized by (B3-P-2530), for a period of 30 days only. (B3-S-462).

Capital City Broadcasting Co., Inc., Topeka, Kans.—Placed in pending files pursuant to Order No. 79, application for construction permit (B4-P-3059) for new standard broadcast station to use **1210 kc.**, 5 KW, daytime only.

Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Placed in pending files pursuant to Order No. 79, application for construction permit (B4-PH-103) for new FM broadcast station.

Federated Publications, Inc., Battle Creek, Mich.—Dismissed petition for rehearing directed against the Commission's action of July 22 granting without hearing the application of WJIM, Inc., Lansing, Mich., for a new FM broadcast station at that place.

E. Anthony & Sons, Inc., New Bedford, Mass.—Denied petition to remove from pending file, reconsider and grant without hearing, the application (B1-PH-98) for a new FM broadcast station.

APPLICATIONS FILED AT FCC

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Authority to install automatic frequency control equipment.

580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Construction permit to make changes in transmitting equipment and increase power from 5 KW to 5 KW night, 10 KW day, using directional antenna day and night.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Construction permit to make changes in transmitter and increase power from 5 KW to 5 KW night, 10 KW day, using directional antenna day and night.

620 Kilocycles

KGW—Oregonian Publishing Co., Portland, Ore.—Modification of construction permit (B5-P-2954) for installation of directional antenna for day and night use, increase in power, requesting extension of completion date from 9-21-41 to 11-21-41.

640 Kilocycles

WALB—The Herald Publishing Co., Inc., Albany, Ga.—Modification of construction permit (B3-MP-1327) for changes in directional antenna for night use, requesting change in frequency from **1590 kc.** to **1530 kc.**, increase in power from 1 to 10 KW, using directional antenna night, install new transmitter. Contingent on WCKY's change to **640 kc.** or other frequency.

690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 500 watts night, 1 KW day to 1 KW day and night, change type of transmitter, directional antenna for night use, hours of operation from specified to unlimited and move transmitter. Amended: To use directional antenna for day and night.

810 Kilocycles

NEW—Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane, d/b as Hoosier Broadcasting Co., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on **810 kc.**, 250 watts and daytime hours.

820 Kilocycles

WOSU—Ohio State University, Columbus, Ohio.—License to cover construction permit (B2-P-3138) as modified, for new transmitter, change in frequency, increase in power and change in hours of operation.

WOSU—Ohio State University, Columbus, Ohio.—Authority to determine operating power by direct method.

860 Kilocycles

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Modification of construction permit (B5-P-2631) for **860 kc.**, 1 KW, daytime or unlimited, provided directional antenna installed, which meets with approval of Commission and

approval of transmitter site and new transmitter, requesting new transmitter, directional antenna for night use, 1 KW, unlimited hours and approval of transmitter site.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) as modified, for installation directional antenna for night use, increase in power, change in frequency under NARBA, requesting extension of completion date from 9-19-41 to 11-18-41.

1080 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—License to cover construction permit (B5-P-2881) as modified, for change in frequency, increase in power, change in hours of operation and installation of directional antenna for day and night use.

1180 Kilocycles

KFGQ—Boone Biblical College, Boone, Iowa.—Construction permit to change frequency from **1400 kc.** to **1180 kc.**, increase power and hours of operation from 100 watts, specified hours to 250 watts daytime, make changes in transmitter and install new vertical antenna.

1190 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Construction permit to install new transmitter and increase power from 100 watts night, 250 watts day to 1 KW day and night. Amended: To request change in frequency from **1600 kc.** to **1190 kc.**, and limited hours.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit to change frequency from **1430 kc.** to **1190 kc.**, increase power from 5 to 50 KW, install new transmitter, changes in directional antenna for night use and move transmitter (facilities of WOWO requested).

1230 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—Authority to install automatic frequency control equipment.

1240 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., San Antonio, Texas—Authority to determine operating power by direct method.

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—License to cover construction permit (B3-P-3233) for new transmitter and move of studio and transmitter.

WIMM—Kentucky Broadcasting Corp., Louisville, Ky.—Modification of license for increase in power from 100 watts night, 250 watts day, to 250 watts (Section 32).

KGBS—Harbenito Broadcasting Co., Harlingen, Texas—License to cover construction permit (B3-P-2747) as modified, for a new station.

1290 Kilocycles

WNBF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Construction permit to install new transmitter, directional antenna for night use, increase in power from 250 watts to 5 KW, move transmitter and change frequency from **1490 kc.** to **1290 kc.** Amended to request **1290 kc.**

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Authority to determine operating power by direct method.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—License to cover construction permit (B4-P-2609) as modified for increase in power, using directional antenna for night.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Authority to determine operating power by direct method.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—License to cover construction permit (B2-P-3257) to reinstate construction permit (B2-P-2628) as modified for equipment changes, changes in directional antenna, increase in power, and move of transmitter.

1320 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Modification of construction permit (B4-P-2821) as modified for increase in power, using directional antenna for

night, requesting extension of completion date from 9-21-41 to 11-21-41.

1330 Kilocycles

- NEW—WJPS, Inc., Evansville, Ind.—Construction permit for a new broadcast station to be operated on 1330 ke., 1 kilowatt, and unlimited time, using directional antenna night.
- NEW—WJPS, Inc., Evansville, Ind.—Construction permit for a new broadcast station to be operated on 1330 ke., 1 kilowatt and unlimited hours, using directional antenna night (Section 41a).

1340 Kilocycles

- WPER—Tropical Broadcasting Co., DeLand, Fla.—Modification of construction permit (B3-P-2991) as modified for a new broadcast station, requesting changes in proposed transmitter site and change proposed studio site. Amended to specify proposed transmitter and studio sites and extension of commencement and completion dates to 10 days after grant and 45 days thereafter, respectively.
- WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Authority to determine operating power by direct method.
- WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—License to cover construction permit (B3-P-3029) as modified, for a new broadcast station (1340 ke.) (Section 10c).
- KHMO—The Courier Post Publishing Co., Hannibal, Mo.—Authority to determine operating power by direct method.
- WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to move transmitter and make changes in vertical antenna.

1400 Kilocycles

- KTNM—Lester Q. Krasin and Otto A. Krutzner, d/b as Krasin and Krutzner Broadcasting Co., Tucumcari, N. Mex.—Modification of construction permit (B5-P-2934) for a new broadcasting station, requesting changes in equipment and antenna and extend commencement date from 8-24-41 to 10 days after date of grant and completion date from 2-24-42 to 90 days thereafter.
- NEW—Raymond C. Hammett, Talladega, Ala.—Construction permit for a new broadcast station to be operated on 1400 ke., 250 watts, and unlimited hours (Sections 18, 19, 23, 27, 28, 29 and additional copy).
- KOKO—The Southwest Broadcasting Co., La Junta, Colo.—Construction permit to increase power from 100 to 250 watts and install new transmitter.

1450 Kilocycles

- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—License to cover construction permit (B5-P-2458) as modified for a new broadcast station.
- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Authority to determine operating power by direct method.
- KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—License to cover construction permit (B4-P-2986) for new transmitter, changes in antenna system, and increase in power.
- KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—Authority to determine operating power by direct method.

1480 Kilocycles

- NEW—Associated Broadcasters, Inc., Indianapolis, Ind.—Construction permit for a new broadcast station to be operated on 1480 ke., 100 watts night, 250 watts day, and unlimited time.

1490 Kilocycles

- KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Modification of construction permit (B4-P-3139) for change in frequency, power, installation of new transmitting equipment, directional antenna for night use and move of transmitter, requesting change type of transmitting equipment.
- NEW—The Torrington Broadcasting Co., Inc., Torrington, Conn.—Construction permit for a new broadcast station to be operated on 1490 ke., 250 watts and unlimited hours (Section 19(p)).

1520 Kilocycles

- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Modification of construction permit (B1-P-2902) for new transmitter installation of directional antenna for day and night use, increase in power and move, requesting changes in direc-

tional antenna and 1520 ke. under NARBA. Amended: To change tubes in last radio stage.

1560 Kilocycles

- NEW—Edward E. Reeder, Seattle, Wash.—Construction permit for a new broadcast station to be operated on 1420 ke., 250 watts and unlimited hours. Amended: To request 1560 ke.

1600 Kilocycles

- WCNW—Arthur Faske, Brooklyn, N. Y.—Authority to determine operating power by direct method.

FM APPLICATIONS

- NEW—The La Crosse Tribune Co., La Crosse, Wisc.—Construction permit for a new high frequency broadcast station to be operated on 46500 ke.; coverage, 4,520 square miles; population, 166,600. Amended: To change antenna system, coverage to 7,040 square miles and population to 244,750.
- NEW—Oak Park Realty and Amusement Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on 47900 ke.; population, 5,030,510; coverage, 10,800 square miles.

MISCELLANEOUS APPLICATIONS

- W9XB—Balaban and Katz Corp., Relay.—License to cover construction permit (B4-PVB-84) for reinstatement of construction permit for decrease in power and equipment changes for new relay broadcast television station.
- WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting additional frequencies 6100, 11890 and 21630 ke., and addition of transmitting equipment now licensed to WNBI (Submitted in Duplicate).
- WERB—Pinellas Broadcasting Co., Portable-Mobile.—License to cover construction permit (B3-PRE-401) for a new relay broadcast station.
- NEW—Board of Education of the Memphis City Schools, Memphis, Tenn.—Construction permit for a new noncommercial educational broadcast station to be operated on 42100 ke., 250 watts, A3 emission.
- NEW—Hampden-Hampshire Corp., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 ke., 25 watts, A3 emission.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Aspironal Company—J. D. Jacobs and P. W. Smith, trading as Aspironal Company, Atlanta, Ga., engaged in the sale and distribution of a medical preparation designated as "Aspironal," are charged in a complaint with misrepresentation and false advertising. (4574)

Carolene Products Company, Litchfield, Ill., engaged in manufacturing and distributing skimmed milk products designated as "Carolene" and as "Milnut," is charged in a complaint with misrepresentation. (4575)

Imperial Knife Company, Inc.—A complaint has been issued charging Imperial Knife Co., Inc., 14 Blount St., Providence, R. I., with the use of lottery methods in the sale of knives.

A complaint has also been issued charging Marion Allen, trading as Triangle Sales Co., Phoenix, Ariz., and Alfred J. Landay, of Chicago, with the use of lottery methods in the sale of radios, cameras and other merchandise. The complaint alleges that the respondent Landay is engaged in the mailing of push cards and literature for the respondent Marion Allen. (4573-4576)

Lux-Visel, Inc., trading as The Lux Company, and Superlux, Elkhart, Ind., engaged in the manufacture and sale of an electric water heater designated variously as the "Magic Disc," the "Super-Lux Heater" and the "Lux," is charged in a complaint with misrepresentation. (4577)

Manhattan Brewing Company—A complaint has been issued charging Manhattan Brewing Co., 3901 Emerald Ave., Chicago, with representing that certain of its beer and ale is imported from Canada and that some of its products are brewed in Wisconsin, when such are not the facts. (4572)

STIPULATIONS

The following stipulations have been made public by the Commission:

Eureka Springs Water Company—Richard R. Thompson, trading as Eureka Springs Water Co. and as Ozarka Water Co., Eureka Springs, Ark., has entered into a stipulation to cease certain representations in the sale of "Eureka Springs Ozarka Water." (3201)

Jose G. Gonzalez and Mrs. Henry (Felicitas G.) Myers, 817 Hidalgo St., Laredo, Texas, stipulated to cease certain representations in the sale of "Malintzin," a hair dye product. (3202)

Northam Warren Corporation and its subsidiary, Peggy Sage, Inc., of New York and Stamford, Conn., have stipulated to discontinue certain representations in the sale of fingernail polishes. (3203)

William Smith & Sons, Inc., 51 Madison St., Paterson, N. J., manufacturer and distributor of seam binding, has entered into a stipulation to cease using the marking "100 yards" on bolts or containers of its product, when in fact less than that number of yards of material are included therein, and to cease otherwise mismarking its products with respect to their yardage. (3204)

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Detroit Candy & Tobacco Jobbers Association, Inc., Detroit, and its officers, directors and representatives, have been ordered to cease and desist from practices deemed to be in restraint of trade in the sale of candies, tobaccos and groceries. (4321)

Inlaid Optical Corporation, 1058 Broad St., Providence, R. I., has been ordered to cease and desist from misrepresentation in the sale of lenses and eyeglasses. (4178)

Rockdale Monument Company—James J. Collins, Charles J. Hepp and Catherine Hepp, trading as Rockdale Monument Company, Joliet, Ill., have been ordered to cease and desist from misrepresentation in the sale of imitation granite monuments and markers. (4404)

Schneck-Wayne Company—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a New York and a Chicago firm each selling

miscellaneous merchandise, and a Bryan, Ohio, candy manufacturer. The Commission also ordered an Adrian, Mich., firm to cease selling sales promotion cards or other articles so designed that their use by retail merchants constitutes the operation of a gift enterprise or lottery scheme.

Respondents are Schneck-Wayne Co., Inc., and its officers, Gustave B. Wayne and Frank J. Schneck, 261 Fifth Ave., New York; Philip Harry Koolish and Sara Allen Koolish, trading as Standard Distributing Co., 2222 Diversey St., Chicago; Ora R. Yates and Charles W. Miller, trading as Monarch Printers and Binders, 812 Hunt St., Adrian, Mich.; and Arthur G., Ernest D., and Mrs. Faie Spangler, trading as Spangler Candy Co., Bryan, Ohio. (3441-4135-4339-4540)

Soap Lake Products Corp.—Two Washington State distributors of packaged mineral salts have been ordered to cease and desist from misrepresentations of the therapeutic value of their preparations. The respondents are Soap Lake Products Corporation, Seattle, and Roxie Thorson, trading as Thorson's Soap Lake Products Co., Soap Lake, Wash. (2823-2832)

J. H. Weil & Co., et al.—Eleven producers or distributors of tracing cloths, blueprint papers and various other supplies and equipment used by the engineering, drafting and building professions, and their trade association, and several of its executive committee members, have been ordered to cease and desist from a combination and conspiracy to fix and maintain prices for their products.

Respondents in the proceeding are: Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America, Philadelphia; Arthur L. Parker, its manager, Paul J. Bruning, chairman, and Karl Keller, R. Fred Allin, and W. A. Berger, former executive committee members; Charles Bruning Co., Inc., New York; The Frederick Post Co., The Huey Co., Eugene Dietzgen Co., Economy Blue Print Products, Inc., C. F. Pease Co., and United States Blue Print Paper Co., all of Chicago; Keuffel & Esser Co., Hoboken, N. J.; and Charles W. Speidel and Walter A. Kohn, trading as Chas. W. Speidel & Co., Jacob H. Weil, Edwin H. Weil, and Manfred Krauskopf, trading as J. H. Weil & Co., and Alphonse A. Brunner, trading as Keystone Blue Paper Co., all of Philadelphia.

The Commission order directs the eleven members of the Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America, and all other present and future members, of which those named are representative, to cease and desist from carrying out any understanding, agreement, arrangement, combination or conspiracy to restrain or monopolize competition in the sale of their products, and, in pursuance of such understandings or agreements, from fixing and maintaining or agreeing to fix and maintain the prices at which their products will be sold by them and the terms and conditions, including the classification of customers, freight allowances and duration of and optional clauses in contracts, in connection with any sales by them of their products. (3092)

R. C. Williams & Company, Inc., 265 Tenth Ave., New York City, engaged in importing and exporting food products, has been ordered to cease and desist from violation of the brokerage provision of the Robinson-Patman Act. (4279)

FTC CLOSES CASE

The Federal Trade Commission closed without prejudice a case against Morris Orenstein, 625 Broadway, New York, trading as Fair Deal Novelty Co., and as Fair Deal Novelty House, charged with violation of the Federal Trade Commission Act in the interstate sale of merchandise, including pen and pencil sets, cigarette lighters and electric lamps.

The case growing out of the complaint against the respondent was closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

The closing order recites that in an order to cease and desist issued last June against Morris Orenstein and Isidore Halperin, trading as Wellworth Sales Co., New York (Docket 3470), the respondent Orenstein was ordered individually to cease practices similar to those charged in the current case now closed. The order against the respondents Orenstein and Halperin prohibited the use of lottery methods in the sale of merchandise, use of the word "free" to describe premiums or gifts given as compensation for services, and use of the word "silver" to designate plated ware. (3353)

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Executive Committee Approves New ASCAP Deal

The Executive Committee met in New York City on Tuesday, September 9. The ASCAP proposals in their revised form were considered in detail and after full discussion the following resolution was adopted:

"The Executive Committee of the NAB has had ample opportunity to study, through a series of meetings, the terms and conditions of the proposed ASCAP contracts. It is the consensus of the Executive Committee that these contracts in their present form are highly satisfactory and offer broadcasters who desire to use ASCAP music an eminently fair and equitable basis for such use, provision having been made for the various operating problems which confront the industry.

"The NAB, therefore, recommends favorable consideration of that form of contract which best suits the station's individual operating needs."

Elias, Elmer, Morency and Shouse voted in the affirmative, and Gillin voted in the negative. West was absent.

The forms of contracts which are to be tendered to stations were not available in final form when this issue of the REPORTS went to press so no analysis could be made. However, a complete analysis will be contained in next week's NAB REPORTS.

After the meeting, Neville Miller issued the following statement:

"The contract in its present form achieves principles for which broadcasters have been contending for many years. It enables them to take their choice of a blanket contract for all ASCAP music, or to purchase this music for the programs on which it is played. Moreover, the contract reduces substantially the fees which our industry has hitherto been compelled to pay."

It was pointed out by Mr. Miller that the contact with ASCAP would not affect the operations of BMI, to which both NBC and CBS had pledged their continued support on a long term basis.

"The proposed contracts with ASCAP in their final form will be mailed to all stations within the next few days, and will be subject to the scrutiny and approval of the individual broadcaster," Mr. Miller said. He further stated that the terms and conditions of the proposed contracts were acceptable, he had been informed, to the National Broadcasting Company and to the Columbia Broadcasting System. Signature by the networks, it is understood, is contingent upon the agreement of affiliated stations to bear their proportion of the cost of the license.

Radio Priorities Conference

Manufacturers and suppliers of materials and equipment for commercial broadcast stations, representing every branch of the industry, came to Washington, last Wednesday, at the invitation of NAB President Neville Miller for an all day conference to

ascertain the exact nature of the critical problem facing the industry.

The meeting was called in the face of the anticipated order P-22 which was actually issued September 9, the day before the meeting. This order places commercial broadcasting in the National Defense category.

The consensus of manufacturers attending the meeting was to the effect that A-10 would soon prove thoroughly inadequate to procure a large variety of critical repair parts. Most factories are filled with equipment orders bearing substantially higher priorities, they said.

On the day prior to the NAB meeting the Radio Apparatus & Electronic Tube Section of the National Electrical Manufacturers Association met in New York City to discuss the problem of supplying broadcasters. The findings of these manufacturers were transmitted to the NAB meeting by S. Norris, chairman, Tube Line Committee, Radio Apparatus & Electronic Tubes Section and C. J. Burnside, chairman, Radio Apparatus & Electronic Tubes Section. Frank Martin of the NEMA staff and S. Norris were in attendance. The latter read the report which he said would be anything but cheerful news. It reads in part:

"It is the considered opinion of the Radio Apparatus & Electronic Tubes Section of NEMA that manufacturers are approaching the point where they can no longer give assurance that they can supply to the broadcasting industry replacement tubes that may be needed to maintain services.

"As of today, the situation on certain transmitting tubes is extremely critical and certain types must soon be unavailable except on the highest priority ratings, because of the present and immediate future demand for manufacturing facilities, skilled labor and materials.

"Discussion with various Government departments regarding 1942 tube requirements would indicate the possibility that National Defense needs for TRANSMITTING TUBES will exceed the productive capacity of the industry.

"Sometime ago, it seemed that a priority rating in the nature of A-10 would be sufficient to render the broadcasters adequate service. The present quantity of transmitting tubes being produced or contemplated to which high priority ratings have been or will be assigned indicates that an A-10 rating on these products would not be adequate.

"Everything that has been said above with regard to transmitting tubes applies with equal force to transmitting apparatus and replacement parts.

"The members of this Committee individually and collectively through the Association have for some time been cognizant of the tube and parts replacement problem of the broadcasting industry and have expended considerable effort to obtain relief.

"The situation has now come to a point where it is very evident that a high priority rating would be, in our opinion, the best solution to the problem, since this would permit the manufacturers to ship broadcaster requirements in conjunction with defense schedules.

"This Committee is anxious to be of assistance in the preparation of statistics or further information which might be of help to the broadcasters in their effort to obtain such Industry rating."

After an hour and a half discussion of the entire problem the manufacturers divided themselves into four groups for the purpose of accurately estimating the amounts of various critical

(Continued on page 734)



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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

RADIO PRIORITIES CONFERENCE

(Continued from page 733)

materials required for keeping the present broadcast system in operation on a 1940 basis.

They also made estimates of materials required in new construction. By remaining late the compilations were practically completed. These will be used in making a case before the proper Government agencies.

It is realized that in applying an A-10 rating to the broadcasting industry that it is the belief of the Government that such a rating is satisfactory. The condition of the individual factories making up the industry does not support this contention. The information which NAB gathered with the cooperation of the manufacturers is naturally the latest information available. Conversations will be continued with the Government.

NAB sets forth below suggestions which bear on the problem of getting the necessary parts and equipment for repairs and emergency inventory.

Present at Meeting

- S. Norris, Amperex Electronic Products, Inc., New York City.
B. Haynes, Audio Devices, Inc., New York City.
E. J. Staubitz, Blaw-Knox Company, Pittsburgh.
H. H. Darbo, Burgess Battery Company, Freeport, Ill.
P. M. Deeley, Cornell-Dubilier Elec. Corp., South Plainfield, N. J.
Ernest F. Ling, Corning Glass Works, Corning, N. Y.
W. Eitel, Eitel-McCullough, Inc., San Bruno, Calif.
C. E. Brigham, Federal Telegraph Co., Newark, N. J.
S. G. Jones, Gates Companies, Quincy, Ill.
G. W. Henyan, General Electric Company, Schenectady.
L. H. Whitten, Graybar Electric Co., Inc., Washington, D. C.
Harry Ehle, International Resistance Company, Philadelphia.
Kenneth D. Hamilton and H. L. Quick, Isolantite, Inc., New York City.
J. F. Neary, Lehigh Structural Steel Co., New York City.
Wesley Thompson, John E. Lingo & Son, Inc., Camden, N. J.
G. M. Ruoff, Locke Insulator Corporation, Baltimore
Sigurd Sollie, Memovox, Incorporated, Beverly Hills, Calif.
Joseph Tait, Presto Recording Corporation, New York City.
I. R. Baker, RCA Manufacturing Company, Camden, N. J.
G. Reiniger and Miss Marion Wade, Radio Engineering Laboratories, Inc., Long Island City, N. Y.
D. I. Cooke, The Triplett Electrical Instrument Co., Bluffton, Ohio.
E. O. Onstead, Thordarson Electric Mfg. Co., Chicago.
George F. Bateson, Truscon Steel Company, Youngstown, Ohio.
A. J. Eaves and H. N. Willets, Western Electric Company, New York City.
E. T. Morris and W. M. Anderson, Westinghouse Electric and Mfg. Co., Baltimore.
R. F. Weinig, Wincharger Corp., Sioux City, Iowa.
Frank Martin, NEMA, New York City.
Lawrence C. F. Horle, RMA, Washington, D. C.
Members of the NAB staff present were: Neville Miller, C. E. Arney, Jr., Russell Place, Lynne Smeby and Arthur Stringer.

New Priority Procedure

As of September 9 the following is the procedure which commercial broadcast stations are to follow in order to procure tubes, parts and apparatus necessary to the station's continued operation, i.e., for repairs and emergency inventory. This procedure was set forth in OPM's Preference Rating Order P-22.

That order has assigned to the commercial broadcasting industry an A-10 rating for repairs and emergency inventory. Because A-10 is a national defense rating, all repair work in broadcasting automatically becomes national defense so far as the Supplier is concerned.

How Commercial Broadcasters Are to Get Material for Repairs and Emergency Inventory:

Fill out a purchase order as usual,—you don't need a form,—and endorse on the order and all copies as follows (this exact wording must be used and it must be signed by a responsible station official duly designated):

"Purchase Order for Repair or Emergency Inventory—Preference Rating A-10 under Preference Rating Order P-22."

A station is privileged to use A-10 for orders covering breakdown; orders in the face of an imminent breakdown; and, to build up an emergency inventory. Emergency inventory is held to be as small an inventory as is needed to safeguard continued operation. It corresponds to the individual station's inventory practice. It is advised that your emergency inventory be maintained 100 per cent.

If your Supplier tells you an A-10 rating will not enable him to make delivery, ask him what rating is necessary and then communicate with the Repair Section of the Office of Production Management, 462 Indiana Avenue, N. W., Washington, D. C. (REpublic 7500, Extension 2897. Until further notice talk with Colonel J. F. Coneybear. This work may be assigned to another man in the near future). Explain to him the emergency, that you cannot wait for material under the A-10, reciting the facts your Supplier has given you. With this explanation it is likely that you may be assigned a higher defense rating which will enable you to get the material delivered almost immediately. This procedure should be followed to build up your emergency inventory, if that is necessary, as well as in case of breakdown. It is not necessary to wait until you go off the air before using it. The same procedure should be used in case your tower collapses.

IMPORTANT. Do not use the A-10 rating under the following circumstances:

- (1) To obtain material IN EXCESS of your requirements for repairs or emergency inventory;
 - (2) Unless the material to be delivered cannot be obtained when requested without such rating.
- (Severe penalties including criminal prosecution are provided for wilful violations of the terms and provisions of Order P-22).

What to Do for New Construction:

At the present time new construction means everything that is not a repair job or emergency inventory. The erection of one tower, for example, by an existing station, in order to protect against another station, is new construction. (This week one such project was given a B-1 rating, which was too low for the Supplier to secure steel for fabrication). A new transmitter for increased power is new construction exactly as an entire layout to satisfy a brand new construction permit.

In these cases the station owner is to apply for a "Project Rating". When granted, this provides for all of the material necessary to complete the job. You do not fill out a form for a "Project Rating". You write a letter to Mr. Ward Freeman, Project Rating Section, Priorities Division, Office of Production Management, 462 Indiana Avenue, Washington, D. C. After

telling him that you are applying for a "Project Rating", supply the following information:

1. Owner or owners of the station.
2. Principle office of the broadcasting station.
3. Indicate the plant site.
4. Material produced. In the case of the broadcasting station this is not filled out as it would be ether waves.
5. Justification of the project.
6. General description of the project.
7. Types and quantities of material required. This means list of materials.
8. Number of certificate of necessity. Disregard this as a broadcaster would not have such a certificate.
9. Date of completion.
10. Cost.
11. Per cent completed now.

M.I.T. SCHEDULES RADIO COURSE

Massachusetts Institute of Technology, Worcester Polytechnic Institute and five or six other important New England schools have agreed with the suggestion made by NAB that it is in the country's interest to institute radio technician courses.

This information was telephoned on Thursday by E. E. Hill, director, WTAG, who is District No. 1 liaison for the NAB National Defense Committee. Mr. Hill was morally certain that Harvard and Yale would be among five or six other important New England schools participating in the plan.

At M.I.T. Professor E. L. Moreland is carrying the ball for the courses. With Mr. Hill's aggressive support and that of the New England radio station MIT, Worcester and the other participating schools should have their full quota of students. It is expected that a large number of course graduates capable of passing the FCC examination for operator's license will result.

At Ohio State, Columbus, Professor Harry E. Nold, director, Engineering, Science and Management Defense Training, has arranged for a "Defense Training Program in Applied Electronics" beginning September 29. This intensive course of twelve weeks duration is open only to college graduates who have majored in engineering or physics and advanced undergraduates who have completed three years of college work with a strong major in engineering or physics.

Seventy-one prospective students have been recruited for the Radio Training courses at North Carolina State by Manager J. Frank Jarman, Jr., of WDNC, Durham. In accordance with the plan suggested by A. J. Fletcher, WRAL, Raleigh, the North Carolina stations are "taking to the air" and forwarding the prospect names to the college officials.

SPEED NECESSARY DELAYED

In an effort to facilitate delayed broadcasting of speeches by public officials and programs in the interest of national defense, when facilities are not available for live broadcasts, John Shepard, III, NAB's National Defense Committee chairman, has contacted the three national networks. He has authorized the following statement:

CBS affiliates have blanket authority, as transmitted by H. V. Akerberg, to transcribe and repeat above types of programs without securing special permission.

MBS affiliates, according to notice from Fred Weber, can also record and repeat programs without securing permission.

William S. Hedges of NBC states that they do not desire to give blanket permission; but that they will bend every effort to give prompt answers when their affiliates request permission on any specific program of the above type.

NEW MILITARY SERIES

A series of outstanding defense programs originated by WSUN, St. Petersburg, Fla., are picked up from nearby military es-

tablishments. First broadcast was from the new U. S. Maritime Training School; second, from the school's full-rigged training ship, the Joseph Conrad. In subsequent weeks broadcasts will originate in the Training Station's auditorium. Later on broadcasts will be presented from MacDill Field and Drew Field, Tampa, headquarters of the Third Interceptor Command. Transcriptions will be sent to the various stations in the eleven southern states embraced by the Command.

Movie-Radio Hearing

Hearings began Tuesday before a subcommittee of the Senate Interstate Commerce Committee headed by Senator D. Worth Clark of Idaho on Senate Resolution 152 proposing an investigation into alleged pro-war propaganda in motion pictures and radio. When the hearings adjourned today after two and a half days of testimony, only three witnesses had appeared: Senator Gerald P. Nye (R—N. Dak) Senator Bennett Champ Clark (R—Mo), the senators who proposed the investigation, and publicist John T. Flynn of New York. Testimony of these witnesses was devoted almost entirely to a discussion of alleged motion picture propaganda, although Senator Clark's prepared statement read to the committee, contained a strongly-worded indictment of radio broadcasters.

In his statement Senator Clark charged that the "man who owns the radio machine. . . a business man who, by virtue of his acquisitive talents, has gotten possession of this little microphone" now exercises a power even greater than that of the Government itself over freedom of speech and discussion in the United States. He pictured a "few men" as having complete control over what the American people shall or shall not hear on the radio, and said that radio broadcasters are "fighting for the freedom to say what *they* want, and the freedom to prevent those who disagree with them from uttering a syllable in opposition."

NAB President Neville Miller immediately addressed an open letter to the Chairman of the committee vigorously objecting to the charges which he characterized as an "unwarranted public indictment" of the radio broadcasting industry.

"It is difficult to believe that charges such as these are made in all sincerity," Mr. Miller said. "There are more than 800 broadcasting stations in this country. These stations are operated by men and women of all creeds and political beliefs—Republicans and Democrats, farmers, lawyers, newspaper people—plain business people of all kinds. Some are members of the Senate and the House of Representatives. After full examination into their fitness and responsibility, the Federal Government has granted them the license to broadcast. They have invested substantial sums of money in the necessary physical facilities to carry on broadcasting operations, and have devoted their intelligence and energy to the building of a radio broadcasting service which is conceded to be the best in the world.

"These men and women are charged by their Government with the duty of conducting their broadcasting operations at all times in the public interest, convenience, and necessity, and whenever they fail to measure up to their responsibilities, they are subject to loss of their right to broadcast.

"Of course it is absurd on its face to say that any man or group of men control what is broadcast in this country. The American people and they alone exercise a day-to-day control of broadcasting far too powerful for anyone, even Government itself, to interfere with. But beyond this, these men and women have voluntarily accepted as part of their public responsibility the duty to see to it that radio shall promote and enlarge free public discussion and debate, that it shall serve as a instrument of enlightenment as well as of entertainment for all the people. This assumption of responsibility is given expression in the industry Code by which radio broadcasters declare that they shall conduct radio as an instrument of public expression, and that in the discussion of public questions, the people shall be given an opportunity to hear all sides of controversial issues, and that the news of the day shall be reported factually and analyzed objectively.

