

The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

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ROADS LEAD TO WHITE SULPHUR

All radio roads lead to White Sulphur Springs, W. Va., where the Eleventh Annual Convention of the National Association of Broadcasters will open with the drop of President McCosker's gavel on Monday morning.

In the meantime, conferences on the code of fair competition for the broadcasting industry are still in progress and a full and complete report of all proceedings will be presented at the White Sulphur meeting.

Temporary headquarters of the NAB have been established at White Sulphur during the time of the convention.

Early registrations indicate that a record crowd will be on hand at the meeting.

COMMISSION AMENDS RULES

Due to the fact that printed rules and regulations of the Radio Commission have been completely exhausted it is necessary to have a reprint made, and before doing that the Commission has made some changes in its rules.

Most of the changes made by the Commission are of a very minor nature, but one change of considerable importance was made concerning the use of broadcasting stations during emergencies. In Rule No. 23 of the Commission as quoted below the entire second paragraph has been added during the current week:

"23. Where an emergency exists affecting safety to life or property, the Commission may, in its discretion, waive any part or all of its regulations governing the filing of applications.

"The licensee of any radio transmitting station may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, utilize such station for emergency communication service in communicating with points other than those specified in the station license provided (1) that at the beginning of such emergency use immediate notice be sent to the Federal Radio Commission stating the nature of the emergency and the use to which the station is being put, and (2) that the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available. At any time the Commission may order the discontinuance of such service."

STATION OWNERSHIP MAY BE REQUIRED

A resolution has been proposed by Commissioner Lafount which would make it obligatory for stations selling their stock to record

same with the Commission when asking for their next license renewal. The resolution, which is as follows, has been referred to the Legal and Engineering Divisions of the Commission:

"WHEREAS Section 12 of the Radio Act of 1927 as amended provides in part as follows:

"'The station license required hereby, the frequencies or wave length or lengths authorized to be used by licensee, and the rights therein granted shall not be transferred, assigned, or in any manner, either voluntarily or involuntarily, disposed of to any person, firm, company, or corporation without the consent in writing of the licensing authority.'

"WHEREAS that portion of the Radio Act quoted above clearly indicates the intent and desire of Congress to require all assignments of licenses to be approved by the licensing authority, and

"WHEREAS many licenses are issued to corporations, and

"WHEREAS, the stock of said corporations can be transferred without the knowledge or consent of the Federal Radio Commission, which has the effect of transferring the license from one set of individuals to another without the written consent of the Federal Radio Commission as required by the Act, and, in order that the Commission may have available data which will enable it to differentiate between the name of a corporation and the actual parties in interest,

"BE IT RESOLVED that the Federal Radio Commission mail a questionnaire to each corporation licensee, propounding the following questions:

1. Name of corporation?
2. Authorized under the laws of what state?
3. Authorized capital stock, describing different classes of same, number of shares authorized, the par value of each, and the number of shares of each issued?
4. List of stockholders of record as of October 1, 1933, showing the number of shares held by each, the city and state in which each reside?
5. List of officers as of October 1st?
6. If any stockholders or officers are aliens, please so indicate.

"BE IT FURTHER RESOLVED that the Commission require that the above set of questions be answered under oath or affirmation and returned to the Commission, and thereafter that the Commission require applicant corporations to report all transfers of stock during the past license period at the time and in connection with their application for renewal of license, which, under the law, must be sworn to."

Discussing the resolution, Commissioner Lafount said:

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"In my opinion, the law requires the Commission to keep itself informed as to the actual ownership of stations, and, for the purpose of helping to produce this result, I move the adoption of the resolution."

WREC CASE ARGUED

The Court of Appeals at its opening session on October 2 heard the appeal argued in Docket No. 5846 of Station WREC, Inc., against the Radio Commission. Dockets Nos. 5896 and 5917 of Station WJJD against the Commission which were to have been heard on the same date were postponed until next month.

WLCI DEFAULT SUSTAINED

The Radio Commission on Friday upheld Examiner George H. Hill in his Report No. 510 in which he declared the Lutheran Association of Ithaca, Ithaca, N. Y., Station WLCI in default because it failed to put in an appearance at a hearing called in connection with the license renewal of the station.

SECURITIES ACT REGISTRATIONS

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Alpha Distributors, Inc., New York City. (2-231)
Basin Goldfields, Ltd., Butte, Mont. (2-242)
James B. Beam Distilling Company, Clermont, Ky. (2-245)
Bloom Lake Consolidated Mines, Ltd., Toronto, Canada. (2-237)
Cariboo Amalgamated Gold Mines, Ltd., Vancouver, B. C. (2-240)
Chattanooga Brewing Company, Chattanooga, Tenn. (2-232)
City Farmers Fund (C), Inc., New York City. (2-236)
Fifteen West 81st Street Bondowners Elected Committee, New York City. (2-238)
Miller-Ryan Trading Corporation, Denver, Colo. (2-241)
Nevada Pacific Ranches, Inc., Salt Lake City, Utah. (2-234)
Penn-York Oil & Gas Corporation, Olean, N. Y. (2-243)
Luther E. Todd and Others, St. Louis, Mo. (2-239)
The Trinity Corporation, Kittery, Me. (2-233)
United Capital Corporation, Augusta, Me. (2-244)
United Investors Corporation, Des Moines, Iowa. (2-235)
Western Reserve Brewing Company, Warren, Ohio. (2-230)
American Gold Mines, Inc., Idaho Springs, Colo. (2-256)
American Royalties, Inc., New York City. (2-257)
Buttes Oldfields, Inc., Oakland, Calif. (2-255)
Cummins Distilleries Corporation, Louisville, Ky. (2-253)
Distilled Liquors Corporation, New York City. (2-249)
Distributors Group, Inc., New York City. (2-246)
Frerichs Mining Company, Chicago, Ill. (2-250)
Gyro Air Lines, Inc., Denver, Colo. (2-248)
Kenilworth Brewing Company, Beaver Heights, Md. (2-259)
Lock Nut Corporation of America, Chicago, Ill. (2-247)

Philadelphia Protective Committee, Van Camp Products Co., Philadelphia. (2-252)

Rose Hills Memorial Park, Whittier, Calif. (2-251)

Shenandoah Valley Jockey Club, Charlestown, W. Va. (2-254)

Sullivan Gold Mining Company, Spokane, Wash. (2-258)

WWL APPEALS FROM F. R. C. DECISION

Appeal was filed this week by Station WWL in the Court of Appeals of the District of Columbia against the Radio Commission because of a decision of the Commission rendered on September 15 refusing the application of the station for full-time operation on its frequency of 850 kilocycles. The station now operates part time.

Protest was also made in the appeal that the Commission granted a license renewal to Station KWKH and that it granted the assignment of license of that station from the Hello World Broadcasting Corporation to the International Broadcasting Company.

Among other things it is stated in the appeal that "the order of the Commission, if it could be sustained upon any facts or reasons at all, would be based upon facts and reasons not presented at any hearing at which appellant was present or represented or had an opportunity of cross-examination or of offering explanatory evidence or evidence in contradiction."

It is further contended in the appeal that "the order of the Commission denying appellant's application is made contrary to the evidence, is without evidence to sustain it and is arbitrary, unreasonable and capricious."

COMMISSION ANSWERS RCA CASE

The Radio Commission this week filed its answer in the Supreme Court of the District of Columbia to the case brought against it by one Gerald V. Moore, of this city, in which the Commission was alleged to have violated the law in granting renewal licenses to the National Broadcasting Company, subsidiary of the Radio Corporation of America, on the basis that the parent organization had been adjudged guilty by a federal court of attempting monopoly. The petitioner asked for a writ of mandamus against the Commission in this case.