"Senator Bennett Clark has charged radio with keeping the air "hot with propaganda for war". In all critical periods there is a tendency on the part of those who harbor differing beliefs and conceptions to regard their opponents as "propagandists". Ever since this country embarked upon a program of strengthening its national defenses, radio has given wholeheartedly of its time and energies and resources to the furtherance of our preparedness program. Radio is "all-out" for national defense. If that is what the Senator means, radio admits it. And any malicious attempt to smear a great industry at a time when it is playing so important a part in the interest of the public welfare—any attempt to produce confusion, disbelief and disunity among our people—will fail, as all such efforts have failed in the history of the Union."

Sales

Dealer-Cooperative List

All NAB stations this week will receive a brief questionnaire asking for a list of dealer-cooperative advertisers. Please give this as prompt attention as possible.

When all returns are in, duplicates will be eliminated, the final compilation made, and copies will be sent to all those participating. This study, authorized by the Sales Managers Division, will be of real value to radio in two ways:

1. Working from this list, stations can direct their sales efforts most effectively in securing more dealer-cooperative advertising than in the past;
2. The list will also be used in national solicitation to obtain a dealer-cooperative advertising policy, more favorable to radio, from those manufacturers who now discriminate against this medium.

Thus by both methods, total radio revenue can be increased, but to make the study truly effective, *your* cooperation is essential.

The Hoover Co. Policy

Dealer advertising in radio, while not encouraged, is permitted by the Hoover Co. of North Canton, O.

D. K. Colvin, advertising manager of the company, has advised the NAB that his company confines its local advertising to six-week periods in the spring and fall when it conducts a special dealer campaign, and the company pays the entire cost of such local advertising.

"Because of the shortness of the period and the relatively small appropriations available to individual dealers, we have not been able to offer dealers a wrapped-up radio campaign. Since we pay the entire cost, we generally insist that it be spent in the same manner as the dealer spends the majority of his own advertising money," Mr. Colvin said.

"In certain instances, however, upon the request of individual dealers who were carrying on a consistent radio advertising effort, we have approved the expenditure of our funds in this medium.

"You asked whether we have any index of our dealers' attitude toward radio, and I can only say that we get practically no requests for such cooperation. We are confident that radio can be used very effectively by retail merchants, and we would be very happy if our local advertising setup permitted us to provide adequate funds for dealer participation in radio advertising. Under present circumstances it does not seem to fit in very well with our program, other than in those isolated instances which I have mentioned," Mr. Colvin declared.

Obviously, therefore, if more Hoover money is to be spent on radio, stations should endeavor to sell local campaigns to Hoover dealers for their own advertising, and then persuade them to request radio when the Hoover appropriation becomes available. Here is a good case of a company, open-minded towards radio, that declares it gets "practically no requests for such cooperation."

The NAB Department of Broadcast Advertising will continue to work with Mr. Colvin, stressing the success of other manu-

facturers with radio in dealer-cooperative advertising. When the survey mentioned in the previous item is completed, it will be a potent sales point to use with this and similar companies.

FAA Convention Held

Members of the Sales Managers Executive Committee are cooperating with the NAB Department of Broadcast Advertising by seeing to it that radio is represented at various national conventions which the Director cannot attend. Eugene Carr, WGAR, committee chairman, represented the NAB at the annual convention of the Financial Advertisers Association held in Cleveland September 8. Reports Mr. Carr:

"Practically every banking institution represented is now using radio and apparently most of them are using radio successfully. I was greatly impressed with the intelligent approach of these men to the use of the medium with various types of program and announcement campaigns. Not once did anyone so much as indicate that radio is an uncertain medium for banking institutions and, all in all, I would say that any salesman for a radio station should find banks and savings and loan associations very susceptible to our selling arguments."

National Dairy Council

The National Dairy Council, 111 North Canal St., Chicago, has appointed McCann-Erickson, Chicago, to handle its advertising campaign. Neal D. Kelly, assistant to the president of the National Dairy Council, represents the Council on advertising matters. Also, Carl F. Deysenroth was named by the Council to devise some plan, possibly radio, whereby syndicated advertising material could be furnished to independent dairy groups for local advertising. Earl Thomas is radio director of McCann-Erickson. Recommendations for radio by local members of the Council will be helpful.

Miscellaneous

Radio Time for Defense

With permanent government departments continuing their customary requests and national defense agencies asking more and more time on the stations of the country, it is impossible to make an entirely accurate estimate of the time which radio has been and is contributing to the government. In an attempt to take some broad general measurements, the NAB recently made a test survey of representative radio broadcasting stations throughout the country. An analysis of the replies to a questionnaire discloses that during the month of July, 1941, the "average" station made the following contribution to the agencies directly involved in the national defense effort:

<i>Defense Effort Aided</i>	<i>Number of Announcements</i>	<i>Program Minutes</i>
Man power	116	120
Financing	114	205
Morale	47	435
Totals	277	760

Since more than 800 radio stations are actively cooperating in this effort, it may be conservatively estimated that the broadcasting stations of the country are giving some 200,000 announcements and approximately 600,000 program minutes monthly directly to the cause of national defense.

In addition, the average station presented in behalf of government agencies other than those primarily engaged in defense work, ten announcements and 90 program minutes for the month of July. For the industry this means a total of 8,000 announcements and 7,200 program minutes.

In addition to this contribution by the individual stations, the network companies have devoted a considerable amount of time

to national defense. The National Broadcasting Company reports that during the first seven months of 1941 it presented 627 programs dealing with every phase of the defense effort, 473 of these programs having been carried by the Blue network of NBC and 154 by the Red network. During the month of August, Columbia Broadcasting System presented 112 programs in the interest of national defense, representing a contribution of 41¼ hours of network time. Mutual Broadcasting System reports that during July alone it presented 41 network programs, totalling 16½ hours of network time, devoted to national defense.

Many of these broadcasts have been produced and presented by the network companies themselves; others have been broadcast in cooperation with various departments of the government, the military establishments and a large number of civil organizations engaged in defense activities. Carried over nationwide networks, and reaching people simultaneously throughout the country, these programs have been of inestimable aid to furtherance of our preparedness program and to maintenance of national morale.

DAYLIGHT SAVING

Last Saturday Neville Miller wrote Chairman Lea of the House Interstate and Foreign Commerce Committee, urging his support for daylight-saving time legislation that will provide uniformity and certainty of operation. We print the letter below.

Uncertainty still prevails as to the entire daylight-saving time situation. In the absence of Federal legislation meanwhile, it appears that New York will return to standard time with the coming of Sunday, September 28, and there is virtually no chance of Congress acting before then. Of the southeastern states which went on daylight-saving time in the middle of the summer at the President's request in order to conserve power. North Carolina and Virginia will also return to standard time on September 28, unless a request from the President should intervene to alter present plans. Alabama, Mississippi, and South Carolina will stay right on daylight-saving time until the President indicates the emergency is over, or Congress enacts a daylight-saving law. It is reliably reported here that the Federal Power Commission desires the southeastern states to stay on D.S.T. the year 'round.

September 6, 1941

Honorable Clarence F. Lea
House Office Building
Washington, D. C.

My dear Mr. Lea:

The situation in respect of the subject matter of your bill, H.R. 5343 (daylight-saving time), is a matter of grave concern to the radio broadcasting industry. As September 28 draws near, when states on daylight-saving time return to standard time, radio stations in other states are faced with the necessity of changing over their broadcast schedules to meet the change in time observed by the network-originating stations in New York City. These change-overs are exceedingly difficult and expensive operations. It now appears that states in the southeastern area, just recently changed to daylight-saving time, may remain on daylight-saving time throughout the year as a result of the President's request; this involves another change-over for stations in those states. Furthermore, should your bill or a similar bill be enacted after September 28—and enactment before then appears to be unlikely—stations might again be forced to rearrange their program schedules. I think you can picture the confusion in which broadcasters now find themselves as a result of these uncertainties as well as the burden and expense involved.

We appeared at the hearing on H.R. 5343 and testified that the broadcasting industry is chiefly concerned with certainty and uniformity in the matter of daylight-saving time. Will you permit me again to urge in behalf of the broadcasting industry that you lend your support to a measure that will make daylight-saving time nationwide and for definite periods of time. The benefits of uniformity and certainty in this connection, it seems to me, which would result from nationwide daylight-saving time greatly outweigh any consideration favoring regional daylight-saving time and executive discretion to change it at any time and from time to time.

In ordinary times, partial observance of daylight-saving time is a heavy burden to the industry and creates confusion in the minds of the public. Any bill which does not provide for uniform observance of daylight-saving time for definite periods of time would only make the situation worse, rather than better, for all communication and transportation industries and the public served by them.

Sincerely yours,
Neville Miller

NM/hml

A GOLDEN OPPORTUNITY

Scarcely a day goes by that does not bring from one to a dozen requests from school teachers, clubs and other organized groups for copies of NAB publications. Most recently the requests have been for the second edition of HOW TO USE RADIO IN THE CLASSROOM. The ABC OF RADIO seems quite popular as does HOW TO USE RADIO and Dorothy Lewis' report, BROADCASTING TO THE YOUTH OF AMERICA, has brought a veritable flood of requests.

As we have announced in previous editions of the REPORTS these books are available to stations at cost, the prices being as follows:

HOW TO USE RADIO IN THE CLASSROOM—

1 to 1,000—6¢ each
1,001 to 3,000—5¢ each
3,001 and over—4¢ each

ABC OF RADIO—

1 to 3,000—6¢ each
3,001 to 6,000—5½¢ each
6,001 and over—5¢ each

HOW TO USE RADIO—

1 to 6,000—6¢ each
6,001 and over—5½¢ each

BROADCASTING TO THE YOUTH OF AMERICA—

1 to 1,000—15¢ each
1,001 and over—12½¢ each

The primary purpose of issuing these booklets was to make them available to stations to distribute in their communities as a public relations activity. A lot of advantage can accrue to a station or to the combined NAB stations of a community by buying a quantity of these and having imprinted upon them the call letters of the station or stations participating in the distribution.

When these publications are sent out from headquarters to a local group in any quantity, two results follow: First, the local stations get no credit; and second, an undue burden of expense is placed upon the Association which in reality should be carried by the local stations.

It may be that stations are missing a splendid opportunity by not securing a quantity of each of the publications and wisely distributing them. It is a matter that is entitled to some careful thought.

CHILDREN'S PROGRAM SURVEY

Mrs. Dorothy Lewis, Vice President of the Radio Council on Children's Programs, last year under RCCP and NAB auspices made a nation-wide tour primarily to study children's radio programs. The results of her survey are set forth in an interesting report entitled, BROADCASTING TO THE YOUTH OF AMERICA, published by NAB.

So widespread has been the commendation of Mrs. Lewis' splendid work on children's programs and in the field of educational and cultural programs generally, that a second tour and survey has been scheduled. The general purposes will be to follow up the survey on children's programs, to encourage local radio councils already established, and to assist in organizing and founding others, to hold conferences with radio station executives on the subject of children's programs, to visit colleges and radio educational councils, to promote good will and enlist

cooperation between public and industry and to hold conferences with unorganized groups.

Mrs. Lewis plans to leave her New York office on September 21. Her itinerary follows:

September 22—Albany, New York
September 23—Syracuse and Rochester, New York
September 24—Erie, Pennsylvania
September 25-26—Cleveland, Ohio
September 27—Toledo, Ohio
September 28-29—Indianapolis, Indiana
September 30—Peoria, Illinois
October 1—Rockford, Illinois
October 2-3—Chicago, Illinois
October 4—Davenport, Iowa
October 5—Iowa City, Iowa
October 6—Cedar Rapids, Iowa
October 7—Des Moines, Iowa
October 8-9—Kansas City, Missouri
October 10—Omaha, Nebraska
October 11—Omaha and Lincoln, Nebraska
October 12-13—McCook, Nebraska (Nebraska Federation of Women's Clubs)
October 14—Travel
October 15—Denver, Colorado
October 16—Boulder, Colorado, and Cheyenne, Wyoming
October 17—Rock Springs, Wyoming
October 18—Ogden, Utah
October 19-20—Salt Lake City, Utah
October 21—Pocatello, Idaho
October 22—Boise, Idaho
October 23—Portland, Oregon
October 24—Seattle, Washington
October 25-26—Portland, Oregon
October 27—Medford, Oregon
October 28—Sacramento, California
October 29—Berkeley, California
October 30-31—San Francisco, California
November 1—Fresno, California
November 2 to 14—Los Angeles, San Diego and other Southern California points
November 15—Phoenix, Arizona
November 16—Travel
November 17—Albuquerque, New Mexico
November 18—Amarillo, Texas
November 19—Oklahoma City, Oklahoma
November 20-21—Fort Worth, Texas
November 22—San Antonio and Austin, Texas
November 23—Travel
November 24—Dallas, Texas
November 25—Shreveport, Louisiana
November 26—Jackson, Mississippi
November 27—Tuscaloosa, Alabama
November 28—Birmingham, Alabama
November 29-30—Nashville, Tennessee
December 1—Louisville, Kentucky
December 2—St. Louis, Missouri
December 3-4-5—Chicago, Illinois.

The schedule for return trip will be arranged and notices sent later.

This project is one of outstanding importance to the industry. It is to be hoped, therefore, that broadcasters in the various areas through which Mrs. Lewis will pass and where she will hold meetings will actively cooperate with her. From time to time during the course of the tour, communication will be had in advance with station managers to advise them of the details of Mrs. Lewis' plans.

BAR COMMITTEE REPORT

The American Bar Association's standing committee on communications finds that public opinion strongly favors the American System of Broadcasting. The committee, in its annual report printed below, also suggested a fresh start in consideration of network regulations.

This committee's activities throughout the year have in general followed the objectives set out in its last year's report.

The committee has kept in touch with the Section of International and Comparative Law, and with the Federal Communica-

tions Bar Association, and has observed public opinion as it reacted to the various matters which have been under active discussion.

On May 23, the committee sponsored a luncheon in honor of the editorial staff of the *Communications Bar Journal*. Addresses were made by Chairman James Lawrence Fly of the Federal Communications Commission and General Counsel John E. Lockwood of the Office for Coordination of Commercial and Cultural Relations Between the American Republics. Eighty-eight persons attended, including Honorable Clarence F. Lea, Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, and several members of the Communications Commission.

Inquiries by this committee among members of the Association developed the following as topics which are at present regarded as most important for the committee to concern itself with: maintaining a "free radio" and seeing to it that radio programs give to the public the opportunity of hearing a full variety of points of view regarding controversial topics; the problem of keeping government out of *proprietaryship* of radio stations; extent of governmental *regulation* of operations and programs; current legislative proposals; important court decisions; developments as to procedure before the Federal Communications Commission.

"Free Radio"

1. Public opinion appears to remain, as reported in last year's committee report, strongly in favor of non-government ownership and management of stations, but in favor of their operating under reasonable government regulation.

2. It is vitally important that radio programs shall present to the public opposing points of view on controversial subjects in a reasonably well-balanced way. The committee believes that the present situation with regard to this is reasonably satisfactory.

Plainly, such a result could not be accomplished by the haphazard method of seeing to it that anyone who desires to broadcast may do so, if that were possible; the balance between conflicting points of view can be attained only by intelligent and affirmative executive effort. Any agency which undertakes this task of maintaining a proper balance should be and will be subject to searching criticism. It is our view that whatever the difficulties of attaining this balance when programs are privately managed, the difficulties would be immensely more serious if programs were under government control, because in this country government control means party control and is closely tied in with politics.

3. What is the proper construction of that part of Section 326 of the Communications Act which provides that the Commission shall not "interfere with the right of free speech by means of radio communication"? The Commission has recently held that it is misconduct for a licensee to broadcast editorials urging the election of various candidates or supporting one side or another of questions affecting the public, saying: "The broadcaster cannot be an advocate." This is consistent with what has just been said about the necessity of preserving a balance of viewpoints in presenting views on controversial subjects, and yet the Federal Constitution, providing that Congress shall make no law "abridging freedom of speech or of the press," has been immemorably construed as protecting a newspaper publisher in the right to favor one candidate and attack opposing candidates; no one has ever suggested that a newspaper publisher has to make his paper judicial. It seems, then, that our conclusion as expressed in the preceding paragraph can be supported only if a new and special meaning is given to the words "right of free speech by means of radio communication."

Report and Regulations Concerning Chain Broadcasting

On May 2, 1941, the Commission issued regulations concerning radio networks and their affiliates, undertaking for the first time to deal with these relationships. At the same time, the Commission, two members dissenting, made a detailed report entitled "Report on Chain Broadcasting," covering this matter, based on the hearings held in 1938 and 1939. The regulations provide, in brief, that no license shall be granted to a standard broadcast station having any network organization contract (1) which prevents the station from broadcasting the programs of any other network; or (2) which prevents another station serving the same area from broadcasting the network's programs not taken by the former station; or (3) which provides for affiliation of a station with a network for longer than one year; or (4) which gives the network an option on time; or (5) which prevents the station from refusing network programs reasonably believed to be un-

satisfactory or unsuitable or contrary to the public interest, or from substituting a program of outstanding local or national importance. No license is to be granted to a network, or to any person united in control with a network, for more than one standard broadcast station where one of the stations covers substantially all the service area of the other station, or for a station in any locality where the existing standard broadcast stations are so few or of such unequal desirability that competition would be substantially restrained by such licensing. No license is to be issued to a standard broadcast station affiliated with a network organization which simultaneously operates more than one network in such manner that the networks overlap. No license is to be granted to a station having a contract with a network preventing it from fixing or altering its rates for time to be used for other programs than those of the network.

Some maintain and others deny the Commission's power, under the terms of the Communications Act, to regulate the business relations between stations and networks. Aside from this question of authority, the wisdom and usefulness of the new regulations is being vigorously disputed in some quarters, while upheld in others. Of the three larger networks, National and Columbia attack them, and Mutual, having contended that regulation of this general type should be adopted to correct monopolistic practices in the industry, approves of the new regulations in principle though not in entire detail.

It seems reasonably plain that if for any cause our present advertising-supported, privately operated system should break down, then clearly our radio system would have to be supported by taxation, and this means ownership by the government, and government domination of programs. Therefore, officials of the government who consider it vital to avoid government proprietorship of broadcasting stations will want to be reasonably sure that any proposed regulations can be put into effect without upsetting our present privately operated system. On the other hand, officials who do not believe that serious consequences would occur if the government assumed proprietorship of the radio system, and, further, those who believe that continuing success of large corporations is contrary to the public interest, will feel rather free in trying experiments with new forms of regulation designed to stop monopolistic practices or to produce other desirable results.

That the convictions of the majority and of the minority of the Commission, both sincere, are very far apart, is emphasized by the minority's statement that "... some of the corrective processes suggested by the majority may easily result in faults which are far more basic than the known defects which exist today. . . ." The minority believe, further, that the decision of the majority, instead of resulting in "free competition," would "more likely create 'anarchy' or a kind of business chaos in which the service of the public would suffer." The great differences in fundamental approach not only account for the differences between the conclusions reached, but for the impatience which each side shows for the other's views, and the somewhat extreme attitudes noticeable in the majority and in the minority reports. A similar situation is observable in comparing the arguments submitted by the major networks with the views of the majority of the Commission.

Thus the discussions about these problems appear to be in a relatively primitive state—a state not very apt, at the moment, for arriving at a sound solution. Since no immediate action is being forced by circumstances, it is the feeling of this committee that further consideration, from many angles, is advisable before the government takes action. Our minds are open as to whether or not the measures favored by the majority of the Commission are wise. Hearings have been held before the Senate Committee on Interstate Commerce, but at the time of this report no action has been taken by the committee.

In the important task of trying to get a workable solution, we feel that the following should be taken into account. There are undoubtedly other considerations which have to be dealt with in seeking to arrive at the right answer in this complicated matter. These statements are not set out here in behalf of one side or the other of the existing controversy, but are stated as a starting point for a fresh consideration as to what solution is really in the public interest. We are conscious that perhaps neither the majority nor the minority of the Commission would subscribe to them all.

(a) As between the special disadvantages of government ownership and the special disadvantages of private ownership in the radio field, the latter are relatively slight, under proper governing regulations, as compared with the serious dangers of public ownership.

(b) Technical and economic problems of radio alike point to the conclusion that, if private proprietorship of the radio is retained, we must endure a considerable extent of monopoly and a

considerable degree of "bigness" in the network units involved. The problem is a vast one, and there cannot be such a thing here as free and uncontrolled competition.

(c) Private interests need to be controlled by government regulation in the broadcasting field. Smaller competitive businesses should be encouraged, and monopoly discouraged, as far as possible without upsetting the private-proprietorship system. How far such regulation can safely go is a complicated question of fact.

(d) In deciding how far it is safe to go in regulating the business of broadcasting, it is necessary to bear in mind that if regulation proceeds to the point where the public becomes dissatisfied with the service it gets, the public, which now favors private ownership, might become inclined to favor public ownership—against its long-term interest, as we believe.

(e) While there is and should be no "vested interest" in licenses, it is necessary for the proper development and maintenance of a successful non-governmental radio system that private capital be offered reasonable chances of safety and of profit. The field being a technical and a rapidly developing one, it is necessary that large amounts be spent for equipment, for programs, for experiments looking to improvement, and for maintaining lucrative relationships with advertisers. Private capital cannot be expected to risk the money necessary for these unless governmental regulation is such as to afford reasonable incentives. The problem is not so much one of preserving built-up property rights and being fair to existing interests—they must yield to the public interest—as one of recognizing that if the public desires private enterprise to perform important and nationwide services without the aid of government money, it is essential to the public interest to give some substantial assurance of profit and of safety to money that private capital shall so invest.

(f) In judging whether any particular form of proposed regulation involves danger of upsetting the existing private-proprietorship status, the fact must be taken into account that practically the whole of the very large expense of maintaining our present radio service to the public is being borne by advertisers. The only reason they are willing to spend this immense sum is that, because of a large listening audience, they are able to make enough sales through radio advertising to justify the expense. Thus if regulation went to the point of altering program content so as to diminish the number of listeners, the business advantage which makes it possible for advertising sponsors to assume this financial burden would be immediately impaired. The same is true of any type of regulation which prevents advertisers from securing the coverage needed to maintain the selling effect of their radio programs.

912 STATIONS

The Federal Communications Commission granted nine permits for the construction of new stations during the month of August. A comparative table by months follows:

	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1
Operating	806	810	816	825	831	835	836	837	836	849	854	859	859
Construction	57	54	52	51	51	46	54	54	55	48	43	44	53
	836	864	868	876	882	881	890	891	891	897	897	903	912

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 15. They are subject to change.

Monday, September 15

KPAC—Port Arthur College, Port Arthur, Texas.—Modification of license, 1220 kc., 1 KW, unlimited, DA-night.

Consolidated Hearing

NEW—Herald Publishing Company, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

Tuesday, September 16

KGLU—Gila Broadcasting Company, Safford, Ariz.—Renewal of license, 1450 kc., 250 watts, unlimited.

Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for 1400 kc., 250 watts, unlimited.

NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited.

NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited.

Wednesday, September 17

Broadcast

Further hearing before the Commission to be held in Hearing Room 6121, New Post Office Building, 12th Street and Pennsylvania Avenue, N. W.

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 70.

Friday, September 19

KGO & Auxil.—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license, Main: 810 kc., 7½ KW, unlimited. Auxil.: 810 kc., 2½ KW, unlimited.

KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license, 850 kc., 50 KW, unlimited.

WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license, 630 kc., 5 KW, unlimited

FUTURE HEARINGS

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

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., 1340 kc., 250 watts, unlimited.

Further Hearing

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 680 kc., 50 KW, unlimited, DA-day and night.

Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc., 500 watts, S-WTNJ and WCAP.

WCAM—City of Camden, Camden, N. J.—Modification of license, 1310 kc., 500 watts, S-WCAP; require facilities WTNJ.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc., 500 watts, S-WTNJ and WCAM.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1310 kc., 500 watts, S-WCAM, require facilities of WTNJ.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1310 kc., 500 watts, S-WCAM and WCAP.

WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license, 1310 kc., 500 watts, unlimited, require facilities of WCAM and WCAP.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., 1260 kc., 1 KW night, 5 KW day, DA-night, unlimited.

October 24

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—C. P., 1190 kc., 50 KW, DA-day and night, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Independent Broadcasting Co., Springfield, Mo.—Granted construction permit (B4-P-3156) for new standard broadcast station to operate on 1400 kc., 250 watts, unlimited time.

Pacific Coast Broadcasting Co., Pasadena, Calif.—Granted construction permit (B5-P-3261) for new standard broadcast station to operate on 1110 kc., 10 KW power, unlimited time, using directional antenna day and night, subject to whatever action the Commission may finally adopt with respect to Order No. 84 (multiple ownership), and approval of antenna site.

WAKR—Summit Radio Corp., Akron, Ohio.—Granted special service authorization to operate with 5 KW power daytime, with a conventional antenna system during daytime, for the remainder of the regular license period. (B2-SSA-3.) Now operates on 1590 kc., 1 KW, unlimited time, DA-day and night (under C. P. 5 KW).

KENO—George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. (Assignors), Nevada Broadcasting Co. (Assignee), Las Vegas, Nev.—Granted consent to assignment of construction permit of existing station—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. from George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. to Nevada Broadcasting Company (B5-AP-34).

KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted modification of license (B4-ML-1077) to increase power to 250 watts, unlimited time. (Now operates on 1240 kc., 100 watts, unlimited time.)

KQW—Pacific Agricultural Foundation, Inc., San Jose, Calif.—Granted construction permit (B5-P-3021) to increase power to 50 KW night and day; install new transmitter and make changes in directional antenna for day and night use, conditioned upon submission within 6 months for approval of plan of independent financing; and subject to whatever action the Commission may finally adopt with respect to Order No. 84 (Multiple Ownership). Now operates on 740 kc., 5 KW, unlimited time, DA-day and night.

WEAN—Yankee Network, Inc., East Providence, R. I.—Granted construction permit (B1-P-3244) authorizing changes in directional antenna for nighttime use and increase in night power to 5 KW. (Now operates on 790 kc., 1 KW night, 5 KW day, unlimited time).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government, which may be heard consistently in the United States, thereby continuing the exchange of good-will programs (B1-FP-94).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit programs to stations CFCF, CBL and the Canadian Broadcasting Corp., thereby continuing the exchange of good-will programs (B1-FP-95).

DESIGNATED FOR HEARING

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit (B5-P-2776, Docket 6005) amended so as to request change in frequency to 740 kc., increase in power to 50 KW, install new transmitting equipment and directional antenna for day and night use. (Now operates on 560 kc., 1 KW night, 5 KW-LS, unlimited time.)

News Syndicate Co., Inc.; FM Radio Broadcasting Co., Inc.; WMCA, Knickerbocker Broadcasting Co.; WBNX Broadcasting Co., Inc.; WEVD, Debs Memorial Radio Fund, Inc.; WOV, Greater New York Broadcasting Corp.; WNEW, Wodaam Corp.; Mercer Broadcasting Co.—Designated for consolidated hearing to determine which, if any, FM application should be granted on applied-for frequency or on any of three remaining unassigned Class B frequency channels in that area. (The FM situation in the New York area was the subject of a press release June 17 last.)

MISCELLANEOUS

- W49D—John Lord Booth, Detroit, Mich.—Granted extension of special temporary authority to operate an RCA 1 KW transmitter on **44900 kc.**, using a temporary antenna for the period September 5 to November 4 pending completion of construction in accordance with construction permit (B2-PH-20), conditionally.
- W45D—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate FM station commercially on **44500 kc.**, using 3 KW power for the period September 3 to October 2, pending installation and preparations necessary to operate and complete transmitting plant in accordance with construction permit and modification thereof, without prejudice to the determination of the issues in hearing on Order No. 79.
- WEOF—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted special temporary authority to operate a Motorola Type, 30 watt, narrow band frequency modulation transmitter experimentally under current license for the period September 1 to September 25, for the purpose of relaying Army maneuvers in Louisiana to radio station WSM.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate on frequency **1070** with power of 5 KW day, 1 KW night, limited to KFBI using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit (B4-P-3047) for a period from September 8 to October 7, pending completion of the second antenna tower and proof of performance measurements, provided transmitter and associated equipment are tested during experimental period and frequency adjusted to within 5 cycles and that frequency modulation monitors are operating satisfactorily (B4-S-924).
- W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate FM station commercially on **47100 kc.**, 1000 watts, special emission for FM at 444 Madison Ave., New York City, for the period September 15 to November 13, conditionally.
- W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate on FM broadcast station experimentally on **43200 kc.**, 1000 watts, with transmitter located at 1210 Wisconsin Ave., N. W., Washington, D. C., for the period August 28 to September 26, 1941, conditionally.
- Nashville Radio Corp., Nashville, Tenn.—Motion for order to take depositions in re application for new station, withdrawn.
- WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted motion to dismiss without prejudice application for construction permit to operate on **1540 kc.**, 500 watts night, 1 KW day, unlimited time.
- KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted motion for leave to withdraw without prejudice application for modification of license to operate on **570 kc.**, 1 KW night, 5 KW day, DA-night, unlimited time.
- KOVO—Clifton A. Tolboe, tr. as Citizens Voice and Air Show (Assignor); and KOVO Broadcasting Co. (Assignee), Provo, Utah.—Granted petition for leave to amend application for voluntary assignment of license and for reconsideration of application as amended. Application removed from hearing docket.
- Granite District Radio Broadcasting Co., Murray, Utah.—Dismissed petition for leave to file applicant's proposed findings of fact and conclusion in re application for new station.
- Southern Broadcasting Stations, Inc., Atlanta, Ga.—Granted petition for leave to intervene in the hearing on application of WGST for renewal of license.
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance to November 12 of hearing now scheduled for September 12 in re application for construction permit to operate on **1500 kc.**, 250 watts, unlimited time.
- KFRO—Voice of Longview, Longview, Texas.—Granted petition for continuance to November 17 of hearing now scheduled for September 17 in re application for modification of construction permit.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted motion for continuance to November 18 of hearing now scheduled for September 18 on application for construction permit to operate on **1060 kc.**, 10 KW, DA-day and night, unlimited time.
- Utica Broadcasting Co., Inc., Utica, N. Y.—Granted motion for order to take depositions in re application for new station.
- Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted petition for postponement of the taking of depositions by intervener in re application for new station.
- WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate a composite transmitter on **1622 kc.**, with a power output of approximately 5 watts, using the call letters of Relay Station WAAQ, for the period beginning September 10, 1941, and ending upon conclusion of the Louisiana War Games.
- W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted special temporary authority to operate frequency modulation station commercially on **47500 kc.**, special emission for frequency modulation with transmitter located at R. D. #1, Addison, Ill., and described as W. E., Type 503A-1, Serial No. 103, maximum rated carrier power 1 KW for a period not to exceed 90 days.
- W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of 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 WIXER at summit of Mount Washington, Sargents Purchase, N. H., for a period beginning September 15, 1941, to not later than November 13, 1941, pending completion of construction permit.
- WCRC-WCBX—Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of special temporary authority to use already licensed Mackay Radio and Telegraph Company point-to-point transmitter, Type 34-C, Serial No. 3615, on **6080, 6120, 6170, 9650, 11830, 18270, 17830, 21520, and 21570 kc.**, A1 emission, in order to conduct antenna tests for International Broadcast Stations WCRC and WCBX, for a period of 30 days beginning September 11, 1941, to not later than October 10, 1941.
- WNAD—University of Oklahoma, Norman, Okla.—Granted extension of special temporary authority to remain silent for the period beginning September 15, 1941, and ending not later than September 22, 1941.
- WCLE—United Broadcasting Co., Cleveland, Ohio.—Denied request for special temporary authority to operate from sign-off time (September 6:45 p. m. EST), to 7 p. m. EST, for a period beginning September 4, 1941 and ending not later than September 30, 1941, only, in order to carry baseball games and half-hour network programs (B2-S-282).
- W8XFM—The Crosley Corp., Cincinnati, Ohio.—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, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio, and described as Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period beginning September 29, 1941, and ending not later than December 27, 1941.
- The Sun Company of San Bernardino, Calif.—Placed in pending file pursuant to Order No. 79, application for construction permit (B5-PH-114) for new FM broadcast station.
- Frequency Broadcasting Corp., Brooklyn, N. Y.—Adopted order setting aside Commission's actions taken October 31, 1940, February 13, 1941, and June 17, 1941, with respect to application of Frequency Broadcasting Corp. (B1-PH-47), and modification of construction permit (B1-MPH-6) for new FM broadcast station; designated said applications for hearing; and dismissed petition for rehearing filed by Frequency Broadcasting Corp.
- KPAC—Port Arthur College, Port Arthur, Tex.—Denied petition to reconsider and grant the application for modification of license to increase power to 1 KW day and night and make changes in the directional antenna system employed during nighttime; hearing now scheduled for September 15, 1941, postponed pending consultation with licensee.
- WBT, Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB, KFAB Broadcasting Co., Lincoln, Nebr.; WBBM, Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG, The Norfolk Daily News, Norfolk, Nebr.—Postponed until such time as the Commission may consider applications to be filed looking toward improving service with a minimum of interference, the joint hearing tentatively scheduled for

October 7, 1941, on applications of WBT for construction permit, KFAB for construction permit, WBBM for modification of license, and WJAG for construction permit (Docket Nos. 5269, 5270, 5271, 5864.)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m. EST, Monday through Friday, beginning September 8, 1941, and ending not later than September 16, 1941, provided WSVS remains silent.

WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent for the period beginning September 9, 1941, and ending not later than September 16, 1941, in order to reorganize school Defense Classes.

WTNJ—WOAX, Inc., Trenton, N. J.—Denied request for special temporary authority to operate simultaneously with WCAP during the hours from 2 to 4 p. m. EST, on October 4, 11, 18 and 25, and November 1 and 8, 1941, only, in order to broadcast play by play description of the football games of Princeton University.

APPLICATIONS FILED AT FCC

660 Kilocycles

KGIR—KGIR, Incorporated, Butte, Mont.—Construction permit to install new transmitter, antenna, increase in power from 5 to 50 KW, change in frequency from 1370 to 660 kc.

KOIN—KOIN, Inc., Portland, Oregon.—Construction permit to make changes in equipment, changes in directional antenna system for use day and night, change frequency from 970 to 660 kc., and increase power from 5 to 25 KW.

850 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Construction permit to install directional antenna for night use, change hours from daytime to unlimited time, using power of 1 KW day and night. Amended: To request 5 KW power, install new transmitter and make changes in proposed directional antenna.

860 Kilocycles

WSON—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of construction permit (B2-P-3149) as modified, requesting increase in power from 250 watts daytime to 500 watts daytime and changes in transmitting equipment and extension of commencement and completion dates to 60 days after date of grant and 180 days, respectively.

880 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit to make changes in transmitter, changes in directional antenna for day and night use, change in frequency from 1320 to 880 kc., increase in power from 5 to 10 KW.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct method.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) as modified, for installation of directional antenna, increase in power, requesting new transmitter, increase in power from 5 KW to 5 KW night, 10 KW day, using directional antenna night.

WWJ—The Evening News Assn., Detroit, Mich.—Authority to determine operating power by direct method.

WWJ—The Evening News Assn., Detroit, Mich.—License to cover construction permit (B2-P-2880) as modified, for increase in power, directional antenna for night use, and changes in transmitting equipment.

980 Kilocycles

WGBG—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Modification of construction permit (B3-P-2472) for a new broadcast station, requesting move of transmitter and extension of commencement and completion dates from 10-5-41 and 4-5-42 to 30 days after grant and 180 days thereafter respectively.

1150 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—Construction permit to move old RCA 1-D-A transmitter to site of new transmitter and use as auxiliary transmitter, for emergency purposes.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of special service authorization for unlimited time, power of 25 KW night, 50 KW day, using directional antenna at night, period ending 2-1-42.

1240 Kilocycles

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Modification of license to move studio from Upper Deerfield Twp., N.N.E. of Bridgeton to Bridgeton, N. J.

1260 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Authority to determine operating power by direct method.

1310 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of construction permit (B3-P-2641) as modified, for move of transmitter, increase in night power and installation of directional antenna for night use, and change in frequency, requesting extension of completion date from 9-23-41 to 1-23-42.

1320 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—License to cover construction permit (B1-P-3032) as modified for increase in power, install new transmitter and changes in directional antenna for day and night use.

WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct method.

1340 Kilocycles

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Authority to determine operating power by direct method.

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—License to cover construction permit (B3-P-3029) as modified for a new broadcast station.

KIIMO—The Courier-Post Publishing Co., Hannibal, Mo.—License to cover construction permit (B4-P-1011) as modified, for a new broadcast station.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—License to cover construction permit (B5-P-2707) as modified, for new equipment, changes in antenna system, and increase in power.

1400 Kilocycles

KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Special service organization to operate unlimited time, period ending 12-1-41.

1420 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Authority to determine operating power by direct method.

1440 Kilocycles

KPRO—Broadcasting Corporation of America, Riverside, Calif.—Modification of construction permit (B5-P-2296) for a new broadcast station, requesting change in type transmitter, approval of antenna and approval of transmitter and studio sites.

1450 Kilocycles

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Transfer of control from Estelle P. Chapman, Transferor to Joseph Wiggs Hart, Joseph Carl Russell and Frank Mitchell Farris, Jr., transferees, through sale of 999 shares of stock.

WCRS—Grenco, Inc., Greenwood, S. C.—License to cover construction permit (B3-P-2930) as modified, for a new broadcast station.

WCRS—Grenco, Inc., Greenwood, S. C.—Authority to determine operating power by direct method.

1490 Kilocycles

KIBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—License to cover construction permit (B5-P-2028) as modified, for a new station.

KIBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Authority to determine operating power by direct method.

WDBC—Delta Broadcasting Co., Escanaba, Mich.—License to cover construction permit (B2-P-2854) as modified for a new broadcast station.

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Authority to determine operating power by direct method.

NEW—The Torrington Broadcasting Co., Inc., Torrington, Conn.—Construction permit for a new broadcast station to be operated on 1490 kc., 250 watts and unlimited hours.

1530 Kilocycles

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Construction permit to make changes in directional antenna system, change frequency from 1530 to 640 kc., move transmitter from near Crescent Springs, Ky., to near New Burlington, Ohio, contingent on WCLE's change to 600 kc. and WHKC's change to 610 kc. Amended: to make changes in proposed directional antenna.

FM APPLICATION

W49D—John Lord Booth, Detroit, Mich.—Modification of construction permit (B2-PH-20) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 4-11-41 and 10-11-41 to 10-11-41 and 4-11-42, respectively.

MISCELLANEOUS APPLICATIONS

KEHC—Topeka Broadcasting Assn., Inc., Mobile.—Construction permit to make changes in equipment, change frequencies from 31620, 35260, 37340, 39620 kc. to 1622, 2058, 2150, 2790 kc. and increase power from 10 to 50 watts.

KEHB—Topeka Broadcasting Assn., Inc., Mobile.—Construction permit to change type of equipment and increase power from 10 to 15 watts.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Champion Battery Company—William B. Bartlett, trading as Champion Battery Co., 549 West Washington St., Chicago, engaged in the sale and distribution to retail dealers of a so-called sales stimulator plan including certificates and merchandise to be used in connection with the plan, is charged, in a complaint with unfair and deceptive acts and practices in commerce. (4578)

Eastern Herb Company—Robert T. K. Hee, trading as The Eastern Herb Company, 1156 Seventh St., San Diego, Calif., is charged in a complaint with misrepresentation. (4582)

Gulf Oil Corporation, Pittsburgh, engaged in manufacturing and distributing two insecticide products designated "Gulf Live-stock Spray" and "Gulfspray," is charged in a complaint with misrepresentation. (4581)

Normis Corporation—Charging the use of a deceptive sales plan in the sale of prefabricated and ready-cut houses advertised as "Nomis Ready-Cut Homes," a complaint has been issued against Normis Corporation, formerly of Lafayette, Ind., and now being operated from a so-called branch office in Jacksonville, Fla.; Simon Levy, its principal stockholder, Jacksonville, Fla.; Stoker Corporation of America, Indianapolis; and Charles B. Levy, its principal stockholder. (4580)

Woodfinishing Products Company—James Ledwith and Morton E. Rosenthal, copartners trading as Woodfinishing Products Company, and J. M. Thomas, individually and acting as agent for James Ledwith and Morton E. Rosenthal, trading as Woodfinishing Products Company, are charged in a complaint with commercial bribery and unfair methods of competition in commerce. (4579)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

G & F Sales Company—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a Chicago and an Indianapolis firm each selling miscellaneous merchandise, and a Brooklyn manufacturer of smoking pipes and other articles. The respondents are Clara Feitler, Lillian M. Granger and L. H. Murray, trading as G. & F. Sales Co., Chicago; Hamilton, Harris & Co., Indianapolis; and Continental Briar Pipe Co., Inc., Brooklyn.

In the case against the three Chicago dealers, trading as G. & F. Sales Co., the proceeding was dismissed as to the former respondent, Adolf Feitler, now deceased. (4155-4253-4293)

Haskelite Manufacturing Corporation, 208 West Washington St., Chicago, which operates a factory in Grand Rapids, Mich., and which manufactures and distributes serving trays, including certain trays designated as "Hasko DeLuxe Buffet Trays" and "Hasko Trays," has been ordered to cease and desist from misrepresentation in the sale of its products. (4442)

Ozon Chemical Company, Inc., trading as Duncan Chemical Co., 607 Delmonte Way, St. Louis, has been ordered to cease and desist from misrepresentation in the sale and distribution of a medicinal preparation designated "Duncan's Ozon." (4421)

W. Hillyer Ragsdale, Inc., W. Hillyer Ragsdale, Annie M. Ragsdale, Marshall D. Ragsdale and Ida J. Ragsdale, doing business under the names and styles of W. Hillyer Ragsdale, W. Hillyer Ragsdale, Inc., and Ragsdale Candies, 307 North Walnut Street, East Orange, N. J., have been ordered to cease and desist from misleading representations in the sale of instruction courses, outfits and supplies represented as offering opportunities for persons to establish candy businesses in their homes. (4472)

Sanford Mills, of Sanford, Maine, and its subsidiary and exclusive sales agency, L. C. Chase & Co., Inc., 295 Fifth Ave., New York City, have been ordered to cease and desist from representing as "moth-proof" upholstery fabrics which are not permanently moth-proof. (4084)

Schuler Chocolates, Inc.—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a Winona, Minn., corporation selling candy, and a Milwaukee firm selling miscellaneous merchandise. The respondents are Schuler Chocolates, Inc., also doing business as Schuler Candy Co., Winona, Minn., and Continental Premium Mart, Milwaukee. (4385-4462)

Stomar Manufacturing Company—Joseph H. Kevorkian, Joseph D. Kevorkian and Louis Stone, trading as Stomar Manufacturing Company, 1027 Ridge Ave., Philadelphia, engaged in the manufacture and sale of steel kitchen utensils known as graters and shredders, have been ordered to cease and desist from misrepresentation in the sale of their products. (4272)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Elizabeth Arden Sales Corporation—681 Fifth Ave., New York, has stipulated to discontinue certain representations in the sale of cosmetics designated "Ardena Sensation Cream," "Joie de Vivre" and "Ardena Skin Lotion." (02873)

Biofoods Corporation, 16 West 22nd St., New York City, engaged in selling certain health food products, has stipulated to cease and desist from representing that "Fortified Palm-Co." is "the modern calcium phosphorus Vitamin 'D' aid," or has a beneficial effect on symptoms of nervousness, low resistance, soft teeth, brittle nails and poor endurance, unless these conditions are due to a lack of calcium and phosphorus in the diet, associated with a deficiency of Vitamin D; that "Vimm's Wheat Germ Oil Vitamin E Capsules" are a concentrated source of Vitamin E; that "Vimm's Powdered Wheat Germ" or "Vimm's Whole Wheat Germ" are excellent sources of Vitamins B₃, B₁, B₅ and B₆ or are excellent sources of iron, copper, phosphorus, potassium, manganese, magnesium and other valuable minerals; or that "Vimm's Powdered Wheat Germ" is "ideal" for infant feeding and those on a bland diet. (02868)

Cole and Company, an advertising agency, Sterick Building, Memphis, Tenn., which disseminated advertisements for cosmetics on behalf of Newbro Manufacturing Company, Atlanta, Ga., has stipulated that it will cease and desist from disseminating advertisements which represent that the Atlanta Company's product "Tuxedo Club Pomade" invigorates the scalp or helps the hair as nothing else will. (02872)

Ever-Dry Laboratories, Inc., also trading as Trans-Pacific Importers, with principal office and place of business in Los Angeles, Calif., and Robert W. Miller, trading as Hula-Lei Products, with place of business at Honolulu, Hawaii, engaged in the sale and distribution of perfumes, have stipulated in connection with the sale of their products to cease and desist from representing that the following named perfumes: "Ginger," "Sandalwood," "Pikaki," "Pomi Moi," or "Plumeria" are made in Hawaii from the tropical flowers of Hawaii, and from use of any representation or statement which may convey the belief that the products are made in or are products of Hawaii; or from representing that the perfumes represent the exotic fragrance of tropical flowers from Hawaii. (3209)

Laboratory Products Company—Harry J. Knorr, trading as Laboratory Products Company, Glendale, Calif., formerly engaged in selling and distributing a preparation called "Van-Tox," consisting of two kinds of tablets containing the same active ingredients but in different quantities, and which were described as

"Special Formula Single Stg. No. 1" and "Special Formula Double Stg. No. 2," the tablets comprising a treatment for alcoholism and the liquor habit, has stipulated that in connection with the sale or distribution of the preparation designated "Van-Tox" or any other preparation composed of substantially similar ingredients, he will cease and desist from representing that the preparation is a cure or remedy or a competent or effective treatment for chronic alcoholism or the liquor habit; that use of the preparation will overcome the craving or desire for or indulgence in alcohol; that the preparation is in all cases safe or harmless; or that it contains no harmful drugs. (3207)

Lindstrom Hatchery & Poultry Farm, Clinton, Mo., engaged in the sale and distribution of chicks in commerce, has stipulated to cease and desist from certain representations. (3208)

Parks-Phillipps Health Foods Company—Stanley N. Phillipps and Walter M. Grome, doing business as Parks-Phillipps Health Foods Company, formerly Parks Health Food Company, 1542 Knowlton St., Cincinnati, engaged in selling medicinal preparations, have stipulated to discontinue representing that "Phillipps Alfalfa and Mint Tea" is of any benefit in the treatment of prostate gland trouble, overacidity, arthritis and rheumatism; that "Phillipps Wheat Germ Meal" is rich in four vitamins, revitalizes, and restores needed elements to the diet; that "Phillipps Wheat Germ Meal" produces any beneficial results in cases of nervous conditions and faulty digestion except those caused by a deficiency of Vitamin B; that "Phillipps Vegetable Mucen" is of any appreciable benefit in the treatment of stomach ulcers or irritations, hyperacidity or colon irritation; that "Vigro Garlic Tablets" are rich in Vitamins A, B and C or are rich in potassium, calcium, phosphorus, iodine or food chemicals or that they possess any nutritional value or produce any appreciable therapeutic effect in excess of a slight temporary decrease in blood pressure; that "Vigro Vitamin Tablets" help to combat germs or eradicate colds or furnish an abundance of protection against every possible winter sickness; or that "Vigro Laxative No. 2" is effective for increasing intestinal or liver activity. (02870)

Thomas Patrick, Inc., St. Louis, engaged in the radio broadcasting business and in preparing and disseminating advertisements for various commodities, disseminated advertisements over its Radio Station KWK for a food designated "Colonial Bread" on behalf of Colonial Baking Company, St. Louis. The respondent stipulated that in disseminating such advertising it will cease representing that Colonial Bread is not fattening or is necessary in a reducing diet; that it helps burn up body fat or helps to reduce safely, and that six slices of Colonial Bread in a reducing diet will give one pep and energy and prevent one from becoming tired, fatigued, irritable or experiencing nervous strain. (02871)

Perfect Manufacturing Company, also trading as Safe Electric Company, 3321 Madison Road, Cincinnati, engaged in the sale and distribution of an electrical heating unit or device designated "Otto-Matik Darning Machine," has stipulated in connection with the sale and distribution of its product, that it will cease and desist from the use of the words "Otto-Matik Darning Machine" or "Automatic Darning Machine" as a designation for or as descriptive of its product; or the use of a coined word "Otto-Matik" or the words "automatic," "darning" or "machine" or other words of similar implication to cause the belief that the device is automatic in operation, that darning can be accomplished by its use, or that it is a machine. (3206)

Robina Studios—Samuel Schaap, trading as Robina Studios, 150 Nassau St., New York City, engaged in the sale and distribution of mimeographed material purporting to be horoscopic or astrological readings and of so-called "Talismans" and "Lucky Stones," has stipulated that he will cease and desist from statements which imply that he is an astrologer or that his business is conducted by or under the supervision of an astrologer. (3205)

Movie-Radio Hearings

Movie-Radio hearings were held only one day this week (Monday) with Jimmie Fidler, radio columnist, and George Fisher, commentator, the only two witnesses to appear before the Senate sub-committee investigating alleged pro-war propaganda.

Fidler repeated before the Committee his often-made public charges that his copy had been subject to censorship by radio networks due to pressure from the movie industry to which Senator McFarland (D. Ariz.), remarked that "it is a great thing to know that despite this pressure from the movie people you are still on the air."

Hearings will be resumed on Tuesday of next week, and it is expected that only movie witnesses will be called.

Radio Tax Defeated

Thanks to the wholehearted cooperation which we received from all concerned, the NAB's efforts to remove the radio time sales tax from the new Federal revenue bill have met with success, and the bill has finally gone to the President without this discriminatory tax provision.

The NAB wants to express its appreciation to both the entire industry and to representatives of advertising, labor and others who helped to present the industry's position and to convince Congress that the proposed tax should not be imposed upon radio.

The result achieved is an excellent demonstration of what can be accomplished with a united industry front.

While Congress has eliminated the radio time sales tax from the current revenue bill, our fight against a discriminatory tax of this kind is not yet won. It will be proposed again, unless its sponsors, certain printing trades unions, are convinced that it would hurt them as well as radio broadcasters.

To that end, the NAB has sent a questionnaire to every broadcaster in the industry, inquiring as to each station's expenditure in union printing establishments during the first half of 1941. The need for this information is urgent; send it in promptly to NAB headquarters.

Early District Meetings Planned

Preparations are under way for a series of district meetings, to be held in all 17 NAB districts beginning at an early date. President Miller will attend all of these regional conventions, each of which will be a two-day session, held in conjunction with the Sales Managers' meetings. These gatherings take on a par-

ticular significance in view of the many problems confronting the industry, and in the light of important developments in radio during the past six months. Agenda are being prepared, and further announcements will be made as soon as possible regarding dates and other information.

ASCAP Contracts

Copies of the proposed ASCAP contracts in final form are not yet available as we go to press. It is expected that they will be received within a few days, at which time copies, together with an analysis of their provisions, will be sent to all members.

Press-Radio Hearings

FCC hearings on the question of newspaper ownership of radio broadcasting stations were resumed Wednesday of this week, when representatives of Hearst Radio, Inc., were called to testify before the Commission. Among the witnesses who appeared during the two-day session were Emile J. Gough, former general manager, E. M. Stoer, present general manager, and Charles B. McCabe, president, of Hearst Radio, Inc., and Harold C. Burke, manager of radio station WBAL, Baltimore.

James G. Stahlman, publisher of the *Nashville Banner*, subpoenaed by the Commission, has not yet appeared, having been granted a stay pending decision of the court on his appeal from a show cause order.

Roy A. Roberts, managing editor of the *Kansas City Star*, and H. Dean Fitzner, manager of radio station WDAF, the *Star's* station, appeared as witnesses today (Thursday) as did D. D. Davis, president of WHB, Kansas City, Mo.

The questioning of Commission Counsel has been devoted for the most part to the practice of newspaper owned radio stations during the early stages of development of radio.

Hearings were adjourned today until Wednesday of next week.

New Priority Procedure

Under this same heading station managers needing Emergency Repair and Emergency Inventory material were advised in last week's bulletin (page 735) to communicate with Colonel J. F. Coneybear until further notice.

Colonel Coneybear has advised NAB that he is no longer handling these emergency matters.

Instead, telephone to Mr. Jim Peters, Miscellaneous Supplies Section, Office of Production Management, 462 Indiana Avenue, N. W. Telephone number: REpublic 7500; Ext. 2331.

So far as we know there are no other changes.

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

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

National Defense

ASK HIGHER PRIORITY

A letter-brief pointing out the need, in the interest of national defense, for priority ratings higher than A-10 for material being used in commercial broadcasting, was delivered, September 16, by the National Association of Broadcasters, to Donald M. Nelson, director of priorities, Office of Production Management.

Supporting this brief was a factual study of total commercial broadcasting requirements on a 1940 basis. The six pages contained basic information covering all components.

The figures showed that 561 tons of material were required to manufacture broadcast transmitter apparatus, exclusive of vacuum tubes and installation, used by broadcasters during 1940. Twenty-five principal materials entered into this production.

Vacuum tubes required 25 tons of material covering 28 principal items, ranging all the way from .4 of a pound of gold to 13 tons of copper.

These amounts added to the requirements for towers, transmission lines, ground systems and installation material amounted to a total of 4,787.572 tons. Approximately 300 tons were required for repairs and 4,500 tons for new construction.

RADIO TECHNICIAN COURSES

A. J. Fletcher, member NAB National Defense Committee and president of WRAL, Raleigh, has made a sound suggestion for the teaching job of the radio technician courses.

He suggests that it would be helpful if stations located in cities offering these courses would contribute the services of their chief engineer. In a letter to Dean Van Leer, North Carolina State College, he said: "I think we can furnish a practical, graduate, licensed engineer to assist you locally."

It is recognized that the men who do the teaching in these courses exert a powerful influence on the graduates and that a practical graduate engineer would be especially helpful, along with the other instructors.

George D. Coleman, general manager, WGBI, Scranton, District 3 liaison for NAB National Defense Committee, wrote for twelve more copies of the original radio training course mailing. These copies on top of the fifteen already sent would seem to indicate that Mr. Coleman is really doing a job of promotion throughout Pennsylvania.

Major Edney Ridge, manager, WBIG, apparently anticipates an off-campus radio course in Greensboro. This is in accordance with a front page story in a recent copy of "The Democrat."

George M. Burbach, general manager, KSD, St. Louis, National Defense Committee liaison for Iowa, Missouri and Nebraska, has

almost completed a survey of colleges and universities regarding radio courses.

Note from Elmer S. Pierce, principal, Seneca Vocational High School, Buffalo, reads as follows:

"Station WSVS is undergoing a reorganization of personnel and programs and it is preparing to give all the time possible to you in connection with our National Defense work. This is one way in which we feel we can help our government.

"This school, where Station WSVS is located, is training some 1500 men in National Defense classes, and has been engaged in this work since July, 1940. We run National Defense classes 20 hours a day."

DEFENSE PROMOTION

Down in Cincinnati Robert Bentley, patriotic director, WCPO, has evolved a sound promotional idea to stimulate recruiting for the defense forces. Each day, Navy and Marine recruiting officers send him a list of new recruits. After the regular spot announcements which NAB sends, congratulations are given the men themselves. At another time Mr. Bentley congratulates the parents of the men who have signed up that day.

Congratulating the fathers and mothers whose sons have passed the examination for enlistment in the United States Navy and the United States Marine Corps is well received both by the new recruits, the parents and on recruiting material. This treatment is accorded in three regular programs, "Songs of America," "Patriotic Parade" and "Land of Liberty." They are scheduled at peak listening periods.

WROK, Rockford, close to Camp Grant, is producing two shows well received by military and non-military listeners. "Camp Grant Comments" is at 7:00 p. m., Mondays, Wednesdays and Fridays. "Camp Grant in Review" goes Mutual network, 4:30 p. m. each Tuesday.

ATTENTION STATION MANAGERS

Attention station managers in Des Moines, Iowa; Willmar, Minn.; Providence, R. I.; Cheyenne, Wyo., and Salt Lake City, Utah.

Mrs. John L. Whitehurst, president, General Federation of Women's Clubs, leaves Washington Sunday, September 21, to attend meetings of club women.

In expanded fashion she will discuss "The 6th Column in America." This is an outstanding talk and we heard it over WRC and WMAL locally.

When, as and if she reaches your city we suggest that you make an effort to book Mrs. Whitehurst for 13-minutes on this subject. You won't go wrong.

Following is her itinerary:

Willmar, Minn., September 23.

Des Moines, Iowa, September 25-26.

Providence, R. I., September 30.

State meeting Mitchell, S. D., October 5-7.

State meeting Cheyenne, Wyo., October 8-10.

Salt Lake City, Utah, October 11.

State meeting McCook, Nebr., October 13-14.

Club Institute, Colorado Federation, at University of Colorado, Boulder, October 16-17.

In McCook, Neb., October 13 and 14, and at the Club Institute, Boulder, Colo., October 16 and 17. Mrs. Whitehurst's itinerary crosses that of Mrs. Dorothy Lewis, vice president of the Radio Council on Children's Programs. Mrs. Lewis begins her trip on September 22 with first stop in Albany, N. Y. The purpose of her trip is to follow up the survey on children's programs made last year under RCCP and NAB auspices. (See NAB Reports pp. 137-738)

Network Rules

At a one-day hearing before the FCC, Mutual renewed its plea that the Commission put into effect immediately the network rules, modified in accordance with its petition. NBC and CBS filed briefs urging that the rules be suspended for the period of the national emergency and that the Commission and the industry should cooperate with Congress in framing legislation to modernize radio law. The only other appearance was made on behalf of the Yankee and Colonial networks, which urged relaxation of the time option regulation.

The Commission subsequently announced that decision on the briefs and argument would be handed down in the near future and that a reasonable time would be given before the rules finally became effective.

Radio Council News

Emphasis on the necessity for maintaining a sense of security and a wholesome atmosphere for the American child during these chaotic times was the keynote of the fall meeting of the Radio Council on Children's Programs, held at the Council's offices on September 15th. At this meeting, the following officers were elected for a three-year term: Mrs. Nathaniel Singer, president; Mrs. Dorothy Lewis, vice-president; Miss Rita Hochheimer, secretary, and Mr. Wilson Parkhill, treasurer.

The work of the Council, which has collaborated actively with the NAB in the study of children's radio programs, continues to attract increasing attention. Among the items of interest which have appeared recently is an article by Mrs. Lewis in the September issue of "The Family Dollar," a periodical of nationwide circulation published by the Consumer Credit Institute of America, describing the survey undertaken by the Council in cooperation with NAB and set forth in the report, "Broadcasting to the Youth of America," published by NAB.

As announced in last week's REPORTS, Mrs. Lewis will leave shortly on a nationwide tour in which she plans to visit many of the country's leading broadcasters. Details of her plans will be communicated to station managers from time to time during her tour, in order that they may take advantage of the opportunity for further cooperation in this useful industry effort.

FEDERAL COMMUNICATIONS COMMISSION

PRESS CONFERENCE NEWS

Chairman James Lawrence Fly of the FCC said at a press conference early this week that the FCC staff report on a proposed radio franchise tax is now before the Commission but that the Commission has not had time to make a study of the report. Mr. Fly said that he assumed that the Commission will take some action shortly, but said he had no specific plans for taking it up.

* * *

Questioned as to when the Commission would take action as the result of the oral argument of last Friday on the Mutual Broadcasting petition in the chain situation, he said that he thought the Commission would do something on that "pretty soon." He was asked if any action could be expected by next

week. Mr. Fly explained that the case is not one to be handled at a regular meeting, hence he was reluctant to make any guess on a date for action.

* * *

Mr. Fly told the newspapermen that the press radio inquiry of the Commission might go along for weeks. He said that the Commission would probably hold hearings two or three days each week and that they might run along for a long period of time.

In an off-the-record talk, Chairman Fly said that the FCC experts knew all about and were in on the recent FBI radio station case in and near New York.

TERRELL EXEMPTED

President Roosevelt this week issued an Executive Order exempting from retirement William D. Terrell, chief of the Field Division of FCC. Mr. Terrell has been with the Commission since it came into existence; prior to which he was chief of the Radio Division of the Department of Commerce which preceded the Commission. Terrell used to be referred to as the "Czar of Radio." The order is as follows:

WHEREAS, in my judgment, the public interest requires that William D. Terrell, Chief, Field Division, Engineering Department, Federal Communications Commission, who, during the month of August, 1941, will reach the retirement age prescribed for automatic separation from the service, applicable to him, be exempted from compulsory retirement for age for a period of one year:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 382, 404 (U. S. C., title 5, sec. 715a), I hereby exempt the said William D. Terrell from compulsory retirement for age for a period of one year ending August 31, 1942.

FM AUTHORIZED FOR OTHER SERVICES

FM (Frequency Modulation) has received a new impetus when the FCC authorized its use on a regular service basis in certain services other than broadcast effective October 1. Last spring FM was made available for commercial broadcasting.

In amending its rules and regulations today so as to permit use of FM by ship, coastal and emergency services on the ultra-high frequencies, the Commission declared that the successful operation of approximately 1600 frequency modulated transmitters in various radio services since January 25, 1940, has demonstrated the practicability of this new type of modulation for these services.

On the basis of the data obtained through this experimental use, it is anticipated that no material difficulties will arise from the concurrent operation of frequency and amplitude modulated stations on the frequencies now allocated to these services. Operation reports indicate that FM offers a number of advantages over the conventional amplitude modulation among these being a reduction in interference resulting from static and a material reduction in the required geographical separation between stations operating on the same frequency.

It was also pointed out by the Commission that frequency modulated equipment can now be obtained from a number of manufacturers at prices comparable to those of the conventional amplitude modulated equipment.

FM RULE REGULATION

FCC took the following action on rules and regulations to provide for the use of frequency modulation on a regular service basis in services other than broadcast and amateur to be effective October 1, 1941:

Designated existing Section 7.30 as subsection (a) of Section 7.30 and added subsections (b) and (c), modified the "Tolerance Table" of Section 7.60 with respect to frequencies above 30,000 kilocycles (Rules Governing Coastal Radio Service); designated existing Section 8.68 as subsection (a) of Section 8.68 and added subsections (b) and (c), and modified the "Tolerance Table" of Section 8.96 with respect to frequencies above 30,000 kilocycles (Rules Governing Ship Service); deleted Sections 10.61 and 10.62 and

substituted new sections in lieu thereof (Emergency Radio Services); deleted Section 11.51 and substituted new section in lieu thereof and added Section 11.52 (Miscellaneous Radio Services—Part 11).

Sales

Newspaper Special Editions

Occasionally NAB member stations have complained of the newspaper practice, prevalent in some markets, of issuing frequent "special editions" or special sections for the sole purpose of selling additional advertising, regardless of its value to the advertiser. Such sections or editions are issued to commemorate anniversaries, special events, the opening of a new business establishment, etc.

The Association of National Advertisers has issued three statements deploring this practice, pointing out that such advertising is generally valueless and wasteful to the advertiser. It has also reprinted an editorial on the same subject by William Allen White, editor of the Emporia, Kans., *Gazette*.

Copies of these statements and editorial are available, by writing to the NAB Department of Broadcast Advertising.

Radio Films Available

Ten-minute sound films, either 16 or 35 mm, on "Television" and "Airwaves" are available through William J. Ganz Co., 19 E. 47th St., New York. There is no charge except for the shipping costs. Both films are suitable for club meetings, etc.

Sponsors Civic Campaign

Increased revenue through a radio campaign boosting Coffeyville, Kans., was secured by KGGF, as reported by Melvin Drake, general manager. Working through committees appointed under Chamber of Commerce sponsorship, a \$2,000 fund was raised for a six-month campaign, 70% to radio and 30% to newspaper, "to build good will and public relations among our trade territory and neighboring cities, to encourage those people, coming to this section as a result of the several large defense industries, to establish their homes and families here as well as to trade and shop in Coffeyville." Spot announcements and programs are used.