In a lengthy answer the Commission points out that a similar case has already been decided by the Court and that the petitioner had an opportunity to intervene in a case. The petitioner, says the Commission, "having failed to avail himself of his plain, speedy and adequate remedy at law, cannot now obtain a review of said action and decision by a writ of mandamus."

Denial is made by the Commission in its answer that RCA has been finally adjudged guilty by "a federal court of entering into a contract with other firms in the radio apparatus field (to substantially lessen competition or attempting to create a monopoly in) the commerce in such radio vacuum tubes for radio broadcast receivers as alleged by the petitioner."

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Friday, October 13, 1933

NEW—Joseph S. Crawford and Leigh E. Ore, Erie, Pa.—CP, 1420 kc., 100 watts, unlimited time.

WMCA—Knickerbocker Broadcasting Co., New York—Special authority, 570 kc., 500 watts, with additional 500 watts experimentally, unlimited time. Present assignment, 570 kc., 500 watts, unlimited time.

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—CP, 570 kc., 500 watts, unlimited time. Present assignment, 570 kc., 250 watts, unlimited time.

NEW—Harold Thomas, Waterbury, Conn.—CP, 1190 kc., 100 watts, daytime.

APPLICATIONS GRANTED

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted authority to operate on 970 kc. during World Series games. (Normally licensed on 1040 kc., 10 KW, sharing with KTHS.)

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted authority to use time assigned to KRLD on 1040 kc. while that station is using 970 kc. during Series games.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala. KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted authority to operate simultaneously with 1 KW power October 4 from 8:30 to 9:30 p. m., CST, in order to take National Catholic Charities program with President Roosevelt speaking. (Stations normally licensed on 1140 kc., 5 KW (CP 25 KW) simultaneous daytime, sharing at night.)

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authorization to broadcast World Series games and to operate from 1:30 p. m. to 5:30 p. m., CST, October 7, 14, 21, 28 and November 4, 11, 18, 25, 1933.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authorization to operate 10 p. m. to 12 midnight, CST, October 6.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of license for authority to operate on EST instead of CST as specified in existing license—6 a. m. to sunset and 9 to 12 p. m., EST.

WIBM—WIBM, Inc., Jackson, Mich.—Granted modification of license to operate on EST instead of CST as specified in existing license—5 a. m. to 8 p. m. EST.

WSB—Atlanta Journal Co., Atlanta, Ga.—Granted authority to use 5 KW transmitter as auxiliary pending action on application for regular license covering use of 5 KW transmitter as auxiliary.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authorization to operate from 9 p. m. to 12 midnight, CST, on October 26, 1933.

SET FOR HEARING

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—CP to install new equipment and increase power from 250 to 500 watts.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—CP to make changes in equipment and increase daytime power from 500 watts to 1 KW (facilities of KFWI).

WFBM—Indianapolis Power and Light Co., Indianapolis, Ind.—modification of license to increase specified hours to unlimited (facilities of WSBT).

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of license to change frequency from 1230 kc. to 1360 kc.; increase specified hours to 4/7 time (facilities formerly assigned WJKS (now WIND) on 1360 kc.).

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—CP to move transmitter from Fall River to Somerset, Mass., and move studio locally in Fall River; also make changes in equipment. Requests special experimental authorization to increase day power from 250 watts to 500 watts.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—CP to make changes in equipment and increase power from 100 to 500 watts (facilities of KFWI).

APPLICATIONS RECONSIDERED

The Commission reconsidered its action of September 19 and cancelled the authorizations set forth below, at the request of applicants:

WNAD—University of Oklahoma, Norman, Okla.—Special temporary authorization to operate from 2:30 to 5:30 p. m., CST, September 30, provided KGGF remained silent.

WNAD—University of Oklahoma, Norman, Okla.—Special temporary authorization to operate from 2:30 to 5:30, CST, October 21, November 4, and November 30, provided KGGF remained silent.

MISCELLANEOUS

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Denied authority to operate Saturday morning, October 7, from 1 to 4 p. m.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Denied their protest against the granting of KRMD's appeal to operate from 1 to 5 p. m., October 14, 21, and November 25 and 30. (KTBS operates on 1450 kc., 1 KW, unlimited time.)

WDAE—Tampa Publishing Co., Tampa, Fla.—Dismissed at request of applicant, application for CP, 1220 kc., 1 KW, 2½ KW LS, unlimited time (facilities of WRUF), heretofore set for hearing.

NEW—Central Broadcasting Co., Davenport, Iowa—Dismissed from the hearing docket, at request of applicant, application for facilities of WIAS—1310 kc., 100 watts, unlimited day, Sh. night.

WJAC—WJAC, Inc., Johnstown, Pa.—Denied authority to reduce hours of operation on Monday until December 1, 1933, as follows: 9 to 10:30 a. m., and 4:30 to 10 p. m.

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APPLICATIONS RECEIVED

First Zone

- WCAC—Connecticut Agricultural College, Storrs, Conn.—Modification of license to reduce specified hours of operation.
- NEW—S. George Webb, Newport, R. I.—Construction permit for new station to use 1320 kc., 250 watts, unlimited time. Amended as to data on equipment.
- WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Modification of license to increase hours of operation; change from specified hours to unlimited except 12:30 p. m. to 1:00 p. m. Monday to Friday inclusive, and Wednesday 4:30 to 5:00 p. m. Facilities of WCAC as to hours from 7:00 p. m. to 8:00 p. m. Monday to Friday inclusive.
- WORC—Alfred F. Kleindienst, Worcester, Mass.—Modification of special experimental authorization for 1280 kc., 500 watts, unlimited, to make changes in the equipment used.

Second Zone

- WCAH—Commercial Radio Service Co., Columbus, Ohio—Extension of special temporary authorization to operate simultaneously with WOKO, WHEC, WHP, and WFEA for six months from 11-1-33.
- NEW—Voice of Southwestern Pennsylvania, Inc., Silver Haven, Pa.—Construction permit for new station to use 800 kc., 1 KW, limited time—sunset Dallas (facilities WNBO, Silver Haven, Pa.).
- WCOD—Keystone Broadcasting Corp., Harrisburg, Pa.—Construction permit to change transmitter and studio locally and make changes in equipment.

Third Zone

- KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license to change hours of operation from specified hours to unlimited. Requests half facilities KWEA, Shreveport, La.
- KNOW—KUT Broadcasting Co., Austin, Tex.—Modification of construction permit granted 10-7-32 for move of transmitter to extend date of commencement and completion to 9-29-33 and 12-29-33, respectively.
- WMBR—F. J. Reynolds, Inc., Tampa, Fla.—Construction permit to move transmitter and studio to Jacksonville, Fla., and make changes in equipment amended to omit request for change in equipment.
- KBTM—W. J. Beard (Beard's Temple of Music), Paragould, Ark.—Construction permit to move transmitter and studio from Paragould to Jonesboro, Ark., and install automatic frequency control amended as to exact transmitter location—State Highway No. 1, Jonesboro, Ark., map and schematics attached.
- NEW—Ark-La-Tex Radio Corp., Shreveport, La.—Construction permit for new station to use 1210 kc., 100 watts, unlimited

hours, facilities KWEA, Shreveport, amended as to transmitter location to 601 Milan St., Shreveport, La.

- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Modification of construction permit granted 12-9-32 to extend date of commencement and date of completion to 2-9-34 and 4-9-34, respectively.

Fourth Zone

- WFBM—Indianapolis Power and Light Co., Indianapolis, Ind.—Modification of license to change hours from specified to unlimited (facilities WSBT, South Bend, Ind.).
- WSBT—The South Bend Tribune, South Bend, Ind.—Modification of license to change frequency from 1230 kc. to 1360 kc. and change in specified hours (facilities vacated by WJKS (now WIND), Gary, Ind.).
- WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Modification of construction permit granted 1-31-33 move locally to extend date of completion to 11-30-33.

Fifth Zone

- NEW—H. E. Studebaker, Lewiston, Idaho—Construction permit for new station to use 1420 kc., 100 watts, unlimited time.

APPLICATIONS RETURNED

- NEW—John J. Kessel, Huntington, N. Y.—Construction permit for new station to use 735 kc., 12 watts, daytime. (All sections not answered, frequency, power, Rule 6, equipment and transmitter location.)
- NEW—Earl L. Smith and Ray D. Wilson, Muskogee, Okla.—Construction permit for new station to use 1210 kc., 100 watts, limited time. (Rule 6, Rule 77, oath, insufficient information on proposed transmitter location.)
- NEW—M. L. Myers, d/b as Richland Sound Systems, Mansfield, Ohio—Construction permit for new station to use 1310 kc., 50 watts, specified hours. (Rule 6 and insufficient information on transmitter location.)
- NEW—Samuel Nathaniel Morris, Stamford, Tex.—Construction permit for new station to use 1420 kc., 100 watts, limited time, facilities KFYO, Lubbock, Tex., and KFPL, Dublin, Tex. (Rule 77, insufficient information on proposed transmitter location.)
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license for change in hours of operation. (Notarial seal omitted.)
- KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit for changes in equipment and increase power from 100 watts to 100 watts night, 250 watts to local sunset. (Section 1 incorrect, Rule 6, diagrams omitted frequency monitor, location.)
- KRSC—Radio Sales Corp., Seattle, Wash.—Modification of license to change frequency from 1120 kc. to 1110 kc. (Request of applicant.)

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McCOSKER REELECTED PRESIDENT

Alfred J. McCosker, WOR, Newark, N. J., was reelected president of the NAB at the concluding session of the eleventh annual convention of the Association held at White Sulphur Springs, W. Va., October 8, 9, 10, and 11.

Leo Fitzpatrick, WJR, Detroit, Mich., was reelected first vice president, and John Shepard III, WNAC-WAAB, Boston, Mass., was reelected second vice president.

I. D. Levy, WCAU, Philadelphia, Pa., was elected as treasurer to succeed Arthur B. Church, KMBC, Kansas City, Mo., who was elected to a three-year term as a member of the Board of Directors.

H. K. Carpenter, WPTF, Raleigh, N. C., and William S. Hedges, KDKA, Pittsburgh, Pa., were reelected to the Board. Frank M. Russell, WRC, Washington, D. C., and I. R. Lounsberry, WGR, Buffalo, N. Y., were elected to the Board. The retiring members are Donald Flamm, WMCA, New York, N. Y., and George F. McClelland, WEA, New York, N. Y.

Philip G. Loucks was reelected as managing director at the first meeting of the new Board.

FROM PRESIDENT TO PRESIDENT

The following telegram from President Roosevelt was received by President McCosker and presented by the latter to the meeting:

"Alfred J. McCosker, President,
"National Association of Broadcasters,
"White Sulphur Springs, W. Va.

"I extend to you and to the members of the National Association of Broadcasters assembled at White Sulphur Springs my heartiest greetings stop Your organization stands for a young but tremendously important industry stop I know this convention will carry forward another year of successful achievement and assure you that you have my good wishes.

FRANKLIN D. ROOSEVELT."

PROCEEDINGS WILL BE PRINTED

Every effort is being made to speed up the publication of the proceedings of the White Sulphur Springs convention. The official transcript of the meetings will be received in Washington within the next two days, will be edited and sent to the printer immediately. It is expected that copies will be available to members within the next week or ten days. The story of the convention, therefore, will be left to the detailed minutes.

BOARD MEETING NOVEMBER 9

A meeting of the Board of Directors will be held at the Mayflower Hotel, Washington, D. C., on Thursday, November 9. The purpose of the meeting is to formulate a program for the coming year.

RESOLUTIONS ADOPTED BY NAB

Following are the resolutions adopted by the NAB at its business session on October 11, 1933:

Resolution No. 1

RESOLVED, That the National Association of Broadcasters hereby extends to the management of the Greenbrier Hotel, and to the members of the Convention Committee, its cordial thanks for their cooperation in making the 1933 Convention a success; and that in particular the Association extends its thanks to the Honorable Eugene O. Sykes, Chairman of the Federal Radio Commission, for his courtesy in attending the convention and addressing its opening session.

Resolution No. 2

RESOLVED, That the National Association of Broadcasters hereby approves the past actions of its officers and directors in their effort to secure an equitable contract between the American Society of Composers, Authors, and Publishers, and the Broadcasters, and hereby authorizes and directs its officers and directors to continue

such effort, and to raise all necessary funds for that purpose, in such manner as they may deem most effective.

Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby indorses the work of its Code Committee in the preparation of a Code of Fair Competition for the Broadcasting Industry, and specifically urges upon the Code Committee the absolute necessity for maintaining the principle of a forty-eight-hour minimum week for broadcast operators and control men, on the ground that the long hours, seven days each week, during which this industry must operate as a matter of service to the public, makes it impossible for many broadcasters to continue in business except at a disastrous loss on the basis of shorter hours for operators and control men.

Resolution No. 4

RESOLVED, That while the National Association of Broadcasters is eager to cooperate in protecting the public against exploitation through untruth or unscrupulous advertising, it believes that any legislation for this purpose must be reasonable and precise in definition, uniform in administration, and fair in application, and therefore this Association must record itself as definitely opposed to the enactment, unless on the basis of many and far-reaching changes therein, of the bills to re-write the Pure Food and Drug Law now pending in both Houses of the Federal Congress.

Resolution No. 5

RESOLVED, That in view of the commitment now being required of every broadcaster under the terms of the National Recovery Act, it is a manifest injustice that this industry should be compelled to measure the existence of every one of its component parts in terms of not more than six months, and that, as a definite part of the national program of recovery and increased stability and confidence, the Broadcasters are clearly entitled to the full term of license provided by Congress in the Radio Act of 1927; and this Association hereby directs its officers and directors to present to the Federal Radio Commission its urgent request for action which will bring the regulations of that Commission in accord with the provisions of the law.

Resolution No. 6

RESOLVED, That the National Association of Broadcasters undertake through the proper committee the study of all sales costs with the view of presenting definite recommendations at the next annual convention of the Association in 1934.

Resolution No. 7

WHEREAS, The practice of accepting business on a "per inquiry" and "commission" or "contingent" basis has been widespread among stations, and is against public interest, convenience and necessity; and

WHEREAS, Such practices are inimical to the best interests of broadcasting, and unfair to legitimate buyers paying card rates; be it therefore

RESOLVED, That the National Association of Broadcasters considers such business so accepted as constituting unfair trade practices, and that furthermore, all business must be accepted only at card rates.

Resolution No. 8

WHEREAS, There is an insistent demand on the part of advertisers and advertising agencies for uniform station data; and

WHEREAS, Many methods of measuring station coverage and program prestige have been advanced with resultant confusion, it is therefore

RESOLVED, That the NAB is of the opinion that a survey of potential coverage is basic and preliminary to any further surveys or measurements, and recommends that steps be taken to standardize practices of measurement.

Resolution No. 9

WHEREAS, The use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners, and has become an important economic factor in the operation of broadcasting stations; and

WHEREAS There is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be so announced; and

WHEREAS, There has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs are now generally considered as excellent; and

WHEREAS, The broadcasting industry would be greatly benefited by the removal of existing restrictions, therefore be it

RESOLVED, That the National Association of Broadcasters hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced, so that such a transcription may be announced merely as a production of the concern making such transcription.

Resolution No. 10

WHEREAS, The practice of accepting "script" and electrically transcribed programs of a commercial character, on a sustaining basis, is against public interest, convenience, and necessity; and

WHEREAS, Such a practice is unfair to legitimate buyers of broadcasters' facilities, be it therefore

RESOLVED, That the National Association of Broadcasters considers such business so accepted as constituting an unfair trade practice.

Resolution No. 11

RESOLVED, That the National Association of Broadcasters hereby refers to its Board of Directors the recommendations made in the report of Mr. James W. Baldwin, with instructions to proceed as rapidly as may be practicable along the lines indicated in that report.

ASCAP BUSY IN BALTIMORE

Despite assurances to Congress that no effort would be made to compel restaurants and other small enterprises to pay for licenses, representatives of the American Society of Composers, Authors, and Publishers in various localities have started a new campaign against such establishments.

The most active of these campaigns is being carried on in Baltimore, Maryland, and has resulted in large-scale threats against owners of radio receiving sets who use these sets in their business. As a result, Representative Ambrose J. Kennedy of that city has announced that he will ask the House Committee on Merchant Marine, Fisheries and Radio, of which he is a member, to investigate the practices of ASCAP in extorting such licenses. Maryland restaurant owners have organized a cooperative defense against these threats, as has a group of restaurants in New York.

As a weapon against these campaigns, Oswald F. Schuette, NAB Copyright Director, has advised inquiring members and others to present the full details of such operations to the local Congressmen with a request that the matter be called to the attention of the Department of Justice and the Federal Trade Commission, both of whom are investigating ASCAP methods. Such Congressional interest should serve to speed the government's prosecution of these inquiries.

JOHNSON PRAISES RADIO

General Hugh S. Johnson, National Recovery Administrator, paid a tribute to radio in an address over the network of the National Broadcasting Company last Tuesday.

"In closing I want to say a word of thanks to the great broadcasting chains," the General said. "I am informed that the cancellation of commercial programs necessary to clear this half hour has cost them many thousands of dollars. When we think of the willing eagerness of such sacrificial cooperation as this in an effort to make effective a great national purpose and then turn to contemplate the obstructions of 'ten per centers'—the rules of radio do not permit adequate characterization."

RECOMMENDS POWER INCREASE DENIAL

Station WBCM, Bay City, Mich., applied to the Radio Commission for authority to increase its power experimentally from 500 to 1,000 watts. Recommendation is made in Report No. 514 (Ralph L. Waker, e.) that the application be denied.

The Examiner found that the use of the increased power by this station, even on an experimental basis, would detrimentally affect other existing stations. "Further," he states, "it appears that the tests which the applicant proposes to conduct can be successfully

carried on with its present operating power and that the special authorization requested is unnecessary."

RECOMMENDS NEW STATION DENIAL

A group of individuals doing business as the Greensburg Broadcasting Company applied to the Radio Commission for a construction permit for a new station to be erected at Greensburg, Pa. Recommendation is made in Report No. 511 (George H. Hill, e.) that the application be denied. The application asked for a frequency of 1420 kilocycles, daytime operation, to use 100 watts power.

Examiner Hill found that the financial showing of the applicants was unsatisfactory, that "a sufficient showing of need for the service requested" was not made by the applicants, and that the granting of the application "would possibly result in interference between Station WTBO, operating on the requested frequency of 1420 kilocycles, and the proposed station."

FURTHER INCREASE IN RADIO EMPLOYMENT

In 41 radio manufacturing plants the August employment was 25,943, an increase of 15 per cent over July and of 71.5 per cent over August of last year, according to the Bureau of Labor Statistics, Department of Labor. Weekly August payrolls in these same plants amounted to \$440,998, an increase of 32.5 per cent over July and of 64.6 per cent over August of last year.

NEW STATION DENIAL RECOMMENDED

Raymond M. Brannon, of Fremont, Nebr., filed an application with the Radio Commission asking for a construction permit for a new station at that place, while Station KFOR, Lincoln, Nebr., asked for license renewal. Recommendation is made in Report No. 513 (Ralph L. Waker, e.) that the Brannon application be denied and that the license of Station KFOR be renewed.

The Examiner found that the applicant for the new station does "not appear to have sufficient money to construct and place in operation the proposed station."

It was found also that "the territory which the applicant proposes to serve now receives programs from existing stations and there is not shown such a need for a station at Fremont as would warrant the withdrawal of facilities from an existing station for the purpose of granting applicant's request."

RECOMMENDATIONS ON CALIFORNIA STATIONS

Station KTM, Los Angeles, applied to the Radio Commission for renewal of its existing license and voluntary assignment to the Evening Herald Publishing Company; Station KECA, Los Angeles, asked to change its frequency from 1430 to 780 kilocycles; Don Lee Broadcasting System asked for a construction permit for a new station at Redland, Calif.; and KFBK, Sacramento, asked to change its frequency from 1310 to 1430 kilocycles and to increase its power from 100 to 500 watts.

In Report No. 512, Ralph L. Waker, e., recommends that the application of KECA be denied; that the application of the Don Lee Broadcasting Company be granted; that the application of KFBK to change its frequency be denied; that the application of KTM for license renewal and assignment be denied; and that the application of KELW for license renewal and assignment also be denied.

SECURITIES ACT REGISTRATIONS

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Associated Gold Mines, Ltd., Downieville, Calif. (2-266)
- Barium Steel Corporation, Canton, Ohio. (2-268)
- Byron Gold Mining Company, Omaha, Nebr. (2-261)
- Custer-Hyantha Gold Mining Company, New York City. (2-269)
- Diversified Royalties, Ltd., Los Angeles, Calif. (2-267)
- Mohawk Brewing Company, Pittston, Pa. (2-260)
- Security National Bank of Everett, Everett, Wash. (2-262)
- Theonett Wine & Distilleries Corporation, Chicago, Ill. (2-263)
- Traders Corporation, New York City. (2-265)
- Vulcan Gold Mines Company, Los Angeles, Calif. (2-264)
- Allied Brewing & Distilling Company, Inc., Brooklyn, N. Y. (2-275)
- Bankers National Investing Corporation, Wilmington, Del. (2-286)
- Bondholders' Protective Committee, Black Hawk Hotels Corporation First Mortgage Sinking Fund Six Per Cent Gold Bonds, Davenport, Iowa. (2-281)
- Purnelli Aircraft, Ltd., Dover, Del. (2-289)