"This idea is particularly adapted to communities which do not have defense projects in their own limits but which are located in areas with several projects in the radius of their radio stations," Mr. Drake said.

Free Time Request

Radio Camera Clubs, 343 State St., Rochester, N. Y., is furnishing radio scripts for gratis broadcasts, promoting the use of cameras and film. The address of this organization is the same as that of the Eastman Kodak Co.

Labor

Wage-Hour Act

New regulations regarding record keeping under the Wage and Hour law, effective September 15, were issued this week by the Wage and Hour Administration.

Records are to be preserved four years. The principal change is in the records required for *exempt* employees. No special form is required.

Again, the NAB suggests it would be well for station managers to require employees to certify the accuracy of records, by special pay-check endorsements or otherwise.

Here are the new regulations:

II. EMPLOYEE INFORMATION AND DATA TO BE CONTAINED IN EMPLOYERS' RECORDS

Section 516.2

Employees Subject to Minimum Wage and 40-Hour Week Overtime Provisions—Sections 6 and 7(a)

(a) *Items Required.* Every employer shall maintain and preserve¹ payroll or other records containing the following information and data on each and every employee to whom both Sections 6 and 7 (a) of the Fair Labor Standards Act apply.²

- (1) Name in full,³
(And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)
- (2) Home address,
- (3) Date of birth if under 19,
- (4) Occupation in which employed,
- (5) Time of day and name of the day on which the employee's workweek begins,⁴
- (6) (i) Regular hourly rate of pay,⁵ and (ii) Basis on which wages are paid,⁶
- (7) Hours worked each workday⁷ and total hours worked each workweek,
- (8) Total daily or weekly straight-time earnings or wages,⁸
- (9) Total weekly overtime excess compensation,⁹
- (10) Total additions to or deductions from wages paid each pay period,¹⁰
- (11) Total wages paid each pay period,
- (12) Date of payment and the pay period covered by payment.

¹ For the period records must be preserved, see sections 516.14 and 516.15, p. 28.

² For additional requirements on *certain types of employees covered by more than one minimum hourly wage set by one or more wage orders*, see section 516.8, p. 20.

For additional requirements on *Learners, Apprentices, Messengers, and Handicapped Workers under Special Certificates*, see section 516.9, p. 22.

For additional requirements on *Employees dependent upon tips or gratuities as a part of wages*, see section 516.10, p. 23.

For *requirements on Industrial Hawewarkers*, see section 516.11, p. 24.

³ This shall be the same name as that used for Social Security record purposes.

⁴ If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

⁵ This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under Section 7 (a). When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, or the *average hourly earnings*, as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

⁶ This may be shown as "50¢ hr."; "\$3.00 a day"; "\$3.20, 8 hr. day"; "\$15.00 wk."; "\$15.00, 40 hr. wk."; "\$150 mo."; "piece rates"; "piece rates and bonus."

⁷ A "workday" with respect to any employee shall be any consecutive 24 hours.

⁸ That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

⁹ That is: The excess compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under the Fair Labor Standards Act, see Interpretative Bulletin No. 4.

¹⁰ As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulation Part 531, "Regulations Determining the Reasonable Cost of Board, Lodging, and Other Facilities."

If the additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in Section 6 or in an applicable wage order, or (2) if the employee works in excess of 40 hours a week and (a) any additions to the wages paid are a part of that employee's wages, or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under Section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of Interpretative Bulletin No. 3 Rev. October 1940.)

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, ½ ton	\$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16-6/22—house rent (wk.)	3.50
6/16-6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see section 516.15 (c), p. 29.

Section 516.7

Bona Fide Executive, Administrative, Professional, Local Retail, Outside Sales Employees as Referred to in Section 13(a) (1)¹

(a) *Items Required.* Every employer shall maintain and preserve² payroll or other records containing the following information and data on each and every employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman as defined in Part 541, *Regulations defining and delimiting the terms "Any Employee Employed in a Bona Fide Executive, Administrative, professional, or Local Retailing Capacity or in the Capacity of Outside Salesman;"*

(1) Name in full,³

(And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)

(2) Home address.

(3) Date of birth if under 19.

(4) Occupation in which employed.

(5) Time of day and name of the day on which the employee's workweek begins,⁴

(6) Basis on which wages are paid,⁵

(7) Total wages paid each pay period.

(8) Date of payment and pay period covered by payment.

FREEDOM OF SPEECH

The NAB frequently is asked how far an employer can go in discussing with employees the advisability of joining a labor union. Best advice: Don't do it at all.

One Nathaniel Federbush told an employee, one Napoli, that the union was "just a bunch of racketeers * * * trying to collect dues and it won't get you anywhere in the end."

Learned Hand, Circuit Judge, held that this constituted violation of the Wagner Act. (*NLRB v. The Federbush Co., Inc.*)

Finally, the respondent argues that the Board's order invaded its privileges of "free speech" guaranteed by the First Amendment, by making it wrong under § 8 (1) to present to Napoli the Company's views about unions and unionism. *National Labor Relations Board v. Ford Motor Co.*, 114 Fed. (2) 905 (C. C. A. 6). No doubt an employer is as free as anyone else in general to broadcast any arguments he chooses against trades-unions; but it does not follow that he may do so to all audiences. The privilege of "free speech," like other privileges, is not absolute; it has its seasons; a democratic society has an acute interest in its protection and cannot indeed live without it; but it is an interest measured by its purpose. That purpose is to enable others to make an informed judgment as to what concerns them, and ends so far as the utterances do not contribute to the result. Language may serve to enlighten a hearer, though it also betrays the speaker's feelings and desires; but the light it sheds will be in some degree clouded, if the hearer is in his power. Arguments by an employer directed to his employees have such an ambivalent character; they are legitimate enough as such, and pro tanto the privilege of "free speech" protects them; but, so far as they also disclose his wishes, as they generally do, they have a force independent of persuasion. The Board is vested with power to measure these two factors against each other, a power whose exercise does not trench upon the First Amendment. Words are not pebbles in alien juxtaposition; they have only a communal existence; and not only does the meaning of each interpenetrate the other, but all in their aggregate take their purport from the setting in which they are used, of which the relation between the speaker and the hearer is perhaps the most important part. What to an outsider will be no

¹ This section relates to the record data and information required to be kept by employers on employees to whom Section 13 (a) (1) of the Act applies.

² For the period records must be preserved, see section 516.14, p. 28.

³ This shall be the same name as that used for Social Security record purposes.

⁴ If the employee is a part of a work force or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole work force or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

⁵ This may be shown as "\$200 mo."; "\$50 wk."; or "on fee."

more than the vigorous presentation of a conviction, to an employee may be the manifestation of a determination which it is not safe to thwart. The Board must decide how far the second aspect obliterates the first.

REMOTE BANDS OFF

Remote dance bands were off NBC Red and Mutual the first part of this week because of local difficulties with the A. F. of M. at WMBS, New Orleans, and WGRG, Louisville. In both cases, the musicians sought additional employment.

BMI

BMI Membership Now Includes 700 Commercial Stations

Commercial radio stations subscribing to Broadcast Music, Inc., reached 701 today with the addition of:

WKNY—Kingston, N. Y. WSRR—Stamford, Conn.
WBBB—Burlington, N. C. KROS—Clinton, Iowa

F — M

W-45-CM — Columbus, Ohio

In addition, there are 31 non-commercial stations.

Starting with 246 stations as of March 1, 1940, BMI now holds 86 per cent of all independently owned radio stations and represents 94 per cent of the dollar volume of the broadcasting industry. In addition to the four stations mentioned above, the following stations have recently joined:

WALB—Albany, Ga. WAIT—Chicago, Ill.
WCRS—Greenwood, S. C. WHLD—Niagara Falls, N. Y.
KRJF—Miles City, Mont. WCAR—Pontiac, Mich.
WTAX—Springfield, Ill. KOVO—Provo, Utah
KFMB—San Diego, Calif. WMBH—Joplin, Mo.
WCRW—Chicago, Ill.

Test Case in Performing Rights

Counsel for BMI and ASCAP met before Justice Aaron Steuer of the Supreme Court of the State of New York on Tuesday, September 16, in response to a motion by ASCAP that BMI be stricken out as a plaintiff in the suit brought by BMI and Edward B. Marks against ASCAP to clarify the ownership of the performing rights in musical compositions.

Counsel for BMI contended that the assignment to BMI by Marks of performing rights in the Marks compositions made BMI a proper plaintiff. John Schulman, counsel for the Songwriters Protective Association, appeared in court on behalf of the individual songwriter defendants involved in the suit. This suit viewed as a test case is one of the most important in the history of copyright music. Its final disposition by the court will largely determine the future of ASCAP. Such disposition will also determine whether BMI can license a substantial percentage of the Marks compositions which it has not licensed up to now. This percentage consists of compositions published by Marks and written by ASCAP members subsequent to their joining ASCAP.

Publishers and Composers Share BMI Payments

Broadcast Music, Inc., is sending out checks to composers and publishers in payment for performances on BMI stations during the three months ended June 30th, the second quarter of 1941. Both composers and publishers are receiving twice the amount originally agreed upon. The BMI affiliated publishers, who compensate their own composers, receive 4¢ a performance. The

composers of BMI published songs receive 2¢. Accounting is made in direct ratio to performance and the checks range from as low as \$1 to as high as \$4,000. More than 1,000 composers and nearly 300 publishers are receiving payments.

"My Sister and I" and "Do I Worry"—the first, a product of BMI as a publisher, and the second from Melody Lane, BMI affiliate, led the list in number of performances. One of the surprises of this quarter was the popularity of "Because of You" by Arthur Hammerstein and Dudley Wilkinson. Several songs, notably the "Hut Sut Song", were just gathering momentum in the second quarter and their performances continued at a high rate subsequent to June 30th.

Among the publishers with a high volume of performances were Embassy Music with "Everything Happens To Me", "Let's Get Away From It All" and "Oh, Look At Me Now"; Regent Music with a catalogue of recorded swing tunes which registered heavily on local stations; Melody Lane with "Do I Worry" and "Till Reveille"; New Era with "Whatcha Know, Joe"; Beacon Music with "Nighty Night" and others; Mutual Music Society which did well on individual station performances; Campbell with "Things I Love"; London Music with "Nice Dreamin', Baby" and "Time And Time Again"; Porgie, Debin & Friedman with "Just A Little Bit South Of North Carolina"; Warren Publications with "No. Ten, Lullaby Lane"; Republic Music Corporation with "Daddy", (which was just beginning its phenomenal run) and "Until Tomorrow"; Schumann with the "Hut Sut Song"; Nationwide with "A Romantic Guy, I"; Reis & Taylor with "Afraid To Say Hello" and "Slow Down"; and Stevens with "I Do, Do You".

Those leading the list of BMI composer payments are Joe Ricardel; Hy Zaret, Joan Whitney and Alex Kramer; Una Mae Carlisle and Bob Sour; Arthur Hammerstein and Dudley Wilkinson; Ben Raleigh and Bernie Wayne; George Fragos and Jack Baker; Irvin Graham; Jay Levison and Ray Evans; Norman Weiser and Louis Urban; Lanning and Reed; Manners and Leeds; Marco and Erickson and many others.

MOST POPULAR BMI SONGS FOR THREE MONTHS ENDING JUNE 30TH, 1941

		<i>Publisher</i>	<i>Composer</i>
MY SISTER AND I	49,603	BMI	Kramer, Whitney, Zaret
DO I WORRY	47,405	Melody Lane	Cowan, Worth
WALKIN' BY THE RIVER	46,843	BMI	Sour, Carlisle
WISE OLD OWL	44,782	BMI	Ricardel
THINGS I LOVE	39,704	Campbell	Harris, Barlow
BECAUSE OF YOU	35,869	BMI	Wilkinson, Hammerstein
IT ALL COMES BACK TO ME NOW	33,269	BMI	Kramer, Whitney, Zaret
OH, LOOK AT ME NOW	30,493	Embassy	Bushkin, DeVries
JUST A LITTLE BIT SOUTH OF NORTH CAROLINA	29,547	Porgie, Debin & Friedman	Skyler, Shaftel, Cannon
YOU WALK BY	29,501	BMI	Wayne, Raleigh
NO. TEN, LULLABY LANE	29,457	Warren	Carlton, Warren
HUT SUT SONG	29,259	Schumann	Killion, Mc-Michaels, Owens

100,000,000 Record Year

Sydney M. Kaye, executive vice president of Broadcast Music, Inc., issued the following statement in connection with the flourishing business done by record manufacturers:

"Maybe some broadcasters have been worrying because they had a fear that in giving their patrons BMI music they were giving them a substitute product. Broadcasters can discard that fear if any of them ever had it. Nobody has to buy phonograph records. They do not come free of charge. They take both effort and money to buy. The phonograph record business this year,

based almost entirely on BMI hits, is not only double the business in 1940, when it was based entirely on ASCAP hits, but is the highest business in the record of that industry. If the public likes the music enough to go out and buy it in greater quantity than ever before, it is not annoyed at having to listen to it."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, September 22. It is subject to change.

Wednesday, September 24

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—C. P., 710 kc., 5 KW, unlimited, DA-night.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WJR, The Goodwill Station, Detroit, Mich.—Granted construction permit for a new high frequency (FM) broadcast station to operate on 45300 kc. with a service area of 6,800 square miles; applicant to assume responsibility for adjustment of any reasonable complaints arising from signals (B2-PH-28).
- Hughes Tool Company, San Francisco, Calif.—Granted construction permit (B5-PH-106) for new high frequency (FM) broadcast station to operate on 44500 kc. with a service area of 10,800 square miles.
- Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit (B5-PH-45) for new high frequency (FM) broadcast station provided applicant file within 60 days for modification of construction permit to specify 43700 kc. with not less than 38,000 square miles, embracing San Diego and Bakersfield, Calif., within not less than 350 uv/m contour.
- Philco Radio & Television Corp., Philadelphia, Pa.—Granted construction permit (B2-PCT-4) for new commercial television broadcast station to operate on Channel No. 3, 66000-72000 kc., subject to certain engineering requirements.
- Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit (B5-PCT-10) for new commercial television broadcast station to operate on Channel No. 6, 96000-102000 kc., providing applicant file for modification of construction permit to meet certain engineering requirements, with completion date January 15, 1942.
- The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted construction permit (B4-PCT-8) for new commercial television broadcast station to operate on Channel No. 3, 66000-72000 kc., subject to certain engineering requirements, with completion date October 27, 1941.
- World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted construction permit (B1-PIB-33) for new international broadcast station to operate on 6040, 11730, 11790, 15130, 15350, 17750 kc., A3 emission, 50 to 100 KW, share time with WRUL and WRUW, subject to certain engineering conditions, and WRUL and WRUW licenses to be modified accordingly.
- The Moody Bible Institute of Chicago, Ill.—Granted construction permit (B4-PST-4) for new studio transmitter (ST) broadcast station to operate on 333400 kc. with a power not in excess of 25 watts.
- KTRN—Michael J. Mingo, Tacoma, Wash.—Granted modification (B5-MP-1356) of construction permit (B5-P-1979 granted May 6, 1941, for new station conditionally) to specify frequency 1430 kc., 1 KW night and day, using directional antenna day and night.

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license (B3-ML-1038) to increase power from 500 watts unlimited time to 500 watts night, 1 KW day, station operates on 1380 kc.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1942:

KCRC, Enid, Okla.; KELA, between Centralia and Chehalis, Wash.; KFRO, Longview, Texas; KLPM, Minot, N. Dak.; KSRO, Santa Rosa, Cal.; WROK, Rockford, Ill., and WSMB, New Orleans, La.

The following stations were granted renewal of licenses for the period ending October 1, 1942:

KALB, Alexandria, La. KBIZ, Ottumwa, Ia.; KGFJ, Los Angeles, Cal.; KHUB, near Watsonville, Cal.; KMYR, Denver, Colo.; KODL, The Dalles, Oregon; KPHO, Phoenix, Ariz.; KPPC, Pasadena, Cal.; KWAT, Watertown, S. Dak.; WFHR, Wisconsin Rapids, Wis.; WGTM, Wilson, N. C.; WJBC, Bloomington, Ill.; WLBC, Muncie, Ind.; WMPC, Lapeer, Mich.; WSKB, McComb, Miss.; WSOY, Decatur, Ill.; WAJR, Morgantown, W. Va.; WFAS and auxiliary, White Plains, N. Y.; WHBU, Anderson, Ind.; WJPR, Greenville, Miss.; WLAG, La Grange, Ga.; and WTAX, Springfield, Ill.; KBND, Bend, Ore.

DESIGNATED FOR HEARING

Mid-American Broadcasting Corp., Louisville, Ky.—Application for construction permit for new station amended so as to request 1080 kc., 5 KW day, 1 KW night, unlimited time, DA-day and night (B2-P-2760).

MISCELLANEOUS

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio; WPAY, Vee Bee Corp., Portsmouth, Ohio.—Granted petition for extension of time, a period of 30 days, for the filing of Proposed Findings of Fact and Conclusions in re application for transfer of control of Vee Bee Corp., and for application for renewal of license of WPAY.

WICA—WICA, Inc., Ashtabula, Ohio; WWSW, Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted motion for continuance of hearing now set for September 25 to October 28, on application of WICA for construction permit to operate on 970 kc., 1 KW night, 5 KW day, unlimited time, DA-night, and for WWSW for the same facilities.

WNEW—Wodaam Corp., New York City.—Granted petition for leave to intervene, denied as to enlargement of issues, in re applications of WTNJ, WCAM and WCAP for renewal of licenses; WTNJ for modification of license, and WDAS for construction permit.

KPAC—Port Arthur College, Port Arthur, Tex.—Motion to postpone hearing date on application for modification of license, withdrawn. Hearing continued indefinitely by Commission on September 9.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Granted petition for continuance of hearing now set for September 16 to October 16, on application for renewal of license of KGLU.

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Granted petition to intervene in the hearing on applications of KVOA, Tucson, KGGM, Albuquerque and KVSF, Sante Fe, for construction permits to change facilities.

KGO & Aux.—National Broadcasting Co., Inc., San Francisco, Cal.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted petition for postponement of hearing now set for September 19 to November 18, on applications for renewal of licenses.

Dorman Schaeffer, Klamath Falls, Ore.—Granted motion for continuance from September 15 to September 17 of hearing on application for construction permits for new station in Klamath Falls, by applicant Schaeffer and the Herald Publishing Co.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority (B5-S-73) to broadcast on sustaining basis local High School and Gonzaga Univ. football games from 7:15 PST to close of games on September 11, 19 and 26, only.

KYOS—Merced Broadcasting Co., Merced, Cal.—Granted special authority (B5-S-396) to operate from local sunset (September, 6:15 p. m., PST), until completion of boxing matches to be broadcast over MBS on September 12 only, provided such broadcast is on a sustaining basis only.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1118).

WKAR—Mich. State College, East Lansing, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1096).

WNEL—Juan Piza, San Juan, P. R.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-1187).

WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1205).

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1203).

WHBB—Selma Broadcasting Co., Inc., Selma, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1190).

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1156).

WFDF (aux.)—Flint Broadcasting Co., Flint, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1201).

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1193).

WJIM—WJIM, Inc., Lansing, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1125).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1199).

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted authority to install automatic frequency control equipment for auxiliary transmitter (B3-F-234).

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted authority to install automatic frequency control equipment (B3-F-235).

WCAL—St. Olaf College, Northfield, Minn.—Granted authority to install automatic frequency control equipment (B4-F-231).

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted construction permit for changes in equipment (B5-P-3250).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted construction permit to make changes in equipment (change tubes in last radio stage) (B3-P-3283).

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted construction permit (B3-P-3248) to make changes in equipment (changes in tubes only).

WJZ—National Broadcasting Co., Inc., New York City.—Granted construction permit for changes in equipment (B1-P-3253).

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Granted construction permit for changes in equipment (B2-P-3252).

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted construction permit for changes in equipment (B4-P-3256).

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Granted construction permit for changes in equipment (B5-P-3251).

KROD—Dorrance D. Roderick, El Paso, Tex.—Granted construction permit (B3-P-3275) to install new transmitter.

The following relay broadcast stations were granted renewal of licenses for the period Oct. 1, 1941, to Oct. 1, 1942:

WOEB, Agricultural Broadcasting Co.; KFDB, Amarillo Broadcasting Corp.; KAIH, KAXA, Earle C. Anthony, Inc.; WATA, Ashland Broadcasting Co.; KEHV, The Associated Broadcasters, Inc.; KSFQ, The Associated Broadcasters, Inc.; WBAM, WBAN, Bamberger Broadcasting Service, Inc.; WBAO, WBAQ, Bamberger Broadcasting Service, Inc.; KNED, Carter Publications, Inc.; WABE, WFYA, Central New York Broadcasting Corp.; KABJ, KAOV, KAQX, KAQW, Central States Broadcasting Co.; WAHJ, WBGH, The Champaign News-Gazette, Inc.; WNYK, WNYL,

WNYN, WNYO. City of New York, Municipal Broadcasting System; KAAC, KAAZ, KBKC, WAAU, WAEW, WCBE, WCBF, WCBG, WCBN, WFYB, WIEK, Columbia Broadcasting System, Inc.; WAIC, WAUV, Courier-Journal & Louisville Times Co.; WLWA, WLWB, WLWJ, The Crosley Corp.; KABB, KABD, KAOG, KAPT, KAPU, Don Lee Broadcasting System; WAUT, Evansville On the Air, Inc.; KIEL, Fisher's Blend Station, Inc.; WJEK, Hagerstown Broadcasting Co.; KIIS, Harris County Broadcast Co.; WAXE, Havens & Martin, Inc.; KAGM, Hirsch Battery & Radio Co.; WATB, Indianapolis Broadcasting Inc.; KILB, International Broadcasting Corp.; KDAC, KARM, The George Harm Station; WAHB, WJER, The Journal Co.; KBIB, The KANS Broadcasting Co.; KIIH, KFAB Broadcasting Co.; KANY, KGKO Broadcasting Co.; KAAO, KAAR, KLZ Broadcasting Co.; KBQB, Edwin A. Kraft; KAOV, KRIC, Inc.; KABE, KAIE, KSTP, Inc.; WCLA, Larus Bros. & Co., Inc.; KABF, KSCR, McClatchy Broadcasting Co.; KABG, Ben S. McGlashan; WAUC, Matheson Radio Co., Inc.; WABG, Memphis Publishing Co.; WIEF, Miami Broadcasting Co.; WMVB, Miami Valley Broadcasting Corp.; WAFY, WAFZ, Minnesota Broadcasting Corp.; KIEF, Missouri Broadcasting Corp.; KDRA, KHCM, KSFM, WIEO, WIEW, WIEX, WMEF, WMFL, WMFS, WNBE, WNBK, WNBW, WNBZ, WNBV, National Broadcasting Co.; WRDI, Northwestern Publishing Co.; KBLE, KIFO, Nichols & Warinner, Inc.; WAID, WAUQ, WGBE, WGBH, Onondaga Radio Broadcasting Corp.; WAHL, Paducah Broadcasting Co., Inc.; WAEA, W. A. Patterson; WAIN, WEKH, Peoria Broadcasting Co.; KBIC, KBID, KNEF, Radio Service Corp. of Utah; WAAR, Rockford Broadcasters, Inc.; WAXH, Savannah Broadcasting Co.; WAIE, Joe L. Smith, Jr.; WAEB, Southeastern Broadcasting Co., Inc.; WDAJ, Tampa Times Co.; KGBK, Helen Townsley; WAUI, Univ. of Ill.; WAIQ, WATC, WAVE, Inc.; WBNT, WGBD, WJLF, WBNS, Inc.; WMFZ, WCBS, Inc.; KBRG, WDAY, Inc.; WAAC, WAAE, WAIM, WELR, WDWZ Broadcasting Co.; WAXL, Jonas Weiland; WDMO, Westinghouse Radio Stations, Inc.; WAAH, W. Va. Broadcasting Corp.; WIPL, WIPM, WNEI, WFBM, Inc.; WAAI, WAAQ, The WGAR Broadcasting Co.; KWHB, WHB Broadcasting Co.; WHPA, WHP, Inc.; WBAE, WBAF, L. B. Wilson, Inc.; WAIJ, WAIY, WIBX, Inc.; WJRA, WENH, WJR, The Goodwill Station; KAZA, KAXB, WKY Radiophone Co.; KAID, KAIZ, Woodmen of the World Life Ins. Society; WAHE, WAHF, WTAR Radio Corp.

W8XWI—Guy S. Cornish, Portable-Mobile.—Granted renewal of Class II Experimental (Public Address Relay) station license for the period Oct. 1, 1941, to Oct. 1, 1942.

WHCU—Cornell University, Ithaca, N. Y.—Granted special temporary authority (B1-S-223) to operate from sign-off time (7 p. m. EST, Sept.) to conclusion of President's speech on Sept. 11, only.

KNET—Donner Frizzell, Palestine, Tex.—Granted special temporary authority (B5-S-878) to operate from regular sign-off time (Sept., 6:30 p. m., Oct., 6:45 p. m., CST) until approximately 10:30 p. m., CST, in order to broadcast High School Football games on Sept. 19, 26, and Oct. 3, 10 and 17, only, provided such broadcasts are on sustaining basis only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority (B2-S-269) to remain on the air from regular sign-off time (9 p. m., EST, Sept.) to the conclusion of President's speech on Sept. 11 only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority (B2-S-289) to remain on the air from regular sign-off time (9 p. m., EST, during Sept.) to conclusion of George Abrams, Tony Zale, middle-weight championship boxing bout on Sept. 12, only, provided such broadcast is on sustaining basis only.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted license (B1-L-1476) to cover construction permit (B1-P-2233) for changes in equipment, new antenna and move of transmitter.

KOIL—Central States Broadcasting Co., Omaha, Neb.—Granted modification of construction permit (B4-MP-1388), requesting extension of completion date to October 28, 1941, under construction permit (B4-P-2609 as modified) for installation of DA for night use and increase in power.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license (B1-L-1478) to cover construction permit (B1-P-3131) which authorized increase in power and changes in directional antenna. Also granted license (B1-L-1479) to use directional antenna as authorized under

construction permit, with auxiliary transmitter; and granted authority to determine operating power by direct measurement of antenna power (B1-Z-1197), for auxiliary transmitter.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-1196).

KSNO—Ernest L. Finlay, Santa Rosa, Calif.—Granted license (B5-L-1473) to cover construction permit (B5-P-2916) for change in frequency, increase in power, installation of DA for day and night use, and installation of new transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1191).

KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Granted license (B5-L-1490) to cover construction permit (B5-P-2458) for new station to operate on 1450 kc., 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement (B5-Z-1214).

KFH—Radio Station KFH Co., Wichita, Kans.—Granted license (B4-L-1475) to cover construction permit (B4-P-2462) which authorized installation of new transmitter, directional antenna for night use, increase in power to 5 KW, and move of transmitter. Also granted authority to determine operating power by direct measurement (B4-Z-1194).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted license (B1-L-1486) to cover construction permit (B1-P-2723) which authorized changes in equipment, increase in power and changes in directional antenna for day and night use. Also granted authority to determine operating power by direct measurement (B1-Z-1211).

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted license (B2-L-1471) to cover construction permit (B2-P-3001) for new transmitter, changes in antenna and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-1188).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license (B2-L-1470) to use old RCA 1-B transmitter as auxiliary transmitter with power of 1 KW, for emergency use only.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted license (B4-L-1481) to cover construction permit (B4-P-2576) for increase in power to 5 KW day and night, installation of DA for night use. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1206).

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Granted license (B4-L-1466) to cover construction permit (B4-P-3155) which authorized increase in power to 250 watts, unlimited time, and changes in transmitting equipment.

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Granted modification of license (B4-ML-1086) to move studio from U. S. Highway No. 10, 1 mile from center of Jamestown to Midland Bldg., Third Ave. SE and 1st St., E. Jamestown, N. Dak.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted license (B3-L-1487) to cover construction permit (B3-P-3123) which authorized change in tubes in last radio stage.

Wichita Broadcasting Co., Portable-Mobile, area of Wichita Falls, Tex.—Granted construction permit (B3-PRE-407) for new relay broadcast station to be used with standard b/c station KWFT; 30820, 33740, 35820, 37980 kc., 2 watts.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted license (B1-L-1480) to cover construction permit (B1-ML-868) for increase in power and changes in DA. Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1202).

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of construction permit (B3-MP-1387) authorizing extension of completion date from 9/21/41 to 1/21/42.

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted modification of construction permit (B3-MP-1383) for extension of completion date under (B3-P-2571) from 9/14/41 to 3/14/42.

WDSU—WDSU, Inc., New Orleans, La.—Granted modification of construction permit (B3-MP-1379) for extension of completion date under (B3-P-2923) which authorized move of transmitter, increase in power and installation of DA for day and night use, from 9/1/41 to 12/1/41.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Granted license (B4-L-1472) to cover construction permit (B4-P-2908) which authorized a new station, giving studio site as 215 Board of Trade Bldg., Indianapolis. Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-1189).

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Granted license (B4-L-1468) to cover construction permit (B4-P-1799) which authorized a new station to operate on 1490 kc., 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1185).

KBND—Brown County Broadcasting Co., Brownwood, Texas.—Granted license (B3-L-1485) to cover construction permit (B3-P-2672) for new station to operate on 1380 kc., 500 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1210).

KEIY—Oregonian Publishing Co., Portland-Mobile, Area of Portland, Ore.—Granted license (B5-LRE-358) to cover construction permit (B5-PRE-398) which authorized change in equipment and decrease in power of relay station to 3.5 watts.

KEIZ—Oregonian Publishing Co., Portland-Mobile, Area of Portland, Ore.—Granted license (B5-LRE-359) to cover construction permit (B5-PRE-399) which authorized change in equipment and decrease in power of relay station to 3.5 watts.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate on 930 kc. with power of 1000 watts day and 100 watts night, unlimited time, using the transmitting equipment authorized in application File No. B2-MP-1290, for a period not to exceed thirty days.

KGY—KGY, Inc., Olympia, Wash.—Granted license (B5-L-1477) to cover construction permit (B5-P-3071) for new antenna and change in operating hours to unlimited and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1193).

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted license (B-L-1469) to cover construction permit (B-P-2385) for new transmitter, changes in antenna system, increase in power to 5 KW, and change in frequency. Also granted authority to determine operating power by direct measurement (B-Z-1186).

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate on a sustaining basis from regular sign-off time (September, 6:15 p. m., EST) until 11 p. m., EST, on September 16, 1941, only, in order to broadcast election returns and incidental transcribed and live talent music.

WTNJ—WOAX, Inc., Trenton, N. J.—Denied request for special temporary authority to operate simultaneously with WCAP during the hours from two to four o'clock p. m., EST, on October 4, 11, 18 and 25, and November 1 and 8, 1941, only, in order to broadcast play by play descriptions of the football games of Princeton University.

WWPG—Lake Worth Broadcasting Corp., Lake Worth, Fla.—Granted modification of construction permit (B3-P-3161) which authorized a new broadcast station, for approval of antenna and approval of transmitter and studio location (B3-MP-1369).

KQBO—Cascade Broadcasting Co., Everett, Wash. (KEVE).—Granted special temporary authority to operate relay station KQCB on 1646 kc., 40 watts power, in order to relay description of Fish Derby on September 13 (test) and 14, 1941, only, to Radio Station KEVE.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted modification of construction permit for new transmitter, installation of directional antenna for day and night use, increase in power, and move, for changes in frequency from 1480 to 1520 kc. and changes in directional antenna accordingly; make changes in equipment (tubes in last radio stage only) (B1-MP-1351).

Head of Lakes Broadcasting Co., Superior, Wisc.—Denied petition to remove from pending files, consider and grant application for construction permit (B4-PH-74) for a new high frequency (FM) broadcast station.

WHEC, Inc., Rochester, N. Y.—Placed in pending files pursuant to Order No. 79, application for construction permit (B1-PH-96) for a new high frequency (FM) broadcast station.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Extended date for filing proposed findings of fact and conclusions to September 25, 1941, and for filing briefs to October 10, in re revocation of license (Docket 6001).

WTMC—Ocala Broadcasting Co., Ocala, Fla.—Extended date for filing proposed findings of fact and conclusions to September 25, 1941, and for filing briefs to October 10, in re revocation of license (Docket 6000).

W1XSO—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of special temporary authorization to operate a high frequency experimental broadcast station on 45300 kc., 1000 watts, for the period September 15 to October 31, 1941, with transmitter located at Avon, Conn.

W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate FM station commercially on 45.1 mc., with 5000 watts power, for the period September 15 to November 13, 1941, with transmitter located at 135 So. LaSalle St., Chicago.

APPLICATIONS FILED AT FCC

610 Kilocycles

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new station, requesting changes in directional antenna system.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—License to cover construction permit (B1-P-2897) as modified for a new station.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Authority to determine operating power by direct method.

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Modification of construction permit (B1-P-2897) as modified for a new station, requesting extension of completion date from 9-15-41 to 10-15-41.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Modification of construction permit (B1-P-2868) for increase in power, installation of new equipment and directional antenna for day and night use, requesting extension of completion date from 11-11-41 to 1-11-42.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of license to make changes in directional antenna system for night use.

790 Kilocycles

WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Construction permit to change frequency from 1400 kc. to 790 kc., increase power from 250 watts to 1 KW, install new equipment, and directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—License to cover construction permit (B5-P-2701) as modified for increase in night power and install directional antenna for night use.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Authority to determine operating power by direct method.

880 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit to make changes in directional antenna system for day and night use, changes in transmitting equipment, change frequency from 1320 kc. to 880 kc., and increase power from 5 to 10 KW.

1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified, for changes in equipment and increase in power, requesting extension of completion date from 10-3-41 to 12-2-41.

1050 Kilocycles

NEW—Washtenaw Broadcasting Co., Inc., Ann Arbor, Mich.—Construction permit for a new broadcast station to be operated on 1050 kc., 1 KW, and unlimited hours.

1070 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Construction permit to move old RCA 1 KW transmitter to site of new main transmitter and use for auxiliary purposes.

1090 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Construction permit to move old WE Type 104-A, 10 KW transmitter and use as auxiliary transmitter, employing directional antenna night with power 10 KW.

1200 Kilocycles

WOAI—Southland Industries, Inc., San Antonio, Texas.—Construction permit to move transmitter, increase power from 50 KW to 500 KW, install new transmitter and antenna changes. Amended: To omit request to move, requesting 750 KW, and changes in transmitting equipment.

1230 Kilocycles

NEW—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., Alice, Texas.—Construction permit for a new broadcast station to be operated on 1230 ke., 250 watts and unlimited hours.

1240 Kilocycles

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Construction permit to install new transmitter, directional antenna for night use, change frequency from 1240 to 620 ke., power from 250 watts to 1 KW night, 5 KW day and move transmitter. Amended: To make changes in directional antenna and to use day and night.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to determine operating power by direct method.

KOVO—Clifton A. Tolboe, tr. as Citizens Voice of Air Show, Provo, Utah.—Voluntary assignment of license to KOVO Broadcasting Company. Amended: re corporate structure.

1260 Kilocycles

WFBM, Inc., Indianapolis, Ind.—License to cover construction permit (B4-ML-354) as modified, for increase in power, using directional antenna night.

1310 Kilocycles

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—License to cover construction permit (B5-P-2920) as modified for increase in power, installation of directional antenna for night use.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Authority to determine operating power by direct method.

1340 Kilocycles

KRJF—Star Printing Co., Miles City, Mont.—License to cover construction permit (B5-P-2533) as modified for a new station.

KRJF—Star Printing Co., Miles City, Mont.—Authority to determine operating power by direct method.

NEW—Chambersburg Broadcasting Co., Chambersburg, Pa.—Construction permit for a new broadcast station to be operated on 1340 ke., 250 watts power and unlimited hours.

1350 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2726) as modified for move of transmitter, install directional antenna for night use, install new transmitter and increase in power, requesting extension of completion date from 10-3-41 to 12-9-41.

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. C.—Construction permit for a new broadcast station to be operated on 1350 ke., 250 watts and daytime hours. Amended: To specify studio and transmitter sites.

1360 Kilocycles

NEW—McKeesport Radio Co., McKeesport, Pa.—Construction permit for a new broadcast station to be operated on

1360 ke., 250 watts power and daytime hours. Amended: Antenna, studio and transmitter sites to be determined.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified, for increase in power, installation of directional antenna for night use, move of transmitter, requesting 1360 ke. under NARBA, changes in directional antenna for day and night use and extension of completion date from 7-15-41 to 180 days after grant. Amended: To request 250 watt booster station.

1390 Kilocycles

KGER—Consolidated Broadcasting Corp., Long Beach, Calif.—Construction permit to make changes in equipment, increase power from 1 to 5 KW, install directional antenna for night use. Amended: To move transmitter from Long Beach to Compton, Calif., and make changes in proposed directional antenna.

1400 Kilocycles

WRRN—Frank T. Nied and Perry H. Stevens, d/b as Nied and Stevens, Warren, Ohio.—Modification of construction permit (B2-P-3181) for a new station, requesting new transmitter and changes in antenna system, extension of commencement and completion dates from 10-5-41 and 4-5-42 to 30 days after grant and 180 days thereafter, respectively.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to transfer control of corporation from R. R. West to Marjorie Lannen McCracken, 9996 shares common stock.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct method for special service authorization on 1090 ke., 250 watts and unlimited hours.

1440 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to move studio from Main and Riverside Ave., Medford, to Ross Lane, Medford, Ore.

1450 Kilocycles

KWBW—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Construction permit to increase power from 100 to 250 watts and changes in transmitting equipment.

KVAK—Carl Latenser, Atchison, Kans.—Voluntary assignment of license to Radio Enterprises, Inc.

KVAK—Radio Enterprises, Inc., Atchison, Kans.—Construction permit to make changes in equipment and increase power from 100 to 250 watts. (Subject to grant of B4-AL-320.)

WNAB—Harold Thomas, Bridgeport, Conn.—License to cover construction permit (B1-P-2410) as modified for a new station.

WNAB—Harold Thomas, Bridgeport, Conn.—Authority to determine operating power by direct method.

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of construction permit (B4-P-2288) for increase in power, change in frequency, move transmitter and install new transmitter and directional antenna for night use, requesting increase in power from 1 to 5 KW, changes in directional antenna for day and night use, change type of transmitter and move transmitter.

1460 Kilocycles

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—License to cover construction permit (B5-P-2008) for a new station.

KEVE—Cascade Broadcasting Co., Inc., Everett, Wash.—Authority to determine operating power by direct method.

1490 Kilocycles

NEW—William L. Klein, Oak Park, Ill.—Construction permit for a new broadcast station to be operated on 1490 ke., 250 watts and unlimited hours.

1600 Kilocycles

NEW—Peter Q. Nyce, Washington, D. C.—Construction permit for a new broadcast station to be operated on 1600 ke., 1 KW power, unlimited hours at Alexandria, Va., and 250 watt booster amplifier. Amended: To request new equip-

ment, 5 KW power, install directional antenna for day and night use, specify transmitter and studio sites at Washington, D. C., and omit request for booster station.

FM APPLICATIONS

W63NY—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) as modified for a new high frequency broadcast station, requesting changes in antenna system and extension of commencement and completion dates from 4-13-41 and 10-13-41 to 3 days after grant and 180 days thereafter respectively.

W65H—WDRG, Incorporated, Hartford, Conn.—Modification of construction permit (B1-PH-35) for a new high frequency broadcast station, requesting approval of transmitter, antenna system and transmitter site.

NEW—Oak Park Realty and Amusement Co., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on 47900 kc. Coverage: 10,800 square miles. Population: 5,030,510. Amended: To change type of antenna system.

W45V—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-PH-11) as modified for a new high frequency broadcast station.

W31NY—Edwin Armstrong, Alpine, N. J.—Modification of construction permit (B1-PH-82) for a new high frequency broadcast station, requesting extension of completion date from 11-4-41 to six months after present completion date.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new ST broadcast station (to be used with high frequency broadcast station K53LA) to be operated on 333400 kc., 25 watts and special emission for frequency modulation.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on 45500 kc.; coverage: 11,301 square miles; population: 1,797,700. Amended: to change coverage to 13,391 square miles and population to 1,897,700 and make changes in antenna system.

W45CM—WBNS, Incorporated, Columbus, Ohio.—Modification of construction permit (B2-PH-8) as modified for a new high frequency broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 4-13-41 and 10-13-41 to 60 days after grant and 180 days thereafter, respectively.

MISCELLANEOUS APPLICATIONS

KTSR—Tri-State Broadcasting, Inc., Portable-Mobile.—License to cover construction permit (B3-PRY-248) for a new relay broadcast station.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new special relay broadcast station to be operated on 156750 kc., 50 watts, special emission for frequency modulation. (To be used to transmit programs from studio to transmitter of W41MM in event of failure or unsatisfactory operation of applicant's ST broadcast station.)

WMWA—WOKO, Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-404) for a new relay broadcast station.

WODJ—Adirondack Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit (B1-PRE-405) for a new relay broadcast station.

WNBT—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power of aural transmitter from 2200 watts to 2800 watts. Amended: to change operating constants of aural transmitter from 3.7 to 5 KW and to omit request for increase in power of aural transmitter.

WAUR—University of Illinois, S. of Champaign, Ill.—License to cover construction permit (B4-PRY-249) for a new relay broadcast station.

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting frequencies 9670 and 17780 kc. and addition of transmitting equipment now licensed to WRCA.

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Modification of license requesting additional frequency 9700 kc. in addition to licensed frequencies 11730, 11790, 15130, 15350, 17750 and 25600 kc.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license requesting additional frequencies 6100, 11890, 15150 and 21630 kc. and addition of transmitting equipment now licensed to WNBI.

W8XAL—The Crosley Corp., Cincinnati, Ohio.—Extension of special temporary experimental authorization to operate a 1 KW transmitter on the frequency of 6080 kc. with 1 KW power and A0 and A1 emission for identification purposes only.

NEW—Ralph A. Horton, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31620, 35260, 37340, 39260 kc., power 25 watts and A3 emission.

NEW—Gordon Gray, Winston-Salem, N. C.—Construction permit for a new ST broadcast station (to be used with W41MM) on 337000 kc., power 25 watts, special emission for frequency modulation.

NEW—Ralph A. Horton, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190 and 2830 kc., power 100 watts and A3 emission.

WHMK—Hagerstown Broadcasting Co., Hagerstown, Md.—License to cover construction permit (B1-PRY-242) for a new relay broadcast station.

WRGG—Rome Broadcasting Corp., Portable-Mobile.—License to cover construction permit (B3-PRE-390) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Cooperative Purchasing Association, Inc., and Melvin Sherman, 419 Fourth Ave., New York City, engaged in the business of purchasing for resale, offering for sale, and selling and distributing merchandise, are charged in a complaint with misrepresentation. (4584)

D. J. Easterlin & Company—D. J. Easterlin, trading as D. J. Easterline & Company, Charleston, S. C., is charged, in a complaint with violation of the brokerage section of the Robinson-Patman Act. (4587)

Linens Supply Board of Trade of New Jersey, Newark, N. J., its officers, directors, and member companies, all operating in the area embracing Newark, N. J., and New York City and engaged in supplying, leasing and renting linen supplies such as coats, trousers, aprons, frocks, towels, table cloths and other articles in commerce, are charged in a complaint with combinations and conspiracies to fix uniform minimum prices and discounts, and other practices in restraint of trade. (4588)

National School of Electronics—Thomas J. Casey, formerly doing business under the name of National Institute of Technology, and since June, 1939, doing business under the name of National School of Electronics at 529 South Seventh St., Minneapolis, Minn., is charged, in a complaint with misrepresentation. (4586)

Pergande Institute—G. F. Pergande, trading as Pergande Institute, 314 Randolph Place, N. E., Washington, D. C., engaged in the sale and distribution of courses of study and instruction intended for preparing students for examinations for certain Civil Service positions through a correspondence course, is charged, in a complaint with misrepresentation. (4583)

G. B. Shelton Brokerage Company—Gus B. Shelton, trading as G. B. Shelton Brokerage Company, 220 Lynn St., Danville, Va., and The American Agricultural Chemical Company, 50 Church St., New York City, are charged, in a complaint with violation of the brokerage provision of the Robinson-Patman Act. (4585)

STIPULATIONS

No stipulations were made public by the Commission during the past week.

CEASE AND DESIST ORDERS

During the past week the Commission has issued the following cease and desist orders:

Jergens-Woodbury Sales Corporation, Cincinnati, engaged in the sale and distribution of cosmetics and a facial soap manufactured by John H. Woodbury, Inc., and the Andrew Jergens Co., has been ordered to cease and desist from misrepresentations in the sale of its products. (3438)

Pond's Extract Company, 60 Hudson St., New York, cosmetics manufacturer, has been ordered to cease and desist from misrepresentations in the sale of creams and lotions. (3427)

DISTRICT MEETINGS PLANNED

Industry Problems to be Aired

Arrangements for the series of district meetings, to be held in all seventeen NAB districts commencing early in October, are shaping up rapidly as we go to press. President Miller has sent to all District Directors, for their final comment and recommendations, a detailed outline of suggested plans for the meetings and the subjects to be covered.

"The purpose of the meetings should be two-fold," President Miller states:

- 1) To discuss with the stations the many problems facing the industry, to hold meetings of groups, such as Sales Managers, to discuss their particular problems, and for informal discussions of various subjects;
- 2) To do a more thorough public relations job by contacting the various groups in the community, such as, the women's clubs, the educators, the newspaper editors, the local legislators, etc., explaining to them the great public service which radio is rendering and securing a better understanding of some of our problems.

Among the industry problems slated for discussion are national defense, ASCAP, labor, the Code, the monopoly report, and legislative matters affecting radio.

Committees on the Code, national defense, labor, engineering, and membership, as well as the Sales Managers Committee, will meet and take an active part in each convention program.

Plans are being perfected to ensure the fullest publicity for speeches and convention news generally, and to develop public relations contacts with editors, radio editors, advertisers and important community groups.

Talks and discussion panels on such subjects as *Radio's Place in National Defense, Radio and Education* and like topics will be broadcast over local broadcasting stations.

Charts will be prepared in advance for use at the meetings, covering such subjects as:

- 1) Radio's growth as an industry, its significant milestones and achievements;
- 2) Value of radio as an advertising medium, its growth, application to various types of business, success for sponsors, etc.;
- 3) Functions and services of the various NAB Departments, samples of the products of the various departments, such as, Broadcast Advertising Record, Accounting Manual, Trade Studies, etc.;
- 4) Summary of our legislative problems.

In a letter to District Directors, C. E. Arney, Jr., Assistant to the President, has expressed the wish of the Sales Managers Executive Committee that as many sales managers in each District as possible be present in order that the plans and programs of the Department of Broadcast Advertising may be furthered and made of even greater use and value to the entire membership. Every member of the district sales managers committees should be present at his district meeting, in order to get the greatest benefit to himself and his station.

Addressing the District Directors, President Miller expressed the view that this year's meetings would be especially important in the light of radio's many current problems, to (Continued on page 758)



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*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

INDUSTRY PROBLEMS TO BE AIRED

(Continued from page 757)

the solution of which much assistance will undoubtedly be gained by an exchange of views among broadcasters themselves as well as by contact with influential leaders in local communities throughout the country.

The time and place of each district meeting has been worked out in a tentative schedule now before the district directors, and the dates and location of the first meetings to be scheduled will be announced in forthcoming REPORTS.

NIB CONVENTION

At its two-day convention in Chicago this week, NIB adopted a number of resolutions aimed at reorganization of that body under a plan of State representation. Present officers will serve until State delegates are selected, it was announced, when such delegates will in turn select new officers and directors.

A large part of the session was devoted to the music situation, representatives of ASCAP, BMI, SESAC and AMP presenting the position of their respective organizations. Chairman Fly of the FCC, General Cummins of the U. S. Army, Sixth Corps Area, Chicago, and Mr. Victor O. Waters, special assistant attorney-general, were among the speakers who addressed the delegates from some hundred twenty-five odd stations.

Referring to the current Senatorial hearings on alleged charges of pro-war propaganda activity on the part of motion picture and radio interests, Chairman Fly echoed the views expressed by President Neville Miller of NAB in his recent letter to Senator D. Worth Clark of Idaho, Chairman of the investigating sub-committee.

Neither the FCC nor the Defense Communications Board nor, so far as he knew, "any other agency of the government," has any plans for taking broadcasting out of private hands, even in time of war, Mr. Fly said. Quoting directly from the letter which Mr. Miller had written to Senator Clark on behalf of the industry, in which he asserted that radio broadcasting is conducted "by more than 800 broadcasting stations . . . operated by men and women of all creeds and political beliefs—Republicans and Democrats, farmers, lawyers, newspaper people—plain business people of all kinds," the FCC Chairman said:

"The real justification of private ownership of radio is that control can thereby be left, as Mr. Miller says, in the hands of hundreds of men and women of all creeds and political beliefs, hundreds of everyday Americans."

In his opening address, President Harold A. Lafount called for a united industry and pledged the support of his organization to the Federal Communications Commission in meeting the problems of the present national emergency.

TAX FIGHT

Messages continue to pour in from broadcasters in all parts of the country congratulating the NAB for its successful effort toward eliminating a super tax on radio broadcasting from the current federal revenue bill, Neville Miller, president of the industry's trade association, announced today.

"The industry is in your debt for the fine work you did in the elimination of the unjust and discriminatory tax on broadcasting," P. W. Morency, general manager of WTIC wired. "Our congratulations on a difficult job well done."

"You and your associates at NAB are to be heartily congratulated on this yeoman service you performed for the industry," telegraphed Martin Campbell, manager of Station WFAA, Dallas, Texas.

E. E. Hill, of Station WTAG, Worcester, Mass., added his congratulations "on the successful fight waged by NAB on behalf of all the broadcasters."

Hugh A. L. Half, also expressed, on behalf of Station WOAI, his appreciation of the efforts of President Miller and the NAB staff.

"We are gratified to receive these welcome messages of appreciation from the industry," Mr. Miller said. "The result we have achieved thus far is an excellent demonstration of what can be accomplished with a united industry front. It could not have been achieved without the wholehearted cooperation we received not only from members of the industry but from representatives of advertising, labor unions and other groups. I wish to take this opportunity to express, on behalf of the NAB staff and for myself, our sincere thanks for the splendid cooperation which the trade association received from all concerned."

Mr. Miller warned broadcasters not to consider this sort of proposal permanently disposed of. "While we have been successful in eliminating this particular tax from the current revenue bill, our fight against a discriminatory tax of this kind is not yet won," he said. "It will be proposed again, unless its sponsors—certain printing trades unions—are convinced that it would hurt them as well as radio broadcasters. The NAB has not relaxed its vigilance, and will continue its efforts in this and other directions on behalf of the industry."

PRIORITIES

OPM's Bureau of Research and Statistics is examining the data filed by NAB with Donald M. Nelson, director of priorities. Certain additional information concerning the needs of the industry, desired by Research, is being gathered together. It is too early yet, however, for any action to be taken on the matter.

We hear that emergency orders are being given higher ratings whenever the emergency demands in accordance with the plan of procedure published in NAB REPORTS of September 12 and 19. A case in point was that of a station off the air. It required an A-1-A rating to get the necessary equipment to restore operation; and this was immediately forthcoming. Another station received an A-5 project rating on its CP for betterments.

You are urged to continue to safeguard continuous operation by making sure that your minimum emergency inventory is maintained. Should your supplier report that the A-10 rating is insufficient to secure this material within your allowable time limit, we suggest that you seek the cooperation, by telephone, of Mr. Jim Peters, Miscellaneous Supplies Section, Office of Production Management, 462 Indiana Avenue, N. W. Telephone number: REpublic 7500; Ext. 2331.

National Defense

RADIO TECHNICIAN COURSES

Dates of the first four courses for radio technicians in North Carolina have been set by Blake R. Van Leer, dean of engineering, North Carolina State College. Cities, number of applicants and dates appear in the table below:

Charlotte, N. C.	200	Oct. 1, 1941
Raleigh, N. C.	50	Oct. 6, 1941
Greensboro, N. C.	50	Oct. 8, 1941
Winston-Salem, N. C.	75	Oct. 15, 1941

A course will also be started in Durham, though it is undecided whether it will be given by Duke University or North Carolina

State. Additional courses are contemplated for Wilmington and probably Rocky Mount.

Navy Wants Licensed Operators

Listeners to the Woodbury program on NBC-Blue, Sunday night, September 21, heard Walter Winchell give a Navy plug which sought licensed commercial radio operators. The Army and the Navy have already taken operators from stations and doubtless many more will go to the armed services. This is one reason NAB is promoting intensive radio courses in colleges and universities.

Industry to Help Marines

Beginning early in October the United States Marine Corps will distribute recruiting announcements through NAB. The cooperation of the broadcasting industry was sought by Brigadier General Robert L. Denig and Major George T. Van der Hoef.

Return Forms Early

Forms for reporting September national defense data will be mailed all stations this week. The information, by virtue of being assembled in one spot for ready reference, is being of such substantial help that it is hoped additional stations will return the form promptly. The count of reporting stations to end of this month is approximately 371. Doubling this number will be appreciated.

Broadcast Search for Instructors

When Gene Tunney came to Cincinnati in search of physical education instructors for the U. S. Navy, last week, he appeared on a half hour broadcast over WCKY, from the Florentine room of Hotel Gibson. It was attended by a crowd of approximately one thousand.

Sales

TO ADDRESS AFA

Neville Miller will speak on "Freedom of the Press and Radio" and Frank E. Pellegrin will discuss "Retailing by Radio" October 17, at the district convention of the Advertising Federation of America to be held in Tulsa, Okla.

Wholesale Grocers' Atlas

To increase revenue by selling more time to food manufacturers, KMA, Shenandoah, Ia., has prepared an "Atlas of Wholesale Grocers" to give advertisers a definite index of the distribution centers whose business is stimulated by KMA advertising. The 8-page brochure also contains a station coverage map, testimonials, market data, etc. Copies may be obtained by writing J. C. Rapp, station manager.

For "Sold Out" Prospects

The problem of selling advertising to a manufacturer who says "Why should I advertise when I'm sold out?" is occurring more frequently in radio circles. Good answers are contained in a reprint of "Blood, Tears and Advertising," a talk delivered by Ellen Hess, editor of *Tide*, before the Advertising Club of Boston. Copies are available by writing *Tide* magazine.

Retail Advertising Budgets

A table showing advertising expense ratios in 50 retail trades is given in *Dun's Review* for January, 1941, and has proved helpful

to radio sales managers by providing a groundwork for the planning of better advertising help to retailers. The ratios given are advertising expenses as percentages of net sales, and show the upper and lower limits and median averages for all trades.

The study shows that the large retailer commonly spends a bigger portion of the sales dollar on advertising than the small retailer, and that the store in a medium size town is likely to be a more liberal spender percentagewise than a similar store in a large city or small town.

The study is titled "How Retail Advertising Expenditures Vary with Sales Volume and Size of City," and was edited by Walter L. Mitchell, Jr., Director of Surveys, Dun & Bradstreet, Inc. Radio stations that do not subscribe to *Dun's Review* might be able to obtain a copy from a public library, chamber of commerce, bank, etc.

Regarding Hal Ayers

Because of inquiries from NAB members, the following information is given on Hal Ayers, who is reported to be selling transcribed programs to United States Tire dealers in various localities. The programs, "Transcontinental Tours," are supposed to terminate with a number of all-expense tours of the U. S., Latin and South America, awarded to winners of essay contests.

The United States Rubber Co. reports that Hal Ayers is not an authorized representative nor was he ever connected with the company, that the company does not know his whereabouts, and that on July 1st it instructed all its Branches to warn their dealers against any solicitation made by Mr. Ayers.

Sales Managers Meet

Harvey Wixson, manager of KHQ-KGA, Spokane, was elected president of the NAB Sales Manager's Division of the 17th District at its bi-annual meeting in Portland, September 12.

Wixson succeeds Charles Couche of KOIN-KALE, Portland, who presided. The district comprises Oregon, Washington and Alaska. Hugh Feltis, KOMO-KJR, Seattle, is secretary-treasurer.

Highlighting the meeting was a luncheon attended by 63 guests representing in addition to radio stations, all Portland advertising agencies and several in Seattle.

Morning speakers included Palmer Hoyt, KGW-KEX, "Selling Advertising in the Face of a Shortage of Merchandise Due to National Defense"; Frank Loggan, KBND, secretary-treasurer of the Oregon Broadcasters' Association, "Advertising Under Fire"; Archie Morton, KIRO, "The Values of Station Promotion"; Charles Bailey, KOMO-KSR, "Analysis of Audience Mail," and Fred Goddard, KXRO, "Sales Ideas and Success Stories."

Afternoon sessions were split, with smaller station representatives meeting under the chairmanship of Lee Bishop, KMED.

Executives of all advertising agencies in the district were invited to the luncheon at which Ralph Calkins, Pacific Northwest manager of the McCann-Erickson agency, spoke on "An Agency's View of Radio as a Medium."

On the social side, a cocktail party at which radio members entertained agency representatives, and golf at Oswego Country Club, completed the calendar. It was decided to hold the spring meeting in Spokane.

Radio representatives attending included the following:

KXA, Miss Wallace; KFPY, R. C. Ostrander; KGA, Harvey Wixson; KOIN, Harry Buckendahl; KALE, Charlie Couche; KOMO, H. M. Feltis; KIRO, Archie Morton; KOIN, Al Vaughan; KOIN, Bruce Fichtl; KODL, Glenn Howell; KODL, Bob Maille; KWRC, Henry Hogue; KWRC, Del Fitzpatrick; KODL, Barney Kenworthy; KRNR, Marshall Pengra; KUIN, Don Telford; KOIN, Arthur Briggs; KOIN, Newton G. Hedin; KOIN, Del Chance; KOOS, Ben Stone; KOOS, Mark DeCauray; KMED, Lee Bishop; KWIL, Hal Byer; KORE, Glen McCormick; KWLK, Frank Coffin; KWLK, Loren Nicholson; KGY, Tom Olsen; KXRO, Fred Goddard; KXRO, Rod McArdle; KBND, Frank Loggan; KELA, Elroy McCaw; KJR, Chuck Bailie; KGW, Arden Pangborn; KEX, Paul Connet; KEX, Jack Eichenberger; KGW, Jim Mount; KOIN, Clark Mears; KFPY, Dick Green; KFPY, Cliff Nelson; KXL, H. G. Jacobsen; KOIN, Tom Case; KOIN, N. A. Davis; KVAN, Bill McCready; KALE, Ted Kooreman; KSLM, Earl Headrick.

NAB Sales Helps

Last week copies were sent all member stations of "They Don't Seem to Believe Us" and "New Check List of FTC Taboos", to assist copy departments in maintaining high standards in radio advertising.

Now in preparation and planned for distribution this week are new summary tables on radio advertising for grocery stores and insurance companies. These, prepared jointly by the NAB Department of Research and the NAB Department of Broadcast Advertising, are being issued because of the success reported by many members in selling more radio time through the summary table on department store advertising, recently issued. Requests have been filed for hundreds of extra copies, and a limited quantity is still available at no charge.

These two tables are being prepared because the food products field is the largest single source of radio advertising revenue, and the insurance field is considered a profitable one to develop in the light of present conditions.

Also distributed was a "Results from Radio" trade study on Mortuaries, already a good source of revenue for some stations. Extra copies may be had at cost in any quantity, and may be imprinted locally if desired.

A survey is being conducted on dealer-cooperative advertising, with all NAB member stations asked to supply the names of those manufacturers which permit the use of dealer funds for radio advertising, and those which do not. When all questionnaires are in, the lists will be compiled and furnished to the participating stations. Promptness in returning the questionnaire is urged so that the lists may be made available for fall selling.

Per-Inquiry and Free Time

An NAB member station reports that it has been unable to collect for radio advertising rendered the **United Advertising Companies, Inc.**, Chicago agency, and their client, **The Pen Man**. Although the order originally placed was a firm order, the agency has replied that it was issued "with the reservation in mind" that the station would "make it pay out" on a per-inquiry basis.

The **National Needlecraft Bureau, Inc.**, New York, is seeking free time on women's programs to promote needlework. Lesson give-aways are offered, which definitely recommend commercial brands of materials required.

Constance Hope Associates, Inc., New York, is seeking free time for radio interviews to feature Martha Alden, who is engaged in conducting bedmaking demonstrations and talking about sleep exercises at department stores.

Batten, Barton, Durstine & Osborn, New York agency, is seeking free radio time on behalf of **The Saturday Evening Post-RKO Pictures** promotion stunt to elect an "all-American dance band." Member stations have pointed out that they are trying to sell radio time to publications and motion picture producers, and would be discriminating against paid advertisers if they donated free time to this promotion.

Labor

SUPREME COURT REVIEW

General Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor, announced that the Solicitor General had filed in the United States Supreme Court for a writ of certiorari to review a decision on June 27, 1941, of the Circuit Court of Appeals for the Fifth Circuit in the case of *Fleming v. A. H. Belo Corporation*, publisher of the Dallas (Texas) News. In its decision the Circuit Court held that an employer who guaranteed his employees a certain weekly salary might fix by agreement with them the rate to be used in computing overtime compensation. This affirmed a decision of the

United States District Court at Dallas, Texas. The Wage and Hour Division contended that the Fair Labor Standards Act required that overtime compensation be computed on the basis of a rate obtained for each week by dividing the amount of the guaranteed weekly salary by the number of hours worked that week.

Cost of Living

The cost of living advanced 0.8 per cent from mid-July to mid-August, the Labor Department reports. On August 15, the cost of living was 106 per cent of its 1935-39 average.

WGRC Musicians

Remote bands returned to MBS Friday, September 19, after a week's absence, with the settlement of a dispute between Station WGRC, Louisville, and the A. F. of M. The settlement was worked out in the New York offices of the union at a conference attended by S. A. Cisler, WGRC manager; Fred Weber, MBS; Joseph L. Miller, NAB; James C. Petrillo, A. F. of M. president, and other union officials.

Safety Drive

Zero hour for the greatest mass attack against accidents in the history of the country will be October 6.

The attack was ordered by President Roosevelt, who asked the National Safety Council to lead an intensified emergency campaign against accidents that are crippling national defense.

The Council announced today that mobilization of a vast safety army is complete, and that the official opening gun for the campaign will be timed with the start of the National Safety Congress and Exposition on October 6.

An impressive ceremony at the opening session of the Congress will be the signal that will start the campaign rolling throughout the nation, with every state and thousands of communities swinging into the drive against accidents.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 29. They are subject to change.

Wednesday, October 1

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick & H. A. Cecil d/b as High Point Broadcasting Co., High Point, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

Thursday, October 2

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, 920 kc., 500 watts night, 1 KW day, S-KUSD.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted construction permit (B4-PH-14) for

new high frequency (FM) broadcast station to operate on **44900 kc.**, with a service area of 4,400 square miles.

KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Granted special service authorization (B5-SSA-8) to operate unlimited time, to use hours vacated by Station KEVR, for the balance of the regular license period ending December 1, 1941. Station now operates day until LS sharing with KEVR.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted construction permit (B1-P-3200) subject to proof of performance and taking care of complaints in blanket area, to install new transmitter, increase power to 5 KW day, using directional antenna day and night. Station now has 1 KW day and night, S-WBNX on **1380 kc.**

KRNR—News-Review Co., Roseburg, Ore.—Granted construction permit (B3-P-3134) to make changes in antenna and increase night power to 250 watts. Station now has 100 watts night, 250 watts day, **1490 kc.**, unlimited time.

WNAD—University of Oklahoma, Norman, Okla.—Granted renewal of license for the period ending February 1, 1942.