Colonial Distilleries Products, Inc., St. Louis, Mo. (2-284)
 Committee for the Protection of Holders of Bonds Known as
 Detroit Olympia Building Six and One-Half Per Cent First
 Mortgage Sinking Fund Gold Bonds, Detroit, Mich. (2-271)
 Distillers Products Corporation, Weehawken, N. J. (2-273)
 Foust Distilling Company, Glen Rock, Pa. (2-270)
 Golden West Mining Company, Libby, Mont. (2-276)
 Huron Copper Company, Tacoma, Wash. (2-288)
 Knoxville Gas Company, Knoxville, Tenn. (2-280)
 Messenger Corporation, Auburn, Ind. (2-272)
 Transcontinental Oil & Gas Corporation, Hornell, N. Y. (2-283)
 Mt. Ophir Mining Company, Lancaster, Calif. (2-282)
 National Address Plate Company, Inc., Chicago, Ill. (2-278)
 New York Tobacco & Commodities Exchange, New York City.
 (2-279)
 Old Gilmore Distillery, Inc., New York City. (2-287)
 Olympian, Inc., Detroit, Mich. (2-274)
 Peerless Motor Car Corporation, New York City. (2-285)
 Shamrock Gold Mining Company, Downieville, Calif. (2-277)

LAFOUNT AMENDS RESOLUTION

Commissioner Lafount withdrew his resolution of October 3, 1933, requiring detailed reports to the Federal Radio Commission of all transfer of stock, and in lieu thereof submitted the following resolution which was referred to the Legal Division for study and report:

"WHEREAS Section 12 of the Radio Act of 1927 as amended provides that the station license required by the Act, the frequencies or wave length or lengths authorized to be used by a licensee and the rights therein granted shall not be transferred, assigned or in any manner either voluntarily or involuntarily disposed of to any person, firm, company, or corporation without the consent in writing of the licensing authority, and

WHEREAS Section 10 of the Radio Act of 1927 provides that all applications for instruments of authorization shall set forth such facts as the licensing authority by regulation may prescribe as to the citizenship, character, financial, technical and other qualifications of the applicant to operate the station, the ownership and location of the proposed station, etc., and

WHEREAS Section 21 of the Radio Act of 1927 provides that the rights acquired by any licensee shall not be assigned or otherwise transferred to any person, firm, company, or corporation without the approval of the licensing authority, and

WHEREAS it has come to the attention of the Commission that several licensees of stations which are owned by corporations have changed their identity through a change of stock ownership of such corporations to such an extent as to constitute a complete change in the parties actually operating the station, and

WHEREAS such changes in the actual operation of the stations were accomplished without notification to the Commission and no existing rule or regulation required the Commission to be notified thereof, and

WHEREAS the Commission has no means of determining when such changes occur or whether they will serve public interest, convenience and necessity, and the result of such lack of rule or regulation with reference thereto has been the considerable trafficking in station licenses without the control of the Commission, and

WHEREAS under the sections of the Radio Act of 1927 hereinabove set forth, the Commission has the power of making regulations to secure information as to any or all changes in stock ownership which may result in the change in the actual operation of the station for the purpose of carrying out its duty of determining whether such changes constitute an assignment of license and will serve public interest, convenience and/or necessity

NOW, THEREFORE, BE IT RESOLVED that the Federal Radio Commission revise its form of application for renewal of license and/or construction permit to include the following questions:

Give list of stockholders of record owning 10% or more of the stock of the licensee corporation as of renewal date showing the number of shares held by each, the city and state in which each resides, and the citizenship of each.

List of officers as of renewal date, city and state where each resides, and citizenship of each.

BE IT FURTHER RESOLVED that the Commission amend its Rules and Regulations so as to require licensee corporations to report to the Commission the transfer of 10% or more of its stock to any purchaser during any license period, together with the name of each such stockholder and the citizenship and residence of each such purchaser."

LAFOUNT FOR INCREASED DAY POWER

Commissioner Lafount submitted the following resolution, which was referred to the Legal and Engineering Divisions for study and report:

"WHEREAS Section 9 of the Radio Act of 1927 declares: 'That the people of all the zones established by Section 2 of the Act are entitled to equality of radio broadcasting service, both of transmission and of reception,' and

WHEREAS radio broadcasting stations separated by kilocycles and miles consistent with the recommendations of the Engineering Division are less effective during daylight hours, and

WHEREAS the public is entitled to satisfactory reception of both day and night programs, and

WHEREAS many important programs, including weather and crop reports, are broadcast during the day,

I MOVE THAT an increase of day power not in excess of fifty per cent of the authorized night power be granted any regional station making a satisfactory showing of the necessity therefor, and that such increased day power be not charged to quota providing the mileage and kilocycle separation is consistent with the current recommendations of the Engineering Division. If the mileage and kilocycle separation is not as here provided, then any increased day power shall be charged to quota."

Discussing the resolution, Commissioner Lafount said:

"There exists a necessity for additional day service in rural areas. The object here sought is to more nearly equalize the reception of radio signals."

MEMBERSHIP APPLICATIONS APPROVED

The Board of Directors of the NAB held two meetings during the Convention at White Sulphur Springs, West Virginia. At each of these meetings the Managing Director presented for the action of the Board a number of applications for membership. All of the applications were approved and the list of 26 stations now being welcomed into the NAB follows:

KCMC, Texarkana, Ark.	WDOD, Chattanooga, Tenn.
KERN, Bakersfield, Calif.	WESG, Elmira, N. Y.
KFJR, Portland, Ore.	WGH, Newport News, Va.
KFPY, Spokane, Wash.	WHBF, Rock Island, Ill.
KGCX, Wolf Point, Mont.	WKBF, Indianapolis, Ind.
KGEZ, Kalispell, Mont.	WOPI, Bristol, Tenn.
KID, Idaho Falls, Idaho	WRAM, Wilmington, N. C.
KLUF, Galveston, Tex.	WREN, Lawrence, Kans.
KSOO, Sioux Falls, S. D.	WSFA, Montgomery, Ala.
KWG, Stockton, Calif.	WSOC, Gastonia, N. C.
WBNX, New York, N. Y.	WSUN, St. Petersburg, Fla.
WBOW, Terre Haute, Ind.	WTRC, Elkhart, Ind.
WCAH, Columbus, Ohio	WWRL, Woodside, N. Y.

CONVENTION ATTENDANCE LIST

A total of 229 members and guests attended the eleventh annual convention at White Sulphur Springs, W. Va., last week. The registration list follows:

Adler, Ben, RCA-Victor Company, Atlanta, Ga.; Aitkenhead, John, WADC, Akron, Ohio; Anthony, Earl C., KFI-KECA, Los Angeles, Calif.; Arnoux, Campbell, KTHS, Hot Springs, Ark.

Baker, I. R., RCA-Victor Company, Camden, N. J.; Baldwin, J. W., National Association of Broadcasters, Washington, D. C.; Barroll, Hope, WFBR, Baltimore, Md.; Barth, H. C., WSYR, Syracuse, N. Y.; Bellows, Henry A., WJSV, Washington, D. C.; Bemis, W. H., Baker, Hostetler, Sidlo & Patterson, Cleveland, Ohio; Benson, J., American Association of Advertising Agencies, New York, N. Y.; Benson, L. A., WIL, St. Louis, Mo.; Bill, E. L., WMBD, Peoria, Ill.; Bisbee, F. C., Electrical Research Products, Inc., New York, N. Y.; Bishop, F. L., KLZ, Denver, Colo.; Blair, J. P., Greig, Blair & Co., Chicago, Ill.; Bliss, S. H., WCLO, Janesville, Wis.; Bodec, Ben, Variety, New York, N. Y.; Boniel, R. D., Edward Petry & Co., Inc., Chicago, Ill.; Bowen, S. H., WIBX, New York, N. Y.; Brandon, W. M., WOC-WHO, Davenport, Iowa; Breen, Marie E., Station Representative, New York, N. Y.; Brennen, H. J., WJAS, Pittsburgh, Pa.; Brennen, K. H., WJAS, Pittsburgh, Pa.; Bridges, W. C., WEBC, Duluth, Minn.; Buckwalter, I. Z., WGAL, Lancaster, Pa.; Burke, Rev. Wallace, WWL, New Orleans, La.; Burton, C. W., WEEI, Boston, Mass.

Campbell, M. B., WFAA, Dallas, Tex.; Cargill, E. K., WMAZ, Macon, Ga.; Carpenter, H. K., WPTF, Raleigh, N. C.; Carter, M., Allied Broadcasting Corp., Hollywood, Calif.; Caulfield, S. W., WBNX, New York, N. Y.; Chambers, J. A., WLW-WSAI, Cincinnati, Ohio; Chilton, A. L., KRLD, Dallas, Tex.; Church, Arthur B., KMBC, Kansas City, Mo.; Clancy, J. F., WTIC, Hartford, Conn.; Codel, Martin, Broadcasting Magazine, Washington, D. C.;

Cohan, E. K., Columbia Broadcasting System, New York, N. Y.; Convey, T. P., KWK, St. Louis, Mo.; Cook, S. H., WFBL, Syracuse, N. Y.; Cosman, J. V., Federal Telegraph Company, Paterson, N. J.; Coulson, W. L., WHAS, Louisville, Ky.; Craig, Norman, Scott Howe Bowen, Inc., New York, N. Y.; Crane, J. B., Broadcasting Magazine, Washington, D. C.; Craney, E. B., KGIR, Butte, Mont.; Craven, T. A. M., WPEN, Washington, D. C.; Crystal, Hank, Edward Petry & Company, New York, N. Y.; Cunningham, F. W., Radio Institute of Engineers, New York, N. Y.

Damm, Walter J., WTMJ, Milwaukee, Wis.; Davidson, W. M., WLS, Chicago, Ill.; Davis, Don, WHB, Kansas City, Mo.; Davis, G. W., Electrical Research Products, Inc., New York, N. Y.; Davis, G. W., Willard Tablet Company, Chicago, Ill.; Deutsch, P. L., World Broadcasting System, New York, N. Y.; Dirks, D., KFAB, Lincoln, Nebr.; Dowd, C. J., National Association of Broadcasters, Washington, D. C.; Dyer, G. T., WGES-WSBC, Chicago, Ill.

Eaves, A. J., Graybar Electric Company, New York, N. Y.; Earl, Guy, KNX, Los Angeles, Calif.; Ellis, G. D., Free & Sleinger, Chicago, Ill.

Fellows, H. E., WEEL, Boston, Mass.; Fernald, Dan, Scott Howe Bowen, Inc., New York, N. Y.; Field, Lawrence, Scott Howe Bowen, Inc., Chicago, Ill.; Fisher, T., Broadcasting Magazine, Forest Hills, N. Y.; Fitzer, H. Dean, WDAF, Kansas City, Mo.; Fitzpatrick, Leo, WJR, Detroit, Mich.; Flamm, Donald, WMCA, New York, N. Y.; Flanagan, E. Y., WSPD, Toledo, Ohio; Foote, E. B., Ernest B. Foote, New York, N. Y.; Fox, L. J., WSM, Nashville, Tenn.; Frieder, O. E., Willard Tablet Company, Chicago, Ill.; Fritz, C. W., WSUN, St. Petersburg, Fla.

Gamble, F. R., American Association of Advertising Agencies, New York, N. Y.; Gammons, E. H., WCCO, Minneapolis, Minn.; Gannon, C. F., American Association of Advertising Agencies, New York, N. Y.; Gavin, T., WEBC, Duluth, Minn.; Gedge, W. W., WMBC, Detroit, Mich.; Gillett, G. D., G. D. Gillett, Washington, D. C.; Gillin, J. J., WOW, Omaha, Nebr.; Gish, E. B., KGRS, Amarillo, Tex.; Gleason, Mrs. Gertrude, Special, Cleveland, Ohio; Gove, E. L., WHK, Cleveland, Ohio; Greaves, V. F., Federal Radio Commission, Washington, D. C.; Gregory, S., KDKA, Chicopee Falls, Mass.; Greig, H. J., Greig, Blair & Co., New York, N. Y.; Grubb, G. V., WKY, Oklahoma City, Okla.; Guider, J. W., KHJ, Washington, D. C.

Half, H., WOAI, San Antonio, Tex.; Hayes, C. W., WHBC, Canton, Ohio; Hedges, William S., KDKA, Pittsburgh, Pa.; Hendry, A. B., WIL, St. Louis, Mo.; Higgins, H. C., Station Representative, New York, N. Y.; Hoessly, H. H., WAIU, Columbus, Ohio; Hogan, John V. L., W2XR, New York, N. Y.; Hollinshead, M. A., Campbell Ewald Company, Detroit, Mich.; Hollister, H., WLBF, Kansas City, Kans.; Hopkins, J. F., WJBK, Detroit, Mich.; Hopson, B. H., WAPI, Birmingham, Ala.; Horn, C. W., National Broadcasting Co., Inc., New York, N. Y.; Hostetler, J. C., Baker, Hostetler, Sidlo & Patterson, Cleveland, Ohio; Howlett, M. A., WHK, Cleveland, Ohio; Howlett, E. S., WAIU, Columbus, Ohio; Howlett, H., WHK, Cleveland, Ohio; Hubbard, S. E., KSTP, St. Paul, Minn.

Jansky, C. M., Jr., Jansky & Bailey, Washington, D. C.; Jessup, Margaret E., McCann Erickson, Inc., New York, N. Y.; Johnson, J. A., WTAX, Springfield, Ill.; Jolliffe, C. B., Federal Radio Commission, Washington, D. C.; Jordon, R. P., WDBJ, Roanoke, Va.

Karol, J. J., WABC, New York, N. Y.; Kaufman, J. L., WCAE, Pittsburgh, Pa.; Kay, Lambdin, WSB, Atlanta, Ga.; Kendrick, D. E., WKBF, Indianapolis, Ind.; Kercher, G. A., Edward Petry & Co., Chicago, Ill.

Levy, I. D., WCAU, Philadelphia, Pa.; Levy, Leon, WCAU, Philadelphia, Pa.; Lohnes, H. L., KVOO, Washington, D. C.; Loucks, Philip G., National Association of Broadcasters, Washington, D. C.; Lounsberry, I. R., WGR-WKBW, Buffalo, N. Y.; Loyet, Paul A., WOC-WHO, Des Moines, Iowa; Lucy, C. T., WRVA, Richmond, Va.; Lyons, J. T., WCAO, Baltimore, Md.