WKAR—Mich. State College, E. Lansing, Mich.—Granted authority (B2-FP-96) to transmit broadcasts of Mich. State College football games on certain specified dates beginning September 27, 1941, to Station CKLW, Windsor, Ontario, Canada, for rebroadcasting.

APPLICATION DENIED

WGEA—General Electric Co., So. Schenectady, N. Y.—Denied request to transmit commercial programs on **9550 kc.** (Pan American frequency), over International b/c Station WGEA on September 29, 1941.

DESIGNATED FOR HEARING

Yankee Broadcasting Co., Inc., New York, N. Y.—Application for construction permit for new standard broadcast station to operate on **620 kc.**, 1 KW, using directional antenna day and night, unlimited time (B1-P-3094).

Newark Broadcasting Corp., Newark, N. J.—Application for construction permit for new standard broadcast station to operate on **620 kc.**, 5 KW, unlimited time, employing directional antenna day and night (B1-P-3249) (Consolidated hearing with above application).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Application for construction permit amended so as to request change in frequency to **1560 kc.**, increase power to 10 KW, make changes in equipment, install directional antenna for night use and move transmitter to approximately 7 miles south-east of Decatur, Ill. (B4-P-3028, Docket No. 6004).

Consolidated hearing on following applications for new broadcast stations:

R. O. Hardin, tr/as Nashville Broadcasting Co., Nashville, Tenn.—Application for construction permit (B3-P-3190) for new standard broadcast station to operate on **1240 kc.**, 250 watts, unlimited time (requests facilities of WSIX, when vacated); exact location in Nashville, Tenn., and antenna system to be determined subject to Commission's approval.

John R. Crowder, tr/as Dimple Broadcasting Co., Columbia, Tenn.—Application (B3-P-3241) for **1240 kc.**, 250 watts, unlimited time.

Tennessee Radio Corp., Nashville, Tenn.—Application (B3-P-3219) for **1240 kc.**, 250 watts, unlimited time. (Requests facilities of WSIX when vacated.)

Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Co., Murphreesboro, Tenn.—Application (B3-P-3215) for **1240 kc.**, 250 watts, unlimited time. Exact location and antenna system to be determined subject to Commission's approval. (Requests facilities of WSIX when vacated.)

Birney Imes and Robin Weaver, a co-partnership, d/b as Imes-Weaver Broadcasting Co., Columbia, Tenn.—Application (B3-P-3203) for **1340 kc.**, 250 watts, unlimited time. Exact site and antenna system to be determined subject to Commission's approval.

RENEWAL OF LICENSES

Granted extension of licenses upon a temporary basis only, pending receipt of and determination upon applications for renewal of licenses, in no event later than November 1, 1941, of following:

KFBC, Cheyenne, Wyo.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGY, Olympia, Wash.; KMAC, San Antonio, Tex.; KRLH, Midland, Tex.; KROC, Rochester, Minn.; KSUB, Cedar City, Utah; KVNU, North of Logan, Utah; KVOX, Moorhead, Minn.; KWFC, Hot Springs, Ark.; KXOX, Sweetwater, Tex.; WABI, Bangor, Me.; WAIM, Anderson, S. C.; WBIR, Knoxville, Tenn.; WTOL, Toledo, Ohio; WBOC, Outside City Limits, Salisbury, Md.; WCAT, Rapid City, S. D.; WDAK, West Point, Ga.; WJBY, Gadsden, Ala.; WJMC, Rice Lake, Wisc.; WLBj, near Bowling Green, Ky.; WLOF, Orlando, Fla.

Granted extension of licenses upon a temporary basis only, pending receipt of and determination upon applications for renewal of licenses, in no event later than December 1, 1941, of following:

WJMA, Covington, Va.; WRBL, Columbus, Ga.

Granted renewal of following broadcast station licenses for the period October 1, 1941, and ending not later than October 1, 1942:

KANS, Wichita, Kans.; KARM, Fresno, Calif.; KAST, Astoria, Ore.; KCRJ, Jerome, Ariz.; KDLR, Devils Lake, N. D.; KELO, Sioux Falls, S. D.; KFJL, Klamath Falls, Ore.; KFOR, Lincoln, Nebr.; KHBC, Hilo, Hawaii; KHBG, Okmulgee, Okla.; KOCY, Oklahoma City, Okla.; KVCV, Redding, Calif.; KPDN, Pampa, Tex.; KRBA, Luikin, Tex.; KROY, Sacramento, Calif.; KSUN, Lowell, Ariz.; KUIN, Grants Pass, Ore.; KVIC, Victoria, Tex.; KVOL, Lafayette, La.; KVSF, Santa Fe, New Mexico; KASA, Elk City, Okla.; KBTM, Jonesboro, Ark.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Calif.; KGHl, Little Rock, Ark.; KMLB, Monroe, La.; KPOW, Powell, Wyo.; KRMD, Shreveport, La.; KWIL, Albany, Ore.; KWJB, Globe, Ariz.; KWOC, Poplar Bluff, Mo.; KWG, Stockton, Calif.; KYSM, Mankato, Minn.; WATN, Watertown, N. Y.; WBLJ, Dalton, Ga.; WPML, Macon, Ga.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WBRW, Welch, W. Va.; WCAX, Burlington, Vt.; WCLO, Janesville, Wisc.; WCLS, Joliet, Ill.; WCMI, Ashland, Ky.; WCPO, Cincinnati, Ohio; WCOL, Columbus, Ohio; WCRW, Chicago, Ill.; WDMJ, Marquette, Mich.; WEBQ, Harrisburg, Ill.; WEBR and auxiliary, Buffalo, N. Y.; WENY, Elmira, N. Y.; WEXL, Royal Oak, Mich.; WFOY, St. Augustine, Fla.; WFTM, Fort Myers, Fla.; WGBB, Freeport, N. Y.; WGH, Newport News, Va.; WHAI, Greenfield, Mass.; WHIZ, Zanesville, Ohio; WIBU, Poynette, Wisc.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WINN, Louisville, Ky.; WJLS, Beckley, W. Va.; WJOB, Hammond, Ind.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WKBO, Harrisburg, Pa.; WKOK, Sunbury, Pa.; WLAK, Lakeland, Fla.; WLOK, Lima, Ohio; WMBO, Auburn, N. Y.; WMFG, Hibbing, Minn.; WMFR, High Point, N. C.; WOCB, near Hyannis, Mass.; WPID, Petersburg, Va.; WRAW, Reading, Pa.; WRAL, Raleigh, N. C.; WSAM, Saginaw, Mich.; WSAY, Rochester, N. Y.; WSBC, Chicago, Ill.; WSOC, Charlotte, N. C.; WSTV, Steubenville, Ohio.

The following stations were granted renewals for the period ending August 1, 1942:

WCNW, Brooklyn, N. Y., and WHK, Cleveland, Ohio.

Licenses for the following stations were extended on a temporary basis only, for the period ending November 1, 1941, pending determination upon applications for renewal:

WELL, Battle Creek, Mich.; W2XVP, New York City; W9XLA, Denver, Colo., and W5XAU, Oklahoma City, Okla.

PLACED IN PENDING FILE

WOKO, Inc., Albany, N. Y.—Application for construction permit (B1-PST-3) for new ST broadcast station placed in pending file pursuant to Order No. 79.

The Concord Tribune, Inc., Concord, N. C.—Application for construction permit (B3-P-3168) for new standard broadcast station placed in pending file pursuant to Order No. 79.

Birney Imes, Tupelo, Miss.—Application for construction permit (B3-P-3148) for new standard broadcast station placed in pending file pursuant to Order No. 79.

MISCELLANEOUS

KICA—Western Broadcasters, Inc., Clovis, N. M.—Granted special temporary authority to operate on the frequency of **1240 kc.**, with power of 100 watts, using equipment authorized by existing license, for a period not to exceed 30 days, beginning September 22, 1941, and ending not later than October 21, 1941, pending filing of application for approval of new equipment.

- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate on the frequency of **790 kc.**, with power of 5 KW, daytime, using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit (File No. B4-P-3047), for a period not to exceed 30 days, pending completion of the second antenna tower and proof of performance measurements, provided that no objectionable interference results to any other station.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted special temporary authority to operate additional time from 7:45 p. m., CST, to the conclusion of the Huntsville High School and Sam Houston State Teachers College football games on September 20 and 26, and October 3, 17, and 18, 1941, in order to broadcast said games, only.
- KSWO—Willard Carver & Byrne Ross, Lawton, Okla.—Granted special temporary authority to operate additional time from 8 p. m. to 11 p. m., CST, on September 18, 19, and 24, and October 9 and 10, 1941, in order to broadcast the Lawton High School and Cameron Junior College football games, only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time from 7 p. m. to 9:30 p. m., CST, on September 19 and 26, 1941, in order to broadcast the High School football games at Aurora, Ill., only.
- KRBA—Ben T. Wilson, E. A. Corbett, Thos. W. Baker, d' b as Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from sign-off time (September, 6:30 p. m.; October, 5:45 p. m., CST) to 10:30 p. m., CST, on September 19, 26, and October 3, 10, and 17, 1941, in order to broadcast the Lufkin High School football games, only, and to operate from sign-off time to 10:30 p. m., CST, on October 6, 1941, in order to broadcast the Texas Forest Festival Pageant, only, on a sustaining basis only.
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (September, 9 p. m., EST), to the conclusion of the Ray Robinson-Maxie Shapiro boxing bout on September 19, 1941, only, on a sustaining basis only.
- WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with station KOA from regular sign-off time (October, 7:15 p. m., EST), to conclusion of the University of Florida football games on October 4, 11, and 25, 1941, in order to broadcast said games only, on a sustaining basis only. Also granted special temporary authority to operate simultaneously with station KOA from regular sign-off time (September, 8:15 p. m., EST), to conclusion of the football game between Randolph Macon and the University of Florida at Gainesville, Fla., on September 20, 1941, in order to broadcast said game only, on a sustaining basis only.
- WRCA—National Broadcasting Co., Inc., New York City, N. Y.—Granted extension of special temporary authority to operate on **9670 kc.**, with effective power of 100 KW, using separate power amplifiers feeding separate directional antennas for the period beginning September 18 to not later than October 17, 1941.
- WNBT—National Broadcasting Co., Inc., New York City, N. Y.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak power, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WNBT on Channel 1 in order to make comparison of FM and A5 emissions and to obtain engineering data for the period September 17 to not later than October 16, 1941.
- W9XBK—Balaban and 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 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 September 17 to not later than October 16, 1941, in accordance with construction permit (B4-PVB-50).
- W71NY—Bamberger Broadcasting Service, Inc., New York City, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on **47100 kc.**, 10,000 watts, special emission for frequency modulation, at 444 Madison Ave., New York, using Western Electric Type 506 A-1, Serial No. 101, ten-KW transmitter, using a single, vertical coaxial antenna having a power gain factor of one, for a period of 30 days, from September 22 to not later than October 21, 1941, pending completion of antenna construction in accordance with construction permit.
- W8XVH—WBNS, Inc., Columbus, Ohio.—Granted extension of 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 50 West Broad Street, Columbus, Ohio, described as General Electric Type 4GF1A1 maximum rated carrier power 250 watts, for period beginning September 28 to not later than November 27, 1941.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to erect two 256-foot towers at the transmitter site of radio station KMBC, in lieu of one 256-foot and one 538-foot tower authorized by its existing license, in order to allow said station to continue its operation with power of 5 KW, employing a directional antenna for night use, for a period not to exceed six months.
- WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent for the period beginning September 17, 1941, and ending not later than December 1, 1941.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, Monday through Friday, for a period beginning September 17, 1941, and ending not later than December 1, 1941, provided WSVS remains silent.
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate additional time from 8 p. m., CST, to conclusion of the championship baseball games between Vicksburg and Hot Springs on September 18 and 19, 1941, in order to broadcast said games only.
- KRKO—The Everett Broadcasting Co., Inc., Everett, Wash.—Denied request for special temporary authority to operate unlimited time for a period not to exceed thirty days.

The Commission (by its Administrative Board) on September 17 took the following action:

- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate with RCA, Type 1-G, 1 KW transmitter, at site of new main transmitter, using power of 1 KW day and night, for a period not to exceed 30 days, pending replacement of tubes in main transmitter.
- WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted license (B3-L-1493) to cover construction permit (B3-P-3233), which authorized move of transmitter and studio sites and installation of new transmitter.
- WGBG—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted modification of construction permit (B3-MP-1397; B3-P-2472) for move of transmitter 0.1 mile from east side of Ashe St., south side of Buffalo Creek, south edge of Greensboro, N. C., to west side of Ashe St., south side of Buffalo Creek, south edge of Greensboro, N. C. extend commencement and completion dates to 30 and 180 days after grant, respectively.
- KGW—Oregonian Publishing Co., Portland, Ore.—Granted modification (B5-MP-1392) of construction permit (B5-P-2954) for extension of completion date to November 21, 1941.
- WNAX—WNAX Broadcasting Co., Yankton, So. Dak.—Granted authority to install automatic frequency control equipment (B4-P-239).
- WESX—North Shore Broadcasting Co., Salem, Mass.—Granted authority to install automatic frequency control equipment (B1-F-238).
- WORD—Spartanburg Advertising Co., Spartanburg, S. Car.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1204).
- WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-961).
- KMAC—Walmac Co., San Antonio, Texas.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1217).
- Hampden-Hampshire Corp., Portable-Mobile, area of Holyoke, Mass.—Granted construction permit for new relay broad-

- cast station; 30820, 33740, 35820, 37980 kc., 25 watts (B1-PRE-408).
- Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Granted license to cover construction permit for new relay broadcast station; 30820, 33740, 35820, 37980 kc., 25 watts.
- KALN—Board of Education of the San Francisco Unified School District, San Francisco, Cal.—Granted license to cover construction permit for new non-commercial educational broadcast station; 42100 kc., 1000 watts.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from sign-off time (October, 5:45 p. m., EST), to conclusion of football games on October 4, 11, 12 and 25 only, using 250 watts only (B2-S-855).
- KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate from 8 to 10:30 p. m., PST, on September 19 and 26, and October 3, 1941, in order to broadcast local high school football games of the Southwestern Washington League, only (B5-S-1027).
- KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Denied request for special temporary authority to operate from sign-off time (September, 6:30 p. m.; October, 5:45 p. m., CST), to 10:30 p. m., CST, on September 19, 26, and October 3, 10, and 17, 1941, in order to broadcast the Lufkin High School football games, only, and to operate from sign-off time to 10:30 p. m., CST, on October 6, 1941, in order to broadcast the Texas Forest Festival Pageant.
- KELD—Radio Enterprises, Inc., El Dorado, Ark.—Denied request for special temporary authority to operate from 6:30 a. m. to 9:00 p. m., instead of 6:30 a. m. to 10 p. m., on week days due to scarcity of licensed radio operators, for a period not to exceed thirty days.
- KXA—American Radio Telephone Co., Seattle, Wash.—Granted special temporary authority to operate with transmitter at Second and Union Streets, Seattle, Wash., in lieu of site specified in existing license, for a period not to exceed 30 days.
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to remain on the air from sign-off time (September, 6:15 p. m., October, 5:30 p. m., PST), to conclusion of Joe Louis-Lou Nova World Heavyweight Championship Bout on September 29, 1941, and the Lew Jenkins-Freddie Cochrane bout on October 6, 1941, for boxing matches only and on sustaining basis.
- WCBX—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to continue operation of International Broadcast Station WCBX with auxiliary transmitter licensed for operation at transmitter site near Wayne, N. J., from September 22 to 29, 1941, only, and move 10 KW main transmitter from above site to Brentwood, L. I., and operate same with one or more of the antennas at Brentwood, for period not to exceed 30 days, from September 29 to not later than October 28, 1941.
- George Grant Brooks, Jr., Scranton, Pa.—Granted petition for dismissal without prejudice of application for construction permit for new station in Scranton to use 1400 kc., 250 watts, unlimited time, which was scheduled for consolidated hearing on September 16, with application of Anthracite Broadcasting Co., Inc., and WARM, Scranton.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion for continuance to November 10 of hearing on application of KWK, St. Louis, Mo., for construction permit to use 680 kc., 50 KW, unlimited time, DA-day and night.
- United States of America, by the Judge Advocate General of the Navy.—Granted motion for leave to withdraw as intervenor in the matter of the application of New Jersey Bell Telephone Co., for authority to acquire the capital stock of Imperial Securities Co.
- Midstate Radio Corp., Utica, New York.—Granted petition for leave to amend application to specify a regional instead of a local frequency and change power; dismissed without prejudice as to request to cancel hearing and remove from hearing docket.
- WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Passed without action petition to intervene in the hearing on application of WBRY, Waterbury, Conn., for modification of construction permit.
- Frequency Broadcasting Corp., Borough of Brooklyn, N. Y.—Granted motion for continuance of hearing to November 6, 1941, on application for construction permit for new station to operate on 620 kc., 500 watts, daytime only.
- Greater Houston Broadcasting Co., Inc., Houston, Texas.—Granted petition for modification of order to take depositions in re applications of Scripps-Howard Radio, Inc., Texas Star Broadcasting Co., and Greater Houston Broadcasting Co., Inc., for a new station in Houston.
- KMPC—The Station of the Stars, Inc., Beverly Hills, Cal.—Granted petition to intervene and to enlarge issues in re application of Park Cities Broadcasting Corp., for a new station in Dallas, Texas.
- Barclay Craighead, Butte, Mont.—Granted motion to take depositions and continue hearing date in re application for new station; also consolidated hearing with that of Hennessy Broadcasting Co. Butte, Docket No. 6131, and continued consolidated hearing to November 4, 1941.
- WEUU—Berks Broadcasting Co., Reading, Penna.—Granted motion insofar as it requested continuance of hearing on application to operate on 850 kc., 1 KW, unlimited time; DA-night, and continued hearing to December 3, 1941.
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted motion for leave to amend application so as to specify proposed power of 5 KW during evening hours, using directional antenna, and retention of hearing date now scheduled for October 28.
- Radiomarine Corp. of America, New York City.—Dismissed petition for authority to intervene in the hearing on application of Waterways Radio Co., St. Louis, Mo., for a new coastal harbor station.
- WCAM—City of Camden, Camden, N. J., and WCAP, Radio Industries Broadcast Co., Asbury Park, N. J.—Granted petition to continue hearing now scheduled for September 29 to October 20, in re applications of WCAM, WCAP, WTNJ, for renewal of licenses; WCAM, WCAP and WTNJ for modification of licenses, and WDAS for construction permit.

APPLICATIONS FILED AT FCC

550 Kilocycles

- KOAC—Oregon State Agricultural College, Corvallis, Ore.—Modification of construction permit (B5-P-2422) as modified, to install new transmitter and directional antenna for day and night use, increase in power and move of transmitter, requesting extension of completion date from 10-14-41 to 1-1-42.

610 Kilocycles

- WIOD—Oregon State Agricultural College, Corvallis, Ore.—Authority to determine operating power by direct method. (Auxiliary transmitter.)
- WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit (B3-P-3184), for move of formerly licensed main transmitter to new location to use as auxiliary transmitter.

660 Kilocycles

- KOWH—World Publishing Co., Omaha, Nebr.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 10 KW, change hours from daytime to unlimited time and move transmitter.

710 Kilocycles

- NEW—Park Cities Broadcasting Corp., Dallas, Texas.—Construction permit for a new broadcast station to be operated on 710 kc., 5 KW, unlimited hours, directional antenna for night use. Amended: re stockholders.

790 Kilocycles

- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—License to cover construction permit (B5-P-2701), as modified, for increase in night power and directional antenna for night use.
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Authority to determine operating power by direct method.
- WMC—Memphis Publishing Co., Memphis, Tenn.—Modification of construction permit (B3-P-2743), for increase in power and changes in directional antenna for night use, requesting changes in directional antenna.

800 Kilocycles

NEW—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Jefferson City, Mo.—Construction permit for a new broadcast station to be operated on **800 kc.**, 1 KW, and daytime hours.

850 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—License to cover construction permit (B4-P-2882), as modified, for increase in power, new transmitter and antenna.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and Other States, Clayton, Mo.—Authority to determine operating power by direct method.

900 Kilocycles

NEW—Susquehanna Broadcasting Co., York, Pa.—Construction permit for a new broadcast station to be operated on **900 kc.**, 1 KW and daytime hours.

920 Kilocycles

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—License to cover construction permit (B3-P-3093), as modified, for a new broadcast station.

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—Authority to determine operating power by direct method.

930 Kilocycles

WBEN—WBEN, Inc., Buffalo, N. Y.—License to cover construction permit (B1-P-3076), for move of auxiliary transmitter.

WBEN—WBEN, Inc., Buffalo, N. Y.—Authority to determine operating power by direct method. (Auxiliary transmitter.)

NEW—Tar Heel Broadcasting System, Inc., Washington, N. C.—Construction permit for a new broadcast station to be operated on **930 kc.**, 1 KW and daytime hours.

950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—License to cover construction permit (B3-P-2791), as modified, for installation of directional antenna for night use and increase in power.

KPRC—Houston Printing Corp., Houston, Texas.—Authority to determine operating power by direct method.

1000 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit (B4-P-2961), for increase in power, change in hours, new transmitter, directional antenna for day and night use, requesting extension of completion date from 10-25-41 to 12-24-41.

1080 Kilocycles

NEW—WKAL, Incorporated, Kalamazoo, Mich.—Construction permit for a new broadcast station to be operated on **1080 kc.**, 1 KW and daytime hours. Amended: to change frequency to **1230 kc.**, power to 250 watts, hours to unlimited, change type of transmitter and request facilities of Station WGRB.

1130 Kilocycles

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Modification of license to use old 5 KW transmitter as auxiliary transmitter for emergency use.

1230 Kilocycles

WCAY—Burlington Daily News, Inc., Burlington, Vt.—Modification of construction permit (B1-P-3082), to install new transmitter, change frequency from **1230** to **620 kc.**, increase power from 250 watts to 1 KW and move transmitter, requesting installation of new transmitter.

1320 Kilocycles

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-2947), as modified, for installation of directional antenna for night use and increase in power, requesting extension of completion date from 11-27-41 to 5-27-42.

1330 Kilocycles

WFIN—Findlay Radio Co., Findlay, Ohio.—Modification of construction permit (B2-P-2846), for a new station, requesting approval of antenna and transmitter site.

1340 Kilocycles

WGTM—WGTM, Inc., Wilson, N. C.—License to cover construction permit (B3-P-3166), for move of studio and transmitter.

WGTM—WGTM, Inc., Wilson, N. C.—Authority to determine operating power by direct method.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—License to use old WE transmitter as auxiliary transmitter, emergency use only.

KMO—Carl E. Haymond, Tacoma, Wash.—Authority to determine operating power by direct method.

1400 Kilocycles

WDAY—Vee Bee Corp., Portsmouth, Ohio.—Modification of construction permit (B2-P-2685), as modified, for equipment changes, increase in power, antenna changes and move of transmitter, requesting extension of completion date from 10-15-41 to 4-15-42.

1480 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit to install directional antenna for day and night use, new transmitter, increase power from 500 watts night, 1 KW day to 5 KW day and night and move studio from N. J. to N. Y., N. Y.

FM APPLICATIONS

NEW—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **47300 kc.**; coverage, 9,352 square miles; population, 3,906,453.

W47NY—Muzak Corp., New York, N. Y.—Modification of construction permit (B1-PH-48) for a new high frequency broadcast station, requesting approval of antenna system and transmitter site.

W47P—Walker and Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-PH-24) as modified, for a new high frequency broadcast station.

W41MM—Gordon Gray, Winston-Salem, N. C.—Modification of construction permit (B3-PH-76) for a new high frequency broadcast station, requesting change in transmitter, change studio location and extension of completion date from 11-12-41 to 180 days after date of grant.

W63NY—Marcus Loew Booking Agency, New York, N. Y.—Modification of construction permit (B1-PH-3) as modified, for a new high frequency broadcast station, requesting extension of commencement and completion dates from 4-13-41 and 10-13-41 to 9-1-41 and 3-1-42, respectively.

TELEVISION APPLICATIONS

WRGB—General Electric Co., Schenectady, N. Y.—Reinstatement of construction permit (B1-PCT-5) for a new commercial television station on Channel No. 3, **66000-72000 kc.**, ESR 3100, emission A5 and special for frequency modulation, unlimited hours.

W3XP—Philco Radio and Television Corp., Portable.—Modification of construction permit (B2-PVB-80) for increase in power and equipment changes, requesting extension of commencement and completion dates from 4-4-41 and 10-4-41 to 10-4-41 and 4-4-42, respectively.

MISCELLANEOUS APPLICATIONS

KFUN—Southwest Broadcasters, Inc., Las Vegas, N. M.—Modification of construction permit (B5-P-3147) for a new station, requesting authority to install new transmitter and extend commencement and completion dates from 9-16-41 and 3-16-42 to 60 days after grant and 180 days thereafter, respectively.

NEW—Commercial Radio-Sound Corp., Portable-Mobile.—Construction permit for a new Class II Experimental Public Address Relay station to be operated on 162080 kc., 1/10 watt, special emission for frequency modulation. Amended: to request 310000 kc.

WGEO—General Electric Co., S. Schenectady, N. Y.—License to cover construction permit (B1-PIB-32) for installation of new equipment.

NEW—Birney Imes, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., power 50 watts, emission A3.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Eversharp, Inc., Chicago, engaged in the manufacture and sale of fountain pens and pencils, is charged in a complaint with misrepresentation. (4590)

National Wholesale Hardware Association, Philadelphia, its officers, executive committee, advisory board, member companies, and several cooperating companies are charged with violation of the Federal Trade Commission Act in the sale of hardware and kindred merchandise. The complaint alleges that the respondents engaged in an understanding, combination and conspiracy to hinder and suppress competition among dealers and manufacturers and to create a monopoly in the interstate sale of their products. (4592)

C. H. Robinson Company and Nash-Finch Company, Minneapolis, Minn., are charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (4589)

Utah Beverage & Distributing Company—Ben Arnovitz and Willford Arnovitz, trading as Utah Beverage and Distributing Co., Salt Lake City, Utah, engaged in the sale and distribution of candies, clocks, cigarettes and other novelty merchandise, is charged in a complaint with the use of lottery methods in the sale of their products. (4591)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

Bard-Parker Co., Inc., and its subsidiary and selling agent, Parker, White and Heyl, Inc., both of Danbury, Conn., have been ordered to cease and desist from misleading representations in the sale of "Bard-Parker Formaldehyde Germicide." (4478)

Brabant Needle Co., Inc., 47 Great Jones St., New York, engaged in the importing and distribution of needles and needle

threaders, has been ordered to cease and desist from misrepresentations as to the country of origin of its products. (4212)

Copinol Company—Robert E. Overell, trading as Copinol Company, 7th and Main Sts., Los Angeles, has been ordered to cease and desist from false advertising and misrepresentations made in the distribution of a preparation designated "Copinol" and sometimes as "Copinol Nasal Medicine." (4431)

Oxol Laboratories—W. S. McClymonds and G. L. McClymonds, formerly doing business as Oxol Laboratories, Denver, Colo., have been ordered to cease and desist from the dissemination of misleading representations in the sale of a drug preparation designated "Trox Tablets." (4208)

Positive Products Company—Earl Aronberg, trading as Positive Products Co. and as Rex Products Co., 6603 Cottage Grove Ave., Chicago, has been ordered to cease and desist from misleading representations and false advertising in the sale of certain medicinal preparations designated "Triple X Relief Compound" and "Perio Pills," the latter being known also as "Reliable Perio Compound" and as "Perio Relief Compound." (3856)

Renaud Sales Company, Inc., Murray W. Morin, Irving Unterman and Irving Lipschitz, individually and as officers of Renaud Sales Company, Inc., 245 Fifth Ave., New York City, distributors of perfumes, have been ordered to cease and desist from misrepresentation in the sale of their products. (3500)

Spencer System, a Massachusetts trust, and John L. Shea, William J. Hagerty, individually and as trustees of the trust, and Jean G. Mitchie and Glenda S. Hills, individually, 55 Belvidere St., Boston, Mass., engaged in selling courses of instruction and instructing students in the design and fabrication of arch supports and "foot exercisers," have been ordered to cease and desist from certain misrepresentation. (4350)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Consolidated Royal Chemical Corporation, trading as Consolidated Drug Trade Products, 544 South Wells St., Chicago, engaged in selling a medicinal preparation designated "Hexin," has stipulated that it will cease and desist from representing that Hexin will relieve a cold or that it is of any benefit in the treatment of a cold in excess of temporary relief from the physical discomfort symptoms incident to or associated with a cold. The respondent further agrees to desist from disseminating any advertisement for Hexin which fails to reveal that frequent or continued use may be dangerous, causing serious blood disturbances and that the product should not be taken in excess of the dosage recommended; provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof if and when such label either contains a proper caution or warning or specifically directs attention to such a caution or warning statement in the accompanying labeling. (02876)

Crosman Arms Co., Inc., Rochester, N. Y., distributor of the "Crosman Silent Pneumatic" air rifle, has stipulated to cease and desist from representing that no air rifle, other than that sold by the respondent, is noiseless, requires no cleaning, uses low cost ammunition, has adjustable power, has no recoil or produces no bullet splatter. (02134)

Electric Heat Control Co., 9123 Inman Ave., Cleveland, O., engaged in selling electric fence controllers designated "King Cattle Guard," has stipulated to discontinue representing that the use of its electric fence controllers will effect any stated

amount or percentage of saving in farm fencing costs as compared with the costs of other types of fences, without stating the type or types of fence used as a basis for such comparison, and without taking into consideration in such comparison all costs, including both initial cost and cost of maintenance. (02881)

Ferd. T. Hopkins & Son—Ferd. T. Hopkins, trading as Ferd. T. Hopkins & Son, 430 Lafayette St., New York City, engaged in selling a cosmetic designated "Gouraud's Oriental Cream," has entered into a stipulation in which he agrees to discontinue representing that the product is used by famous stage and screen stars; that it prevents sun or wind burn and restores the skin of youth, or that it will retain the original attractiveness of the skin during swimming, sun bathing, or other outdoor sports. (02875)

Luvos Clay Company of America—Paul R. Kemper, trading as Luvos Clay Company of America, and as Luvos Minerals Co., Los Angeles, has stipulated to discontinue representing that "Luvos Pack" is a remedy or cure for nose, mouth or throat ailments, and rheumatic, neuralgic and various other ailments or has value in excess of that afforded by its poultice-like action in temporarily relieving pain; that "Luvos Minerals" will prevent or is a remedy for colitis, gastritis, hyperacidity and numerous other ailments or in this connection will do more than aid in reducing hyperacidity; and that it has any therapeutic value in the treatment of throat irritations or infections. The respondent further agrees to discontinue representing that either of the products is free from drugs or medication, that either is prescribed by physicians, or that Luvos Minerals has an influence on the metabolism; that it will bind poisonous material, or that it reacts upon the whole body organism. (02879)

Mills Novelty Co., 4100 W. Fullerton Ave., Chicago, a corporation engaged in the business of manufacturing, among other things, refrigeration compressors and beverage coolers, has stipulated that it will cease and desist representing that its 1/3 horsepower compressor unit will equal the performance of the 1/2 horsepower compressor units of other manufacturers. (3212)

Ozone Air Company—Clyde Scherpness, trading as Ozone Air Co., 928 Cherry St., S. E., Grand Rapids, Mich., has stipulated with the Commission to desist from dissemination of advertising to the effect that his machines or devices designated "Ozone-Air," or any similar devices, have any therapeutic value; that such devices or ozone developed by their use will eliminate foul air, purify or reactivate the air, eliminate offensive odors, oxidize all foreign matter in the air, destroy everything which is not naturally a component part of the air or render carbon monoxide innocuous or harmless; that the device or ozone generated by it is a competent sterilizing agent or germicide, will destroy germs or bacteria or is conducive to health; that use of the device will effectuate or result in a saving of 50% or other appreciable percentage in the cost of heating; or that its use by poultry raisers will eliminate or prevent poultry disease or infection, increase egg production, improve health of stock, constitute a competent disinfectant or eliminate or destroy offensive odors in poultry houses. (3211)

Sears, Roebuck & Company, Chicago, in connection with the sale and distribution of garden hose in commerce, has stipulated

that it will discontinue the use of the term "3-ply" as descriptive of garden hose which is not constructed of three layers of cotton duck; and from use of the word "ply" either alone or in connection with a designated number or numeral so as to import or imply that the garden hose contains the indicated number of plies, each ply consisting of a separate layer of cotton duck. (2839)

Spalding Plaster Co., Inc., 179 Broad St., Providence, R. I., engaged in selling a device designated "Spalding's Wonder Plasters," has stipulated to discontinue representing that the product will remedy or cure rheumatism, arthritis, neuritis or other ailments, or that it is of any benefit in the treatment of such conditions beyond the temporary relief of painful symptoms associated therewith; that the product will restore normal circulation throughout the system or will have any effect upon the circulation beyond tending to stimulate circulation at the site of application, and that the product is entirely different from competing products, or that the principle involved in the "Spalding Method" is unique or new. (02877)

Taylor-Rea Corporation, trading as House of Taylor-Rea, 1011 W. 2nd St., Los Angeles, engaged in selling a shampoo designated "Studio Girl Shampoo," has stipulated to discontinue representing that its product has any effect upon the hair or scalp apart from the cleansing action upon the surface, or that it removes embedded dirt, reaches below the surface through the pores or reconditions and revitalizes hair; that use of "Studio Girl Shampoo" enables hair to withstand the glare of studio klieg lights or restores normal characteristics to hair, the condition of which has been impaired by exposure to such lights, or that the product is the official shampoo of any motion picture studio. (02878)

Thieleman Drug Company—Fred E. Thieleman, trading as Thieleman Drug Co., Dearborn, Mich., engaged in selling a medicinal preparation designated "Thelorysus," has entered into a stipulation in which he agrees to cease representing that Thelorysus has any therapeutic value in the treatment of eczema, pimples, itch or any skin ailments, or that it is an elixir which will stimulate general systemic resistance to psoriasis and resolve and abate persistent lesions. (02880)

Vita-Lite, Incorporated, 344 N. E. 28th Ave., Portland, Ore., has stipulated that its devices or machines designated "Vita-Lite," or any other ozone generating device of substantially the same character, have any therapeutic value; that they destroy or are capable of destroying bacteria or germs, are of benefit or value in the alleviation or curing of disease or that their use is indicated as a remedy or effective treatment for any ailment, disease or malady of the human body; and from publishing or otherwise disseminating any testimonials containing statements or assertions contrary to the terms of the stipulation. (3210)

FTC COMPLAINT DISMISSED

Federal Trade Commission dismissed a complaint charging U. S. Hoffman Machinery Corporation, 105 Fourth Ave., New York, manufacturer and distributor of clothes pressing machines, with violation of the Robinson-Patman Act in the sale of its products.