McCullough, C. R., WGAL, Lancaster, Pa.; McCosker, Alfred J., WOR, Newark, N. J.; McCurdy, B., Graybar Electric Company, Kansas City, Mo.; McIver, J. W., WWNC, Asheville, N. C.; McNary, J. C., National Association of Broadcasters, Washington, D. C.; MacPherson, J. R., WIBO, Chicago, Ill.; Macy, J. W., Scott Howe Bowen, Inc., Chicago, Ill.; Maland, J. O., WOC-WHO, Des Moines, Iowa; Marchal, E. A., WADC, Akron, Ohio; Mark, Le Roy, WOL, Washington, D. C.; Maslin, R. S., Jr., WFBR, Baltimore, Md.; Miegahan, Howard S., Scott Howe Bowen, Inc., New York, N. Y.; Melrose, G. C., WJAY, Cleveland, Ohio; Merquelin, J. A., Western Electric Company, New York, N. Y.; Meyer, P. J., KFYR, Bismarck, N. Dak.; Meyers, C. J., WGN, Chicago, Ill.; Midgley, C. E., Jr., Barton, Batson, Durstine & Osborne, New York, N. Y.; Monahan, H., Advertising Age, New York, N. Y.;

Murray, G. A., Western Electric Company, New York, N. Y.; Musselman, B. B., WCBA-WSAN, Allentown, Pa.; Myers, C. W., KOIN, Portland, Ore.

Neebe, J. H., J. H. Neebe Company, Detroit, Mich.; Norton, George W., WLAP, Louisville, Ky.

O'Fallon, Gene, KFEL, Denver, Colo.

Palmer, D. D., WOC-WHO, Des Moines, Iowa; Palmer, F. A., WCAH, Columbus, Ohio; Patt, J. F., WGAR, Cleveland, Ohio; Petry, Edward, Edward Petry & Company, New York, N. Y.; Phillips, C. F., WFBL, Syracuse, N. Y.; Pickard, S., Columbia Broadcasting System, New York, N. Y.; Platt, B., Broadcasting Magazine, Washington, D. C.; Price, C. U., KFH, Wichita, Kans.; Provensen, H. A., WLBW, Erie, Pa.; Pyle, K. W., KFBI, Abilene, Kans.

Raymer, P. H., KSTP, New York, N. Y.; Read, H. C., A. T. & T. Co., New York, N. Y.; Reynolds, R. M., Edward Petry & Co., Atlanta, Ga.; Richard, G. A., WJR, Detroit, Mich.; Richardson, O. E., Western Electric Company, New York, N. Y.; Rintoul, S. R., World Broadcasting System, New York, N. Y.; Robinson, H., Jr., Young & Rubicam, Inc., New York, N. Y.; Robinson, I. E., Judge, Washington, D. C.; Rohr, E. C., Electrical Research Products, Inc., Chicago, Ill.; Rubin, M. F., WJAY, Cleveland, Ohio; Runyon, M. R., WABC, New York, N. Y.; Russell, Frank M., WRC, Washington, D. C.; Ryan, J. H., WSPD, Toledo, Ohio.

Sadenwater, H., RCA-Victor Company, Haddonfield, N. J.; Scharfeld, A. W., WGN, Washington, D. C.; Schriber, J. A., WKBF, Indianapolis, Ind.; Schudt, W. A., WBT, Charlotte, N. C.; Schuette, Oswald F., National Association of Broadcasters, Washington, D. C.; Segal, P. M., WCSH, Washington, D. C.; Shaw, Harry, WMT, Waterloo, Iowa; Shepard, John, III, WNAC, Boston, Mass.; Shott, J. H., WHIS, Bluefield, W. Va.; Simmons, A. T., WADC, Akron, Ohio; Slavick, H. W., WMC, Memphis, Tenn.; Sleinger, C. L., Free & Sleinger, Chicago, Ill.; Smith, G. S., WCSH, Washington, D. C.; Smith, G. W., WWVA, Wheeling, W. Va.; Smith, J. L. M., WBIG, Greensboro, N. C.; Smith, T., RCA-Victor Company, New York, N. Y.; Smith, V. H., WREN, Lawrence, Kans.; Snyder, G., WLS, Chicago, Ill.; Soule, R. G., WFBL, Syracuse, N. Y.; Spence, E. M., WPG, Atlantic City, N. J.; Squire, B., WGAR, Cleveland, Ohio; Stein, A., World Broadcasting System, New York, N. Y.; Stewart, J., WFBR, Baltimore, Md.; Stone, H. L., WSM, Nashville, Tenn.; Storey, J. J., WTAG, Worcester, Mass.; Sutton, G. O., Washington, D. C.; Sykes, E. O., Federal Radio Commission, Washington, D. C.

Taishoff, S., Broadcasting Magazine, Washington, D. C.; Tasselli, R., G. Ricordi & Co., New York, N. Y.; Taylor, C. M., WBEN, Buffalo, N. Y.; Taylor, G., Broadcasting Magazine, Washington, D. C.; Tevis, G. L., KMOX, St. Louis, Mo.; Thomas, N. A., WDOE, Chattanooga, Tenn.; Thompson, R. M., KQV, Pittsburgh, Pa.; Thompson, R., WFBG, Altoona, Pa.; Twamley, E. H., WBEN, Buffalo, N. Y.; Tyson, Levering, National Advisory Council on Radio in Education, New York, N. Y.

Vance, H. C., RCA-Victor Company, Chicago, Ill.; Van Volkenburg, Jack L., KMOX, St. Louis, Mo.; Veynow, E. E., Edward Petry & Co., Chicago, Ill.

Walker, L., Graybar Electric Company, Richmond, Va.; Walker, Nolan S., WHBC, Canton, Ohio; Ward, J. T., WLAC, Nashville, Tenn.; Warren, W. W., KOMO-KJR, Seattle, Wash.; Webber, F., WMAQ, Chicago, Ill.; Weddell, W. L., Erwin Wasey & Co., Chicago, Ill.; Weiss, L. A., WJR, Detroit, Mich.; West, William H., KSD, St. Louis, Mo.; Wheelahan, H., WSMB, New Orleans, La.; Whittemore, L. E., A. T. & T. Co., New York, N. Y.; Williamson, W. P., WKBN, Youngstown, Ohio; Wilson, L. B., WCKY, Covington, Ky.; Wilson, W. A., WOPI, Bristol, Tenn.; Winger, E. W., WDOE, Chattanooga, Tenn.; Withycomb, D., National Broadcasting Co., Inc., New York, N. Y.; Wooten, H. B., WREC, Memphis, Tenn.

Young, G. W., WDGW, Minneapolis, Minn.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, October 18, 1933

Oral Argument before Commission en banc

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special authorization, **610 kc.**, 1 KW (exp.), unlimited time. Present assignment, **610 kc.**, 500 watts, unlimited time.

WFI—WFI Broadcasting Company, Philadelphia, Pa.—Modification of license, **560 kc.**, 1 KW, share with WLIT. Present assignment, **560 kc.**, 500 watts, shares with WLIT.

WLIT—Lit Bros. Broadcasting System, Philadelphia, Pa.—Modification of license, **560 kc.**, 1 KW, share with WFI. Present assignment, **560 kc.**, 500 watts, shares with WFI.

Friday, October 20, 1933

- NEW—Ray M. Thompson, Youngstown, Ohio—CP, 1370 kc., 100 watts, unlimited time (facilities of WHBD).
WHBD—F. P. Moler, Mt. Orab, Ohio—Renewal, 1370 kc., 100 watts, unlimited time.
NEW—Wm. L. Slade, Hamilton, Ohio—CP, 1420 kc., 100 watts, unlimited time (facilities of WHBD).