District Meetings Start Next Week in Louisville

Arrangements have now been completed for the first series of regional conventions to be held in all seventeen NAB districts this fall. The first convention will be held in District 7, at the Brown Hotel, Louisville, Kentucky, Thursday and Friday of next week, October 9 and 10. J. H. Ryan, WSPD, is district director.

The next three in the first series will be held as follows:

District 8, at the Pantland Hotel, Grand Rapids, Michigan, on Monday and Tuesday, October 13 and 14, John E. Fetzer, WKZO, director.

District 10, at the Fontenelle Hotel, Omaha, Nebraska, on Wednesday and Thursday, October 15 and 16, John J. Gillin, Jr., WOW, director.

District 12, at Tulsa, Oklahoma, from Wednesday through Friday, November 5 to 7, Herb Hollister, KANS, director. The Southwestern District of the American Federation of Advertisers will hold a convention in Tulsa at the same time as the District 12 conference.

The next series of NAB conventions, covering Districts 1, 2, 3, 4 and 5, will be held from October 27 to November 8, and a final series, covering Districts 6, 13, 15, 16, 17, 14, 11 and 9, in that tentative order, are scheduled during the period from November 17 to December 16.

Reports from broadcasters in all parts of the country indicate that there is keen interest in the forthcoming regional conventions, at which industry problems, the developments of the past year, and the industry outlook will be discussed thoroughly. Record attendance is anticipated at all of these gatherings.

ASCAP CONTRACT ANALYSIS

Enclosed with this issue is NAB analysis of the ASCAP contracts, along with copies of the contracts and other relevant material. The NAB will be glad to furnish any additional information desired upon request.

ASCAP FREES FOOTBALL TUNES FOR ANOTHER WEEK-END

The NAB has been advised by John G. Paine, of the American Society of Composers, Authors and Publishers, that the Society has granted to all broadcasting stations the right to broadcast its music from football games, both college and professional, played on Friday, Saturday and Sunday, October 3rd, 4th and 5th. ASCAP granted the same rights last week, but no announcement has been forthcoming that this privilege will be extended to the future.

National Defense

More Radio Courses

More colleges and universities are booking radio training courses in accordance with suggestions made by liaison members of the NAB National Defense Committee.

In Montana the matter is being handled by Arthur Mosby, manager, KGVO, Missoula; while in Utah, Ivor Sharp, KSL director of station operations, Chief Engineer Groves, and the station's director of educational broadcasts are negotiating with the University of Utah.

Ed Yocum, manager, KGHL, Billings, is contact man for Montana and Utah.

George M. Burbach, general manager, KSD, St. Louis, has forwarded the Engineering, Science and Management Defense Training Courses listed in a special catalogue of Washington University, St. Louis. It provides for a suitable instruction course in radio training. Mr. Burbach is contacting other educational institutions in his District. He also reports that the Rankin Trade School, St. Louis, has shown a fine spirit of cooperation and cheerfully offers its facilities for radio training.

E. E. Hill, director, WTAG, Worcester, is working in close cooperation with Professor Edward L. Moreland, Massachusetts Institute of Technology, Regional Advisor, Region 1, Engineering, Science, and Management Defense Training. Mr. Hill said that Professor Moreland recently held a meeting of all engineering schools in the metropolitan area and that all of the engineering schools in Massachusetts, Maine, New Hampshire and Vermont have been written to. Professor Moreland urged the desirability of putting on additional courses in radio training.

U. S. Office of Education

The first paragraph of report, week of September 20, for Engineering, Science and Management Defense Training, U. S. Office of Education says:

"More Radio Training Provided—The need for training large numbers of persons in the fields of radio communications and electronics, pointed out early in the summer by Adjutant General E. S. Adams in a letter to Federal Security Administrator Paul V. McNutt, is confirmed by a recent study of the National Association of Broadcasters. As the result of conversations with responsible officials, not only of the Army and Navy, but also of the Federal Communications Commission and the National Research Council, the NAB has reported in a recent memorandum that it believes it is not possible at this time to train more persons in this field than can be used in the defense program, and that courses should be provided for everyone willing to take instruction. It is therefore urging, through the local members of its National Defense Committee, that many more radio courses be set up. Three suggested course outlines of college grade, prepared by Dean B. R. Van Leer of North Carolina State College, have been sent by the NAB to all members of its National Defense Committee for distribution to nearby schools."



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; Frank E. Pellegrin, Director of Broadcast Advertising; Paul F. Peter, Director of Research; Russell P. Place, Counsel; Lynne C. Smeby, Director of Engineering

OWN POWER SUPPLY NEEDED

During the war maneuvers just completed, Program Director Carl George, WGAR, Cleveland, reports that his crew made a total of 15 transcribed programs. The station operated two transcription machines and a short-wave mobile unit.

One of the difficulties encountered was a power supply while on the move.

"As we see it," he said, "the stations covering the actual operations of an Army will have to be able to provide its own power supply. The Army moves very fast when it moves. A station must have all of its equipment just as mobile as possible. You never know where you are going to stop, and, therefore, you cannot plan to insert lines at a given location at a given time. You may be 50 miles away when your program is scheduled to go on the air. Moreover, line facilities are extremely limited and it is unlikely that a station can rely on line communication and get any actual broadcast from the front lines. For this reason we believe the station would have to provide short-wave communication facilities for itself which would permit both receiving and sending while on the move.

"In our case we made transcriptions which we believe proved to be the most satisfactory way of getting real action on the program. We were able to set up our equipment, in one case, while a dive-bombing attack was taking place and our recording is one of the most realistic things I have ever heard."

BMI

New BMI Subscribers

There has been a rush of new BMI subscribers since the total number passed 700, and the past week saw the addition of ten new stations. They were:

- | | |
|-------------------------------|-------------------------|
| KTNM, Tucumcari, N. Mex. | WNAB, Bridgeport, Conn. |
| KIUN, Pecos, Texas | WJIM, Lansing, Mich. |
| WRRN, Warren, Ohio | KENO, Las Vegas, Nev. |
| KWOS, Jefferson City, Mo. | WSON, Henderson, Ky. |
| WSOO, Sault Ste. Marie, Mich. | WMOG, Brunswick, Ga. |
| | WWNY, Watertown, N. Y. |

Campbell Arnoux, WTAR, Norfolk, Virginia, writes:

"May I extend our sincerest congratulations on the work of the past year which we consider one of the most brilliantly executed achievements during the entire course of the broadcasting industry."

New Song Sought for the Americas

BMI will cooperate with the Pan-American Coffee Bureau, now sponsoring Mrs. Roosevelt in a series of broadcasts, in a contest designed to select a song emphasizing the part played by coffee in hemispheric friendship. The contest, which will begin about November 1st and end about January 1st, 1942, will seek a tune in the popular idiom from a songwriter in one of the

Americas. The prizes will be as follows: \$100 for first prize; a large silver coffee cup for second prize; a smaller silver coffee cup, third prize; and twelve runner-up prizes of jumbo china cups each inscribed with the name of the winner. The judges will be chosen from among the best known band leaders and vocalists on the air. The contest will be initiated with an announcement on the Coffee Bureau program and the song winning first prize will be broadcast on this program.

Pleased

General enthusiasm from both composer and publisher accompanied the receipt of checks from BMI in payment for performances during the three months ended June 30, 1941. We quote the following in a letter from Radiotone Recording Studio, west coast publisher:

"I just received a royalty check for \$613 for the second quarter and believe me I was pleasantly surprised. Your company paid off at 4¢ when they could have paid at 2¢. I like the way you do business."

Sales

Midnight Commercials

To reach defense workers on the night shift, alert Frederick & Nelson Department Store of Seattle, Wash., sponsors "We Are Americans," half-hour programs of recorded music, 12:30-1:00 a. m., six nights a week on KRSC.

Writes J. P. Heverly, the store's radio director:

"Fifty thousand defense workers in the Seattle area, divided into three shifts, are a tempting audience for any retailer. Seventeen thousand men get off at midnight and 12:30, and a survey showed that the majority of these men have radios in their cars, and that their wives were waiting up for them with radios on. Our specially designed patriotic program was built to appeal to these men and their families. It is used to sell men's furnishings, publicize major store promotions and obtain new account customers. Favorable results after a month's trial have merited a renewal at least through the first of the year."

District Sales Meetings Planned

Sales executives of the NAB are advised to stand by for notice of district sales meetings, to be held in all NAB districts during the next three months, and starting the middle of October. A tentative schedule has been drawn up and is awaiting confirmation by district directors. According to the plan, ample time will be allowed during two-day meetings for special sessions of sales managers, as well as for meetings with local advertising clubs and other civic groups. District Sales Managers Chairmen will be consulted by their district directors regarding the sales meeting as soon as final dates for each district are approved.

LANG PROTESTS LEGION STAND ON FOREIGN BROADCASTS

The American Legion's resolution condemning foreign language broadcasts was strongly protested this week by Joseph Lang, WHOM, chairman of the NAB's foreign language committee.

In a letter to Legion officials, Mr. Lang called the organization's attitude "un-American, utterly ridiculous and detrimental to the cause of national unity."

He called on the American Legion to drop or rescind the resolution in the best interests of the country and to take steps to disavow further action along such lines.

Lang acted in behalf of 93 U. S. radio stations which feature foreign language broadcasts and cited statements by James Lawrence Fly, chairman of the FCC, on the value of such programs in Americanization work.

Mothers' Magazine Commends Children's Program Progress

Says the October *Ladies Home Journal*:

When, early in 1939, the *Journal's* What the Women of America Think survey revealed that a large majority of American mothers felt that children's radio programs were dangerous to their children, we expressed the hope—and the confidence—that women would take the initiative in doing something constructive about it. It is always pleasant to report progress. And that is what we think is very definitely reflected in the activities since then of the Radio Council on Children's Programs and the National Association of Broadcasters, as described in a recent report by Mrs. Dorothy Lewis, vice-chairman of the council.

In the course of 23,500 miles of travel Mrs. Lewis visited 169 cities, contacted 5000 club and civic leaders, met 1200 broadcasters; she was studying things as they are, evolving practical procedures for bringing about much better things, revivifying established groups and club committees who have been concerned with the problem in the past, and stimulating the creation of new ones.

The industry as represented by the National Association of Broadcasters was keenly interested in making effective that provision of its code (adopted in July, 1939) which seeks "to establish acceptable and improving standards for children's programs." Sponsors were generally co-operative too. In fact, one of them, General Mills, of Minneapolis, learning through Mrs. Lewis of the work being done by Iowa University's Radio Division, contributed \$4000 for a special study of children's programs.

Mrs. Lewis' report indicates a good beginning in coping with a vital problem. For it is vital, as Mrs. Harold V. Milligan, chairman of the council, emphasizes in her foreword to the report, when she quotes, "The nation marches forward on the feet of little children."

He pointed out that departments of the Federal Government regularly utilize foreign language broadcasting facilities, including especially the Treasury in the Defense Savings campaign. The Federal Housing Administration, Department of Agriculture, Army, Navy, and Marine recruiting, Red Cross and other worthwhile patriotic projects are supported by foreign language broadcasting, Lang said.

DOROTHY LEWIS STARTS ANOTHER SWING AROUND COUNTRY

With the longest railroad ticket ever sold in her purse,¹ Mrs. Dorothy Lewis has hit the trail again in the interest of better understanding between the country's mothers and broadcasters.

Heading west from New York, Mrs. Lewis already has held conferences in Syracuse, Rochester, Erie, Cleveland, Toledo and Indianapolis. She reports enthusiastic response from women's groups and the unqualified support of radio stations.

¹ Mrs. Lewis' complete itinerary may be found in NAB REPORTS, p. 738.

The NAB wishes to thank those stations who have already helped Mrs. Lewis with her important job, and to urge stations in cities she has yet to visit, to give her their wholehearted cooperation.

NEWSPAPER HEARING

Morris L. Ernst of New York, prominently associated with the American Civil Liberties Union, testified Thursday at the Newspaper-Radio hearings before the FCC, that in his opinion newspapers should not own radio stations, even assuming they can do a better job. Of the opinion that the "pipe-lines to the marketplace of thought" must remain free from domination if the Bill of Rights and our democracy is to survive in competition with the Communists and Nazis, Mr. Ernst stated that he was fearful of any interlocking of controls of the "pipe-lines." Unless we are successful in maintaining our philosophy of a "marketplace of thought," he said, popular demand may force government to take over radio which would be worst of all and result in breakdown of the "pipe-lines."

NEW EDUCATION ASSOCIATION

Broadcasting station educational directors and educators interested in radio may be interested in the organization of the Association for Education by Radio and its *Journal*, the first issue of which appeared in September. Applications for membership should be sent to Robert B. Hudson, 21 E. 18th St., Denver. Dues of \$2 a year include a subscription to the *Journal*.

FEDERAL COMMUNICATIONS COMMISSION

Fly Discusses Hearings

FCC Chairman James Lawrence Fly at press conference early this week admitted that the Commission had not made any speed in so far as the newspaper-radio hearing is concerned but he called attention to the fact that it is impossible to run a hearing of that kind continuously and "it is pretty essential that we use only a couple of days a week on these kind of hearings where it takes time of the full Commission." He said that he doubted if it would be possible for the Commission to make more progress on this hearing than it is at the present time.

Mr. Fly told the newsmen that he felt that the multiple ownership hearing, to be held on October 6, will only take a day or two. He said that the appearances are not yet complete for this hearing and the FCC has extended the time for the filing of briefs in connection with this case. The Chairman was informed by an official of the Commission who was present that at least fifteen briefs have been filed in connection with the multiple ownership hearing. Mr. Fly said that he understood that a dozen or fifteen people are getting together and will have one representative at this hearing and he assumed, he said, that there would be separate appearances but only one brief and one argument for this group.

Order No. 84 (Public Notice)

All interested parties who desire to appear and participate in the oral argument scheduled for October 6, 1941, in connection with Commission Order No. 84, re multiple ownership of standard broadcast stations, may do so by filing with the Secretary, not later than 10 a. m., October 4, 1941, written notice of intention to appear and amount of time required for argument.

FCC RULE AMENDED

FCC has taken the following action in connection with an amendment to its rules and regulations:

Amended Sections 14.14, 14.32, and 14.53, of Rules Governing Radio Stations in Alaska other than Amateur and Broadcast, to provide for the withdrawal of the frequency 2912 kilocycles from availability for assignment to stations in the Fixed Public, Public Coastal, and Ship Services in Alaska. This frequency will remain available for use by stations currently licensed therefor until the expiration date of the existing license (January 1, 1942).

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 6. They are subject to change.

Monday, October 6

Oral Argument Before the Commission

To Be Held in Hearing Room 6121—New Post Office Building
Order No. 84

Section 3.35—Multiple ownership of standard broadcast stations.

Briefs and appearances filed by the following:

Oregon Publishing Co. (KGW and KEX). Represented by: John C. Kendall, Ben S. Fisher, Charles V. Wayland.

Buffalo Broadcasting Corp. Represented by: Frank D. Scott, Westinghouse Radio Stations, Inc. (WOWO and WGL). Represented by: Donald C. Swatland, Richard H. Wilmer.

Johnson Kennedy Radio Corp. (WIND). Represented by: Mabel W. Willebrandt.

WJJD, Incorporated (WJJD). Represented by: Mabel W. Willebrandt.

Louis Wasmer, Inc. (KHQ and KGA). Represented by: John C. & John W. Kendall, Fisher & Wayland.

Reading Broadcasting Co. (WRAW) and Berks Broadcasting Co. (WEEU). Represented by: George O. Sutton and Arthur H. Schroeder.

Delaware Broadcasting Co. (WILM) and WDEL, Incorporated (WDEL). Represented by: George O. Sutton and Arthur H. Schroeder.

Gene T. Dyer. Represented by: Andrew G. Haley.

Pittsburgh Radio Supply House (WJAS) and KQV Broadcasting Co. (KQV). Represented by: George O. Sutton and Arthur H. Schroeder.

West Virginia Broadcasting Corp. (WWVA) and Monongahela Valley Broadcasting Co. (WMMN). Represented by: H. L. Lohnes & F. W. Albertson.

National Broadcasting Co., Inc. Represented by: D. M. Patrick and P. J. Hennessey.

Massachusetts Broadcasting Corp. (WCOP) and Broadcasting Service Organization, Inc. (WORL). Represented by: Ben S. Fisher.

International Broadcasting Corp. (KWKH) and Tri-State Broadcasting System, Inc. (KTBS). Represented by: George B. Porter and Ben S. Fisher.

Fisher's Blend Station, Inc. (KOMO & KJR). Represented by: Donald G. Graham, Ben S. Fisher, C. V. Wayland, C. F. Duvall.

Evansville On The Air, Inc. (WGBF & WEOA). (Filed September 23, 1941.) Represented by: Henry B. Walker.

Monday, October 6

Consolidated Hearing

NEW—Utica Observer-Dispatch, Inc., Utica, N. Y.—C. P., 1450 kc., 250 watts, unlimited.

NEW—Utica Broadcasting Co., Inc., Utica, N. Y.—C. P., 1450 kc., 250 watts, unlimited.

NEW—Midstate Radio Corporation, Utica, N. Y.—C. P., 1450 kc., 250 watts, unlimited.

Wednesday, October 8

KIDW—The Lamar Broadcasting Company, Lamar, Colo.—Renewal of license, 1450 kc., 100 watts, specified hours.

Friday, October 10

WSAM—Saginaw Broadcasting Company, Saginaw, Mich.—Modification of license, 1400 kc., 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. Y.—Granted modification of construction permit to make changes in directional antenna system (B1-MP-1402).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted construction permit (B4-P-2477), to increase power to 5 KW, increase hours to unlimited, move transmitter to approximately 5¼ miles north-northeast of St. Joseph, Mo., install new transmitter and install directional antenna for day and night use. Now operates on 680 kc., 500 watts night, 2½ KW-LS, D to LS at San Francisco.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Cal.—Granted construction permit (B5-P-3235), to increase power to 250 watts day and night and install new transmitter. Now operates on 1240 kc., 100 watts, unlimited time.

WMVA—William C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co. (Assignors), Martinsville Broadcasting Co., Inc. (Assignee), Martinsville, Va.—Granted consent to voluntary assignment of license (B2-AL-311), of Martinsville Broadcasting Co., Station WMVA, from William C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co., to Martinsville Broadcasting Co., Inc., for a total consideration of \$13,100.

DESIGNATED FOR HEARING

WLOL—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Application for construction permit (B4-P-3040), to install a new transmitter, change frequency to 630 kc., increase day power to 5 KW, move transmitter locally, and make changes in directional antenna system for day and night use.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Application for construction permit (B4-P-3044), to change frequency to 630 kc., change power to 1 KW night, 5 KW day, directional antenna day and night, and install new transmitter and directional antenna. (To be heard jointly with above application of WLOL.)

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Application for renewal of license (B3-R-1005), for the period ending October 1, 1942. Granted temporary license, subject to whatever action may be taken by the Commission upon the pending application for renewal of license.

WELL—Federated Publications, Inc., Battle Creek, Mich.—Application for renewal of license (B2-R-311), granted temporary license, subject to whatever action may be taken by the Commission upon the pending application for renewal of license.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Application for construction permit (B5-P-3113), to change frequency to 1460 kc., increase power to 1 KW day and night, install a new transmitter and make changes in equipment and antenna.

John R. Scripps, Ventura, Calif.—Removed from pending files application for construction permit (B5-P-2583), for new station to operate on 1460 kc., 1 KW, unlimited time; this application to be heard jointly with KSAN above.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending October 1, 1942:

KDON, Monterey, Cal.; KFPL, Dublin, Texas; KFYO, Lubbock, Texas; KHAS, Hastings, Neb.; KOOS, Marshfield, Ore.; KVEC, San Luis Obispo, Cal.; KVOS, Bellingham, Wash.; KYUM, Yuma, Ariz.; WAIR, Winston-Salem, N. C.; WCOU, Lewiston, Maine; WEDC, Chicago; WEMP, Milwaukee; WFBG, Altoona, Pa.; WFIG, Sumter, S. C.; WGAU, Athens, Ga.; WHOP, Hopkinsville, Ky.; WJBW, New Orleans; WJIM, Lansing, Mich.; WJNO, West Palm Beach, Fla.; WLAV, Grand Rapids, Mich.; WLOG, Logan, W. Va.; WLVA, Lynchburg, Va.; WMOB, Mobile, Ala.; WNBH, New Bedford, Mass.; WOLS, Florence, S. C.; WSAV, Savannah, Ga.; WSIX, Nashville, Tenn.; WTEL, Philadelphia, Pa.; KCKN, Kansas City, Kans.; WBHP, Huntsville, Ala.; WCED, Du Boise, Pa.; WESX, Salem, Mass.; WHAT, Philadelphia, Pa.; WIZE, Springfield, Ohio; WSAJ, Grove City, Pa.; WTHT, Hartford, Conn.; WTRC, Elkhart, Ind.; WBOW, Terre Haute, Ind.

In the following cases licenses were extended upon a temporary basis only, pending receipt of and determination upon applications for renewal, for the period ending November 1, 1941:

KADA, Ada, Okla.; KAVE, Carlsbad, N. M.; KFJB, Marshalltown, Iowa; KFXJ, Grand Junction, Colo.; KGDE, Fergus Falls, Minn.; KIUL, Garden City, Kans.; KOME, Tulsa, Okla.; KOVO, Provo, Utah; KPFA, Helena, Mont.; KVSQ, Ardmore, Okla.; KWLC, Decorah, Iowa; KWNO, Winona, Minn.; KWOS, Jefferson City, Mo.; WAML, Laurel, Miss.; WAYX, Waycross, Ga.; WBBL, Richmond, Va.; WBBZ, Ponca City, Okla.; WBRB, Red Bank, N. J.; WCBT, Nr. Roanoke Rapids, N. C.; WCOV, Montgomery, Ala.; WFTC, Kinston, N. C.; WGAC, Augusta, Ga.; WINX and Synchronous Amplifier, Washington, D. C.; WJEJ, Hagerstown, Md.; WJRD, Tuscaloosa, Ala.; WKAT auxiliary, Miami Beach, Fla.; WMFF, Plattsburg, N. Y.; WSNJ, Upper Deerfield Twp., Nr. Bridgeton, N. J.; KGFV, Kearney, Neb.; KXRO, Aberdeen, Wash.; WGCM, Gulfport, Miss.; WGRM, Greenwood, Miss.; WITH, Baltimore; WJPF, Herrin, Ill.; WLNH, Laconia, N. H.; WOMT, Manitowoc, Wisc.; WPAX, Thomasville, Ga.; WSGN, Birmingham, Ala.; WSOO, Sault Ste. Marie, Mich.; WDSM, Superior, Wisc.

In the following cases licenses were extended upon a temporary basis only, for the period ending December 1, 1941, pending receipt of and determination upon applications for renewal:

KAND, Corsicana, Texas; KWLM, Willmar, Minn.; WHBY, Appleton, Wisc.; WISE, Asheville, N. C.

In the following cases licenses were extended upon a temporary basis only, for the period ending November 1, 1941, pending determination upon applications for renewal:

KID, Idaho Falls, Idaho; KITE, Kansas City, Mo.; WIRE and auxiliary, Indianapolis, Ind.; WORK, York, Pa.; WSAR, Fall River, Mass.; WTAQ, Green Bay, Wisc.; WWRL, Woodside, (L. I.), New York.

PLACED IN PENDING FILES

WMAL—National Broadcasting Co., Inc. (assignor), M. A. Leese Radio Corp. (assignee), Washington, D. C.—Application for consent to the voluntary assignment of license of National Broadcasting Co., Inc., Station WMAL, from National Broadcasting Co., Inc., to M. A. Leese Radio Corp., placed in pending file pursuant to Order No. 79.

MISCELLANEOUS

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 FM, with transmitter located at New Scotland, N. Y., for the period September 27 to October 27, 1941.

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 **48700 kc.**, with 1000 watts power, special emission for FM, with transmitter located at 3104 Northern Blvd., Long Island City. 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). This authorization is granted for the period September 29 to November 26, 1941.

WABA—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to operate a special laboratory

transmitter as a relay broadcast station on **39820 kc.**, with power of $\frac{1}{2}$ watt in order to record on the ground and to rebroadcast over WLS the human voice and the rate of the heart beat, and other scientific data during a free fall in the air prior to the opening of a parachute, for the period September 24 to October 23, 1941, conditionally.

W47A—The Capital Broadcasting Co., Inc., Schenectady, N. Y.—Granted extension of special temporary authority to operate with main studio at the transmitter of FM broadcast station W47A for period September 29 to October 28, pending completion of ST transmitter at main studio specified in construction permit.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate additional time from 6:30 to 10:30 p.m., CST, on October 3, 10, and 17, and from 2 to 4:30 p.m., CST, on November 11, in order to broadcast football games only (B4-S-649).

WGTM—WGTM, Inc., Wilson, N. C.—Granted special temporary authority to operate with studio at 115 West Nash St., Wilson, N. C., in lieu of site specified in construction permit (B3-P-3166), for a period not to exceed 30 days (B3-S-953).

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted extension of special temporary authority to operate daytime with a non-directional antenna until sunset at Sacramento, Calif., for a period not to exceed 30 days beginning September 24, 1941, and ending in no event later than October 23, 1941.

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted license (B1-L-1484) to cover construction permit (B1-P-2948) for change in frequency, increase in power, and installation of new transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-1209).

WBDC—Delta Broadcasting Co., Escanaba, Mich.—Granted license (B2-L-1505) to cover construction permit (B2-P-2854) authorizing new station to operate on **1490 kc.**, 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna power (B2-Z-1229).

WCNV—Arthur Faske, Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1219).

WALH—Piedmont Publishing Co., Portable-Mobile.—Present license for relay broadcast station extended upon a temporary basis only, for the period ending November 1, 1941, pending determination upon application for renewal.

The following applications for renewal of relay broadcast station licenses were granted for the period October 1, 1941, to October 1, 1942:

KIEO, KFAA, WASJ, WAAJ, WOGG, WIOE, WIOF, WIOG, WAFK, KEJR, WIEH, WCBJ, WLOY, WFME, KNBC, WBAC, KQCB, WAHM, KIEF, KIEG, WATS, WEOY, WJEN, WJEP, WAVB, WEMC, WHER, WA1H, WGNA, WGTC, KBQA, WAAK, WENM, KAQY, WATD, KABH, WAWT, KBTA and KBTB.

The following relay broadcast stations' licenses were extended upon a temporary basis only, for the period ending November 1, 1941, pending determination upon applications for renewal:

WBGL, KALO, WSMA and WSMC.

KADB—Nichols & Warinner, Inc., Portable-Mobile.—Present relay broadcast station extended upon a temporary basis only, for the period ending November 1, 1941, pending receipt of and determination upon application for renewal.

WAUB—WSIX, Inc., Portable-Mobile.—Present relay broadcast station extended upon a temporary basis only, for the period ending November 1, 1941, pending receipt of and determination upon application for renewal.

KFIZ—Reporter Printing Co., Fond du Lac, Wisc.—Granted license to cover construction permit for new transmitter, changes in antenna and increase in power (B4-L-1496). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1221).

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Granted license to cover construction permit as modified for a new station, and for authority to determine operating power by direct measurement of antenna input (B5-L-1499 and B5-Z-1224).

WBRY—American-Republic, Inc., Waterbury, Conn.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-918).

WCRS—Grenco, Inc., Greenwood, S. C.—Granted license to cover construction permit as modified for new station, and author-

- ity to determine operating power by direct measurement of antenna input (B3-Z-1228 and B3-L-1504).
- KGBS**—Harbenito Broadcasting Co., Harlingen, Tex.—Granted license to cover construction permit for new station (B3-L-1498). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-1213).
- WISN**—Hearst Radio, Inc., Milwaukee, Wisc.—Granted construction permit to move old RCA 1-D-A transmitter to site of new transmitter and use as auxiliary transmitter for emergency use only (B4-P-3299). Granted license to cover construction permit B4-P-2608, as modified, for new transmitter, install directional antenna for night and day use, increase power and move of transmitter (B4-L-1483). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-1208).
- WEBC**—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted modification of construction permit (for increase in power and install directional antenna for night use) for extension of completion date from September 21 to November 21, 1941 (B4-MP-1391).
- WDOD**—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted modification of construction permit (for increase in power, install directional antenna for night use, move transmitter and change frequency) for extension of completion date from September 23, 1941, to January 23, 1942 (B3-MP-1393).
- WHDH**—Matheson Radio Co., Inc., Boston, Mass.—Granted modification of construction permit (for installation of new transmitter and directional antenna for night use, and increase in power and hours of operation) for change in transmitting equipment (B1-MP-1384).
- KOIL**—Central States Broadcasting Co., Omaha, Nebr.—Granted license to cover construction permit for increase in power and installation of directional antenna for night use (B4-L-1494). Granted authority to determine operating power by direct measurement of antenna power (B4-Z-1218).
- WHIO**—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover construction permit B2-P-3257, for reinstatement of construction permit B2-P-2628 as modified, which authorized changes in equipment and in directional antenna system, increase in power and move of transmitter (B2-L-1495). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-1220).
- WNAB**—Harold Thomas, Bridgeport, Conn.—Granted license to cover construction permit as modified, for new station, and authority to determine operating power by direct measurement of antenna input (B1-L-1508 and B1-Z-1233).
- WGCV**—E. E. Krebsbach, Wolf Point, Mont.—Granted modification of license to move studio from Main & Fourth Streets, Wolf Point, Mont., to adjacent railroad (rural) Wolf Point, Mont. (B5-ML-1080).
- KMED**—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of license to move studio from Sparta Building, Main & Riverside Ave., Medford, to Rose Lane, Medford, Ore. (B5-ML-1801).
- KTUC**—Tucson Broadcasting Co., Tucson, Ariz.—Granted construction permit (B5-P-3284) to install new transmitter, antenna and move studio and transmitter to Broadway and Tindle Ave., Tucson.
- WHKC**—United Broadcasting Co., Columbus, Ohio.—Granted construction permit (B2-P-3255) to install new vertical antenna system, and move transmitter to Obetz Road, between Parsons Ave. and Lockbourne Road, Columbus.
- WISR**—David Rosenblum, tr/as Butler Broadcasting Co., Butler, Pa.—Denied request for special temporary authority to operate from 7:15 p. m. to 10 p. m., EST, on September 26, 1941, only, in order to broadcast station's opening dedicatory program.
- WEAU**—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate additional time from 8 p. m., CST, to conclusion of the Louis-Nova World Heavyweight Championship boxing bout on September 29, 1941.
- WNYC**—City of New York, Municipal Broadcasting Co., New York, N. Y.—Granted special temporary authority to operate daily, except Sunday, from 6:30 to 6:45 p. m., EST, during the month of October, in order to continue broadcasting special selective service information by Colonel Arthur V. McDermott, Director for New York City, for a ten-minute period, and general and defense job-openings by the New York State Employment Service for the remaining five minutes of each broadcast.
- WORL**—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to remain on the air from sign-off time (October, 5 p. m., EST) to 6 p. m., EST, on October 5, 12, 19, and 26, 1941, in order to continue broadcasting the U. S. Treasury Department program, "Millions for Defense" only.
- WOSU**—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from sign-off time (October 7 p. m., EST) to 7:30 p. m., EST, on October 4, 1941, in order to broadcast the Ohio State-Southern California football game, only.
- WHKC**—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate additional time from 10 p. m., EST, to conclusion of Louis-Nova world heavy-weight boxing bout on September 29, 1941, only.
- KWJJ**—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted license (B5-L-1492) to cover construction permit (B5-P-2681) for change in frequency to **1680 kc.**, increase in power to 1 KW, installation of DA for day and night use and move transmitter. Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-1216).
- WICA**—WICA, Inc., Ashtabula, Ohio.—Granted motion for order to take depositions in re application for construction permit to operate on **970 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna night.
- Ralph L. Lewis, Greensboro, N. C.—Granted motion for continuance of hearing now scheduled for October 1, 1941 to November 13, 1941, in re applications of Ralph L. Lewis, High Point, N. C., for new station and High Point Broadcasting Co., High Point, N. C., for new station.
- KFNF**—KFNF, Inc., Shenandoah, Iowa.—Granted motion for postponement of hearing on application for renewal of license, now set for October 2, 1941, for 30 days.
- Nashville Radio Corp., Nashville, Tenn.—Granted motion for leave to amend application for new station so as to request **1450 kc.**, 250 watts, site to be determined, application removed from hearing docket, amendment to be filed within two weeks.
- The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—Granted motion for dismissal without prejudice application for construction permit for new station to operate on **1500 kc.**, 250 watts, unlimited time.
- KALB**—Alexandria Broadcasting Co., Inc., Alexandria, La.—Passed for a week petition for leave to amend application (for construction permit to operate on **580 kc.**, 1 KW, directional antenna night, unlimited time) and to remove application from hearing docket (re new directional antenna design).
- WJLB**—John L. Booth Broadcasting, Inc., Detroit, Mich.—Granted petition to intervene in re hearing on application of Saginaw Broadcasting Co. (WSAM), Saginaw, Mich., for modification of license to operate on **1400 kc.**, 250 watts, unlimited time.
- WAPI**—Voice of Alabama, Inc., Birmingham, Ala.—Granted motion for continuance of hearing on application for construction permit to operate on **1070 kc.**, 50 KW, directional antenna night, unlimited time, now set for October 9, 1941, for 30 days.
- Spencer A. and Lela C. Merrell, d/b as Waterways Radio Co., St. Louis, Mo.—Dismissed motion for continuance of hearing now scheduled for September 29, 1941, on applications of Waterways Radio Co. for new coastal station, and Radiomarine Corp. of America (WGK), St. Louis, Mo. (Docket Nos. 6174, 6173), on Commission's own motion continued said hearing to October 16, 1941.
- WGAN**—Portland Broadcasting System, Inc., Portland, Maine.—Action on WGAN petition to intervene in re hearing on application of American Republican, Inc., Waterbury, Conn. (WBRV), for modification of construction permit to operate on **560 kc.**, passed for two weeks.
- WOWO**—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Granted petition for continuance of hearing on application for construction permit to operate on **1190 kc.**, now scheduled for October 24, 1941, to January 5, 1942, and granted leave to amend application with respect to transmitter site. (Application to remain on hearing docket.)
- KFEQ**—KFEQ, Inc., St. Joseph, Mo.—Granted motion to take depositions in re application of Thomas Patrick, Inc. (KWK), St. Louis, Mo., for construction permit to operate on **680 kc.**, 50 KW, unlimited, directional antenna day and night.

Scripps-Howard Radio, Inc., Houston, Tex.—Granted motion to amend notice of hearing on application for new station, to delete from issue No. 1 “legal.”

Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted petition for an order to take depositions in re hearing on applications of WICA, Inc. (WICA), Ashtabula, Ohio, and Walker & Downing Radio Corp. (WWSW), Pittsburgh, Pa., both requesting **970 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna night.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time from 7:15 p.m. PST, to conclusion of local High School and Gonzaga University football games on October 3, 10, 17, and 24, 1941, and from sign-off time (November 4:15 p. m., PST), to conclusion of the Eastern vs. Western Colleges of Education football games on November 1, 1941, in order to broadcast said games only, on a sustaining basis only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate additional time from 7:45 p.m., to 10:30 p.m. EST, on October 4 and 10, 1941, in order to broadcast the University of Georgia-South Carolina and the University of Georgia-University of Mississippi football games, only, on a sustaining basis only.

WEEU—Berks Broadcasting Co., Reading, Pa.—Denied request for special temporary authority to operate from sign-off (October 5:30 p.m. EST), to 6 p.m. EST, on October 5, 12, 19, and 26, 1941, in order to continue broadcasting “The Gospel Hour.”

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to remain on the air from sign-off time (September 6:15 p. m., PST), to conclusion of Louis-Nova World Heavyweight Championship Bout September 29, 1941, in order to broadcast said bout only.

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit for changes in directional antenna system and extension of completion date to 180 days after grant, and change in type of transmitter (B1-MP-1345).

Correction: Action taken by Commissioner Craven in motions hearing September 26, on Voice of Alabama, Inc. (WAPI), Birmingham, Ala., should have read: “Granted motion for continuance of hearing until 30 days after Commission acts on pending petition to reconsider and grant.”

WMUR—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Granted modification of construction permit for new station, for extension of completion date from August 15, 1941, to October 15, 1941.

W2XYU—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to use a 25-watt test transmitter on 330.4, 333.4 and 336.4 megacycles in order to conduct antenna and propagation tests from either the Salmon or CBS Building in New York City in connection with proposed operation of ST Broadcast Stations W2XYN, W2XYO and W2XYP for period of 30 days.

Houston Printing Corp., Houston, Tex.—Granted special temporary authority to operate already licensed relay transmitter KFAA, licensed to A. H. Belo Corp., on **2790 kc.**, to transmit programs of Radio Station KPRC from Pasadena to Deepwater, Texas, for a period not to exceed ten days.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted special temporary authority to rebroadcast series of eleven weekly 15-minute sponsored programs (football round up), broadcast by international Station WRCA on Saturday nights at 8:15 p. m., EST, from September 27 to December 6, 1941, only, provided no compensation is paid or received for rebroadcast of such programs.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Denied request for special temporary authority to operate unlimited time on **790 kc.**, with 5 KW, daytime and 250 watts night, at the transmitter site authorized in construction permit, for a period not to exceed 30 days, pending completion of proof of performance measurements and commencement of program tests.

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Granted modification of construction permit which authorized increase in power, installation of new equipment and directional antenna for night use and move transmitter, for extension of completion date from September 29, 1941, to December 29, 1941 (B3-MP-1421).

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Denied petition of WBOW for rehearing directed against the Commis-

sion's action of July 29, 1941, granting application of WFAM, Inc. (WASK), for a new broadcast station in Lafayette, Ind.; dismissed petition of WFAM, Inc. (WASK), to extend the time within which to file its opposition to the petition for rehearing filed by WBOW, and the Commission on its own motion ordered that the action of July 29, 1941, granting application of WFAM, Inc., for a new station to operate on **1230 kc.**, 100 watts, unlimited time, be set aside, and the application of WFAM, Inc., for a new station in Lafayette, Ind., be granted, authorizing operation on **1450 kc.**, 250 watts, unlimited time, subject to condition that within 10 days from date of this action the applicant shall file with the Commission an application for modification of construction permit requesting these facilities.

WGST—Georgia School of Technology, and Southern Broadcasting Stations, Inc., intervener, Atlanta, Ga.—Denied petition to reconsider and grant without hearing the application for renewal of license of Station WGST.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate unlimited time on **790 kc.**, with power of 5 KW daytime and 250 watts nighttime, using directional antenna at night, at the transmitter site authorized in construction permit, on September 29, 1941, only, pending submission and approval of proof of performance measurements and commencement of program tests. On September 30, Commissioner Craven granted same as above, for a period of two weeks beginning September 30, 1941.

WDLF—Panama City Broadcasting Co., Panama City, Fla.—Extended date for filing Proposed Findings of Fact and Conclusions in re matter of revocation of license to October 6, 1941, and for filing Briefs to October 21, 1941 (Docket No. 6001).

WTMC—Ocala Broadcasting Co., Ocala, Fla.—Extended date for filing Proposed Findings of Fact and Conclusions in re matter of revocation of license to October 6, 1941, and for filing Briefs to October 21, 1941 (Docket No. 6000).

APPLICATIONS FILED AT FCC

580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-3019), for increase in power, changes in directional antenna for day and night use, requesting extension of completion date from 10-25-41 to 11-25-41.

610 Kilocycles

NEW—J. M. West, J. Marion West, Wesley W. West and P. M. Stevenson, Houston, Texas.—Construction permit for a new broadcast station to be operated on **610 kc.**, 1 KW, unlimited hours, using directional antenna for night use. Amended: to omit name of J. M. West (deceased) from application.

620 Kilocycles

WDNC—Durham Radio Corp., Durham, N. C.—Construction permit to install new transmitter, directional antenna for day and night, change frequency from **1490 to 620 kc.**, power from 250 watts to 1 KW night, 5 KW day, and move transmitter. Amended: to make changes in directional antenna.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—License to use old W. E. 304-A transmitter as auxiliary for emergency purposes, 1 KW power.

WAGE—Sentinel Broadcasting Co., Syracuse, N. Y.—Construction permit to increase power from 1 to 5 KW, change in directional antenna night and install new transmitter.

640 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1240 to 640 kc.**, power from 250 watts to 1 KW and hours from unlimited to limited time to local sunset at Los Angeles, using directional antenna from sunset at Beckley to local sunset at Los Angeles. Amended: to request facilities WHKC, contingent on WHKC going to new frequency.

WHCU—Cornell University, Ithaca, N. Y.—Construction permit to install new transmitter, directional antenna for night

use, change frequency from 870 to 640 kc., increase power from 1 to 5 KW, and change hours of operation from limited WWL to unlimited hours.

660 Kilocycles

KSKY—Chilton Radio Corp., Dallas, Texas.—License to cover construction permit (B3-P-2487), as modified, for a new broadcast station.

KSKY—Chilton Radio Corp., Dallas, Texas.—Authority to determine operating power by direct method.

780 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of special service authorization to operate synchronously with station KFAB from local sunset at Lincoln, Nebraska, to 12 midnight, CST, and operate simultaneously with KFAB from 5:30 a. m., CST, to local sunset, Chicago, Ill., for period ending 2-1-42.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Modification of special service authorization to operate synchronously with station WBBM from local sunset, at Lincoln, Nebraska, to 12 midnight, CST, and operate simultaneously with WBBM from 5:30 a. m., CST, to local sunset, Chicago, Ill., for period ending 2-1-42.

880 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-3160) for a new transmitter.

920 Kilocycles

KTKC—J. E. Richmond, Percy M. Whiteside, Homer W. Wood and Visalia Publishing Co., d/b as Tulare-Kings Counties Radio Associates, Visalia, Calif.—Modification of construction permit (B5-P-3159) for change in frequency, power, new transmitter and changes in directional antenna for day and night use, requesting changes in transmitting equipment, move transmitter and extend commencement and completion dates from 9-29-41 and 3-29-42 to 10 days after grant and 180 days thereafter, respectively.

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-2192) as modified for increase in power, changes in directional antenna, install new transmitter and move, requesting extension of completion date from 9-30-41 to 3-29-41.

960 Kilocycles

NEW—The McKeesport Broadcasting Co., Inc., McKeesport, Pa.—Construction permit for a new broadcast station to be operated on 960 kc., 1 KW and daytime hours.

970 Kilocycles

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from 1490 to 970 kc., increase power from 250 watts to 1 KW night, 5 KW day and move transmitter. Amended: to increase power to 5 KW and make changes in proposed directional antenna.

1110 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Authority to determine operating power by direct method.

1140 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on 1140 kc., 5 KW, unlimited hours, using directional antenna for day and night. Amended: to make changes in directional antenna.

1210 Kilocycles

NEW—Contra Costa Broadcasting Co., Richmond, Calif.—Construction permit for a new broadcast station to be operated on 1210 kc., 500 watts, limited time. Amended: re changes in vertical antenna.

1230 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—License to cover construction permit (B1-P-3052) for equipment changes and increase in power.

WESX—North Shore Broadcasting Co., Salem, Mass.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—License to cover construction permit (B4-P-3223) for move of transmitter and studio sites and new antenna.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Authority to determine operating power by direct method.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Authority to determine operating power by direct method.

1240 Kilocycles

KWLC—Luther College, Decorah, Iowa.—License to cover construction permit (B4-P-3003) as modified, for increase in power, change frequency, hours, move and install new transmitter.

KWLC—Luther College, Decorah, Iowa.—Authority to determine operating power by direct method.

NEW—John and Marcia Arrington, d/b as Arrington & Arrington, Roanoke, Va.—Construction permit for a new broadcast station to be operated on 1240 kc., 250 watts and unlimited hours.

1250 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Authority to determine operating power by direct method.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—License to cover construction permit (B3-P-2497) as modified, to install new transmitter, increase in power, directional antenna for day and night use and move of transmitter.

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—Authority to determine operating power by direct method.

1310 Kilocycles

WRR—City of Dallas, Texas, Dallas, Texas.—License to cover construction permit (B3-P-2229) as modified, for increase in power, new equipment, move of transmitter and directional antenna for night use.

WRR—City of Dallas, Texas, Dallas, Texas.—Authority to determine operating power by direct method.

1340 Kilocycles

WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to move transmitter and install new antenna system.

WFIG—J. Samuel Brody, Sumter, S. C.—Modification of license to increase night power from 100 to 250 watts.

1370 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit (B1-P-2730) as modified, for installation of new transmitter, changes in directional antenna for day and night and increase in power, requesting extension of completion date from 10-3-41 to 12-2-41.

KYSO—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter change frequency from 1080 to 1370 kc., power from 250 watts to 1 KW, and hours from daytime to unlimited, using directional antenna for day and night use. Amended: re changes in directional antenna system.

1380 Kilocycles

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Construction permit to increase power from 1 KW night, 2½ KW day to 5 KW and install new transmitter.

1400 Kilocycles

WSRR—Stephen R. Rintoul, Stamford, Conn.—License to cover construction permit (B1-P-2789) as modified, for a new broadcast station.

- WSRR—Stephen R. Rintoul, Stamford, Conn.—Authority to determine operating power by direct method.
- WBLK—Charleston Broadcasting Co., Clarksburg, W. Va.—Authority to install automatic frequency control equipment.
- KWYO—Big Horn Broadcasting Co., Inc., Sheridan, Wyoming.—Authority to install automatic frequency control equipment.
- WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Modification of license to increase power from 100 to 250 watts.

1410 Kilocycles

- WALA—W. O. Pape, tr. as Pape Broadcasting Co., Mobile, Alabama—Modification of construction permit (B3-MP-932) as modified for increase in power, install new equipment and directional antenna for night use and move transmitter, requesting extension of completion date from 9-29-41 to 12-29-41.

1420 Kilocycles

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of construction permit (B3-P-3049) for change in frequency, move transmitter, install new transmitter, changes in directional antenna for night use, requesting increase in power from 5 KW to 5 KW night, 10 KW day, changes in directional antenna for night use, change proposed site of transmitter and change proposed type of transmitter.

1450 Kilocycles

- WFNC—W. C. Ewing and T. K. Weyler, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Modification of license to change frequency from 1370 to 1450 kc., and increase hours from daytime to unlimited.

1490 Kilocycles

- KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Authority to transfer control of corporation from Thomas S. Lee and R. D. Merrill, executors of Estate of Don Lee, deceased to Don Lee Broadcasting System.

1520 Kilocycles

- KXRO—KXRO, Inc., Aberdeen, Wash.—Construction permit to change frequency from 1340 to 1520 kc., increase power from 250 watts to 1 KW, install new transmitter and make changes in vertical radiator.

FM APPLICATIONS

- W75NY—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PH-42) as modified, for a new high frequency broadcast station, requesting extension of commencement and completion dates from 5-6-41 and 11-6-41 to 1-1-42 and 6-30-42, respectively.
- W47NY—Muzak Corporation, New York, N. Y.—Modification of construction permit (B1-PH-48) for a new high frequency broadcast station, requesting approval of antenna system and approval of transmitter site. Amended: re corporate structure.
- NEW—Amarillo Broadcasting Corp., Amarillo, Texas.—Construction permit for a new high frequency broadcast station to be operated on 45100 kc.; coverage: 5,628 square miles; Population: 73,734. Amended: for changes in antenna system.
- W77XL—WJIM, Inc., Lansing, Mich.—Modification of construction permit (B2-PH-86) for a new high frequency broadcast station, requesting approval of antenna system.

TELEVISION APPLICATIONS

- W6XHT—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Modification of construction permit (B5-PVB-63) as modified for a new television broadcast station, requesting extension of commencement and completion dates from 4-15-41 and 10-15-41 to 12-15-41 and 6-15-42, respectively.
- W6XHH—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Modification of construction permit

(B5-PVB-63) as modified for a new television broadcast station, requesting extension of commencement and completion dates from 4-15-41 and 10-15-41 to 12-15-41 and 6-15-42, respectively.

- NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Construction permit for a new television (commercial) broadcast station (Formerly W2XWV), to be operated on Channel No. 6 78000-84000 kc., emission A5 and Special for frequency modulation ESR 1750, unlimited. Amended to change ESR to 955.625.

MISCELLANEOUS APPLICATIONS

- WHB—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Authority to determine operating power by direct method.
- WHB—Allen B. DuMont Laboratories, Inc., New York, N. Y.—License to use old main transmitter as auxiliary transmitter, power 1 KW.
- WEDP—The Yankee Network, Inc., Portable-Mobile.—Modification of construction permit (B1-PRE-381) for a new relay broadcast station, requesting extension of commencement and completion dates from 4-20-41 and 10-20-41 to 10-21-41 and 4-21-42, respectively.
- W9XC—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-PVB-52) as modified, for changes in equipment, frequencies, decrease in power and to add A3 emission, requesting extension of completion date from 9-24-41 to 9-24-42.
- W2XMC—Muzak Corporation, New York, N. Y.—Modification of construction permit (B1-PEX-36) for a new developmental station, requesting change in transmitter site and changes in antenna.
- NEW—WJNO, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1645, 2090, 2190, 2830 kc., 50 watts, A3 emission.

FEDERAL TRADE COMMISSION ACTION

Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.

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.

Codrin Corporation, 333 Sixth Ave., New York, engaged in the sale and distribution of a medicinal preparation designated "Magnesia S. Pellegrino," is charged in a complaint with misrepresentation and false advertising. (4598)

Theophilus J. Craig, 14 Federal Ave., Quincy, Mass., engaged in the sale and distribution of tombstones and monuments in commerce, is charged in a complaint with misrepresentation. (4600)

Fisher Nut and Chocolate Co., 2327 Wycliff St., St. Paul, Minn., engaged in the manufacture and sale of candy and nut products, is charged in a complaint with the use of lottery methods in the distribution of its products. (4594)

Ingenuities Corporation of America, 745 Fifth Ave., New York, Goldberg, Squire, Lesser and Cohen, Inc., 3 East 28th St., New York, and T. P. McCutcheon and Brother, Inc., 1216 Arch

St., Philadelphia, are charged in a complaint with the use of unfair and deceptive acts and practices in the sale and distribution of neckwear. (4593)

Millinery Stabilization Commission, Inc., an organization of some four hundred manufacturers of women's headwear, and its officers and members; United Hatters, Cap and Millinery Workers International Union, an unincorporated labor union of millinery workers, and its officers and members; two Locals of the Union, and their officers and members; and nine associations whose membership includes hundreds of importers, manufacturers and suppliers of raw materials, supplies and equipment used in the manufacture of millinery, are charged in a complaint with entering into and effectuating agreements, conspiracies, policies and practices restraining and monopolizing the business of manufacturing, selling and distributing millinery in the New York trade area, and from that area to the country at large. (4597-D)

National Coat & Suit Industry Recovery Board—Charges of entering into agreements and conspiracies to monopolize the business of selling and distributing women's and children's clothing are made in a complaint in which fourteen of the largest associations of coat and suit manufacturers in the country, the National Coat and Suit Industry Recovery Board, the membership of which includes representatives of such associations, and their members, and International Ladies' Garment Workers' Union, an unincorporated union of workers in the garment industry, its officers, executive board members and members, are named as respondents. Scores of officers and members of the associations of manufacturers and officers and board members of the Recovery Board and of the Union also are named individually as respondents. (4596)

Nature's Herb Co., 1260 Market St., San Francisco, Calif., engaged in the sale and distribution of a medicinal preparation advertised as "Sterling Capsules," is charged in a complaint with misrepresentation and false advertising. (4601)

Pratt Food Co., 124-130 Walnut St., Philadelphia, engaged in the sale and distribution of medicinal preparations for chickens designated "Pratt's Inhalant" and "Pratt's Poultry Regulator," is charged in a complaint with misrepresentation. (4599)

Waterbury Clock Co., also trading as The Ingersoll-Waterbury Co., Waterbury, Conn., is charged in a complaint with unfair and deceptive acts and practices in commerce. (4595)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

American Bandage Corporation, 1701 Damen Ave., Chicago, has been ordered to cease and desist from misrepresentation in the distribution and sale of a so-called self-adhering medicated bandage designated "A B C Gauzband." (4354)

Martha Beasley Associates—J. V. Cordes and Mrs. J. H. Cordes, doing business as Martha Beasley Associates, 5741 Grand River Blvd., Detroit, engaged in the sale and distribution of medicinal preparations intended for use in the treatment of delayed menstruation, have been ordered to cease and desist from certain representations concerning the preparations, and false advertising. (3841)

Domesart Corporation, 130 W. 17th St., New York City, and Joseph S. Zweigenthal and William M. Safrin, individually and as officers of the corporation, have been ordered to cease and desist from the use of lottery methods in the distribution and sale of candy. (3620)

Federal Yeast Corporation, Colgate-Highlandtown, Baltimore, has been ordered to cease and desist from price discrimination in violation of the Robinson-Patman Act. (3926).

Food Display Machine Corporation, 620 N. Michigan Ave., Chicago, and its officers, A. H. Kulikowski and George H. Hardt, trading under the names King Korn Company, King K Company and Brown Bobby Company, engaged in the sale and distribution of potato chip machines, corn chip machines and doughnut machines, have been ordered to cease and desist from misrepresentation concerning their products. (4122)

Perfect Voice Institute, 64 East Lake St., Chicago, Eugene Feuchtinger as president, Walter A. Jordan as chairman of the board of directors, and Mary E. Murphy as secretary and treasurer of the corporation, have been ordered to cease and desist from misrepresentation with regard to a correspondence course in voice development sold and distributed by them. (4049)

Radio Distributors—Leona Johnson, trading as Radio Distributors, 30 North Dearborn St., Chicago, has been ordered to cease and desist from the use of lottery methods in the sale and distribution of radios and other articles of merchandise. (4157)

W. K. Sterline, Sidney, O., distributor of preparations for treating hay fever and asthma, and Mumm, Romer, Robbins & Pearson, Inc., Columbus, O., an advertising agency handling the Sterline advertisements, have been ordered to cease and desist from misrepresentation in the sale of such preparations. (4485)

Sterling Appliance Company—Nolan B. Stadley, trading as Sterling Appliance Co., 4203 S. Hoover St., Los Angeles, has been ordered to cease and desist from false advertising and misrepresentation in the sale of a short wave diathermy device for treating diseases. (4542)

Joseph Warner Furniture Corporation, 42 East 33rd St., New York, operating so-called dealers or trade showrooms under the name "Salem House" and engaged in the distribution of household furniture, has been ordered to cease and desist from misrepresentation of its products. (4416)

STIPULATIONS

During the past week the Commission made public the following stipulations:

Hee Barth, trading as "Dark Eyes," 2110 W. Madison St., Chicago, engaged in the sale of a dye for eyelashes and eyebrows, called "Dark Eyes," has stipulated that he will cease and desist forthwith from disseminating any advertisement of the preparation which fails conspicuously to include therein a statement to the following effect:

"Caution: Prolonged or frequent use of this preparation may result in permanent discoloration of the skin and mucous membranes."

Provided, however, that such advertisement need contain only the statement:

"Caution: Use only as directed on the label." if and when the label bears the first described caution conspicuously displayed thereon and the accompanying labeling bears adequate directions for its use. (3214)

Burrell-Dugger Co., Indianapolis, Ind., engaged in selling two drug preparations for poultry designated "Don Sung" and "Avicol," has stipulated to discontinue representing that "Don Sung" is a new product, or is concentrated, or that it is of Chinese origin; that it will increase egg production in cases other than those of poultry whose ration is deficient in the particular elements supplied by this product; or that use of the respondent's

products will keep poultry strong or healthy. The respondent further agrees to discontinue any representation regarding diarrhea or bowel disorders in poultry which represent that "Avicol" is of any benefit in the prevention or treatment of all such cases, or of cases due to a parasitic infection, or is effective beyond its effects as an intestinal astringent. (02884)

Charles F. Dowd, Inc., Toledo, an advertising agency which disseminated advertisements on behalf of Michigan Magnetic Mineral Water Co. and Natural Ray Mineral Water Co., both of St. Louis, Mich., has stipulated that in disseminating advertising for the product designated "Mineral Water," it will discontinue representing that the product is a remedy or cure for stomach, bladder or kidney troubles and other ailments; that it is a safeguard, a way to gain, retain or maintain health, a preventive of infantile paralysis or other ailments, or an aid to muscle or bone development; or that it builds up resistance to colds or headaches. (02887)

Fulto School of Beauty Culture—Emma G. Fulton, doing business as Fulto School of Beauty Culture, 4808 Prairie Ave., Chicago, engaged in selling a number of hair preparations, has stipulated to discontinue representing that "Fulto Hair Grower, Plain," also designated "Fulto Plain Hair Food," will feed the scalp and hair, and that this preparation and "Fulto Hair Grower (Double Strength)" and "Fulto Liquid Hair Grower," either alone or in combination, will grow hair or are remedies or cures for dandruff or for diseased scalps. The respondent further agrees to cease and desist from representing, through the use of the terms "Hair Grower" and "Hair Food," or any other terms of similar import, that such preparations will grow hair or feed the hair and scalp. (02886)

Los Angeles Pharmacal Company—Robert Salazar, trading as Los Angeles Pharmacal Co. and as Hidalgo Pharmacy (Hidalgo Farmacia), 204 North Main St., Los Angeles, engaged in the sale and distribution of medicinal preparations, has stipulated to discontinue representing that the product designated "Stomavita," is a remedy or effective treatment for stomach, acidity, dyspepsia, or gastric trouble generally, or that it will afford the user the satisfaction of eating everything desired without distress or ill effects. (3126)

Marvelous Vegetable Yeast Company—Harold Hilty, trading as Marvelous Vegetable Yeast Co., Milwaukee, Wisc., engaged in the sale and distribution of a poultry and animal food supplement, has stipulated to discontinue representing that the product "Marvelous Vegetable Yeast" constitutes a remedy or effective treatment for diseases of poultry or animals generally or is efficacious in correcting or preventing worms and coccidiosis in chickens, pigeons or other poultry and worms in dogs, cats, foxes, minks or other animals. (3213)

Newell Pharmacal Company—J. E. Eggers, trading as Newell Pharmacal Co., Clayton Station, St. Louis, engaged in selling an alleged treatment for the tobacco habit designated "Tobacco Redeemer," consisting of a combination of drug preparations together with dietary information, has stipulated in a supplemental stipulation to discontinue representing that his product is certain to cure one of the tobacco habit, and, by use of the word "Pharmacal" in his trade name or otherwise, that he prepares the preparations or maintains a pharmacy or pharmacal facilities or that he maintains a laboratory wherein tests have been made indicating their efficacy. (040)

John G. Poorman, Tinley Park, Ill., engaged in selling "Poorman's Poultry Brooder and Battery Equipment," has stipulated to cease and desist from representing that the product is as natural as a hen; that artificial temperatures of 90° to 100° cause stench and disease or that his equipment eliminates such conditions; that his equipment is more sanitary or broods stronger or healthier chicks or poults, or that growth would be more rapid than the products of all direct heated brooders; or that the mortality is likely to be any lower with this brooder than with other types of brooding equipment. (02883)

Right-O-Products Company—Robert M. Froehlich, trading as Right-O-Products Co., 635 W. 170th St., New York, engaged in selling health foods and medicinal preparations, has stipulated to cease certain representations in the sale of his products. (02882)

Rev. H. E. Studier—H. E. Studier, trading as Rev. H. E. Studier, 2059 Euclid Ave., Lincoln, Nebr., engaged in selling a medicinal preparation designated "Miracle Salve," has stipulated to cease and desist from representing that Miracle Salve is a remedy or cure for, or has any therapeutic effect in the treatment of pains, gout, arthritis, neuritis and other ailments. (02885)

FTC CLOSES CASES

The Federal Trade Commission ordered closed without prejudice a case resulting from a complaint issued against Harry Berman, Inc., 1337 G St., N. W., Washington, D. C., operator of a luggage shop, and Morris Goldring, itinerant peddler, who had been charged with violation of the Federal Trade Commission Act in the sale of fountain pens.

The Commission order notes that the respondent Harry Berman, Inc., did not engage in the advertising and sales practices as alleged in the complaint and the whereabouts of the respondent Morris Goldring cannot be ascertained.

The case was ordered closed without prejudice to the Commission's right to resume proceedings, should future facts so warrant.

The Commission has also dismissed a complaint issued against Globe-Union, Inc., Milwaukee, manufacturer of storage batteries and radio accessories, alleging violation of the Robinson-Patman Act.

Also the Commission has ordered that a complaint issued against D. J. Easterlin, trading as D. J. Easterlin & Co., Charleston, S. C., charged with violation of the brokerage section of the Robinson-Patman Act, be dismissed.

Commission has ordered that the complaint issued against A. J. Goforth, West Asheville, N. C., charged with misrepresentation in the sale and distribution of medicinal preparations concocted from herbs, be closed without prejudice to the right of the Commission, should the facts so warrant, to reopen the case and resume trial thereof in accordance with its regular procedure.

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