APPLICATIONS SET FOR HEARING

- NEW—Thos. B. McTammany and Wm. H. Bates, Jr., Modesto, Calif.—CP for new station, 740 kc., 250 watts day; daytime operation.
WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license to increase day power from 500 watts to 1 KW.
WHAS—The Courier Journal Co. and The Louisville Times Co., Louisville, Ky.—CP to make changes in equipment and increase power from 25 KW to 50 KW. (To be heard before Commission en banc on Nov. 22.)
KNX—Western Broadcast Co., Los Angeles, Calif.—Modification of license to increase power from 25 to 50 KW. (To be heard before Commission en banc, Nov. 22.)
WMBR—F. J. Reynolds, Tampa, Fla.—Consent to voluntary assignment of license to F. J. Reynolds, Inc. Also CP to move station from Tampa to Jacksonville, Fla.
WPFB—W. E., F. E., and P. L. Barclift, d/b as Hattiesburg Broadcasting Co., Hattiesburg, Miss.—CP to move transmitter and studio from Hattiesburg, Miss., to Tuscaloosa, Ala.
NEW—G. M. Duntley, San Francisco—CP for new station to operate on 930 kc., 500 watts, share with KROW (facilities of KFWI).
KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license.
KGIX—J. M. Heaton, Las Vegas, Nev.—Renewal of license.
WGCP—May Radio Broadcast Corp., Newark, N. J.—CP to install new equipment and increase power from 250 watts to 1 KW night, 2½ KW day. (Commissioner Lafount voted to grant without hearing.)
KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license to change frequency from 550 kc. to 780 kc.
KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Modification of license to change hours of operation from specified to unlimited.

APPLICATIONS GRANTED

First Zone

- WHEC—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary experimental authorization for simultaneous operation with WCAH, WHP, WOKO, and WFEA, until Feb. 1, 1934.
WOKO—WOKO, Inc., Albany, N. Y.—Granted extension of special temporary experimental authorization for simultaneous operation with WCAH, WHP, WHEC, and WFEA, until Feb. 1, 1934.
WCAH—WOKO, Inc., Albany, N. Y.—Granted renewal of license in accordance with existing license.
WHEC—WHEC, Inc., Rochester, N. Y.—Granted renewal of license in accordance with existing license.
WOKO—WOKO, Inc., Albany, N. Y.—Granted renewal of license in accordance with existing license.

Second Zone

- WCOD—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted CP to move transmitter and studio locally in Harrisburg.
WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted CP to make changes in equipment.
WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authorization to operate from 2 to 4:30 p. m., EST, Oct. 14 and Nov. 25.
WCAH—Commercial Radio Service Co., Columbus, Ohio—Granted extension of special temporary experimental authorization for simultaneous operation with WOKO, WHP, WHEC, and WFEA, to Feb. 1, 1934.
WHP—WHP, Inc., Harrisburg, Pa.—Granted extension of special temporary experimental authorization for simultaneous operation with WOKO, WHEC, WCAH, and WFEA, to Feb. 1, 1934.
WHP—WHP, Inc., Harrisburg, Pa.—Granted renewal of license in accord with existing license.

Third Zone

- WNRA—Kathryn Jones, Florence, Ala.—Granted modification of CP approving transmitter location at Muscle Shoals City,

Ala., and studio location from Florence, Ala., to Muscle Shoals City; changing type of equipment and extending commencement date to 15 days from this date and completion date to 105 days from this date.

- WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Granted modification of CP extending completion date to Feb. 1, 1934.
KNOW—KUT Broadcasting Co., Austin, Tex.—Granted modification of CP extending commencement date to Sept. 29 and completion date to Dec. 29, 1933.
WRUF—University of Florida, Gainesville, Fla.—Granted authority to operate simultaneously with KOA from 8 p. m. on Oct. 14.
WKFI—J. Pat Scully, Greenville, Miss.—Granted CP to move station from Greenville to Greenwood, Miss.
WAMC—Raymond C. Hammet, Anniston, Ala.—Granted modification of CP extending commencement date to Nov. 15 and completion date to Feb. 15.
WAML—Southland Radio Corp., Laurel, Miss.—Granted authority to operate from 7 to 10 p. m., Nov. 30, and from 2 to 4 p. m., Oct. 27.
WKEU—Allen Wright Marshall, Sr. and Jr., and Guy Aaron Malcom, LaGrange, Ga.—Granted voluntary assignment of license to Radio Station WKEU.
WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted consent to voluntary assignment of license to WMC, Inc.

Fourth Zone

- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted authority to use auxiliary transmitter for one week from Oct. 15 while installing main transmitter at new location.
WLBC—Donald A. Burton, Muncie, Ind.—Granted CP to make changes in equipment and increase power from 50 to 100 watts.
KFNF—Henry Field Co., Shenandoah, Iowa; WILL—University of Illinois, Urbana, Ill.—Granted authority to operate simultaneously Oct. 14, from 1:45 to 4:45 p. m.
KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authorization to operate from 8 to 8:45 p. m., CST, Oct. 18, provided KFYR remains silent.
WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authorization to operate from 2:30 to 6 p. m., CST, on Oct. 13 and 27, and Nov. 4 and 24, 1933; and from 3 to 6 p. m., CST, Oct. 19.
WDGY—Dr. Geo. M. Young, Minneapolis, Minn.—Granted modification of CP extending completion date to Nov. 30, 1933.

Fifth Zone

- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted permission to operate transmitter without approved monitor so that it may be sent to manufacturer to be recalibrated, for 30 days.
KIEM—Harold H. Hanseth, Eureka, Calif.—Granted authority to operate without approved frequency monitor for period of 3 weeks while exchanging monitor.
KGBX—KGBX, Inc., Springfield, Mo.—Granted reconsideration of informal application requesting authority to operate unlimited time to Dec. 1, 1933, pending Commission's decision on application for consent to assignment of license for KGBX to this applicant.

APPLICATIONS RECEIVED

First Zone

- WMAS—WMAS, Inc., Springfield, Mass.—Modification of construction permit granted 7-21-33 (to increase day power to 250 watts and make changes in equipment) to extend commencement and completion dates and to change equipment.
WHN—Marcus Loew Booking Agency, New York City, N. Y.—Modification of construction permit granted 6-20-33 (move transmitter to Astoria, N. Y.) to extend date of completion to 12-1-33.
NEW—Northern Broadcasting Co., Inc., Laconia, N. H.—Construction permit for new station to use 1310 kc., 100 watts, unlimited (facilities WKAV, Laconia, N. H.), amended re equipment.
NEW—Julio M. Conesa, Ponce, Puerto Rico—Construction permit for new station to use 1420 kc., 100 watts night, 250 watts to local sunset, specified hours, amended as to specified hours requested and equipment.
WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit to increase power from 250 watts to 500 watts and install new equipment, amended to change transmitter location, exact location to be determined subject

to approval of Commission, 1 to 2 miles south of Secaucus along Hackensack River.

- WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—Construction permit to change transmitter locally to National Bank Bldg., Presque Isle, Maine, and make changes in equipment.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit granted 3-31-33 (move transmitter) to extend date of completion to 12-1-33.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—License for authority to use WPCH's transmitter as auxiliary for WMCA to be located at WMCA's present main transmitter location.

Second Zone

- NEW—M. L. Myers, DBA Richland Sound Systems, Mansfield, Ohio—Construction permit for new station to use **1310 kc.**, 50 watts, daytime (facilities WHBD, Mt. Orab, Ohio).
- WDBJ—Times-World Corporation, Roanoke, Va.—Modification of license to increase night power from 250 watts to 500 watts. Resubmitted with request that it be considered regardless of Rule 6.
- WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license to increase power from 500 watts to 500 watts night, 1 KW to local sunset (supersedes 2-P-B-3021).

Third Zone

- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Special experimental authorization to operate 25 KW until local sunset to May 1, 1934.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit to make changes in equipment.
- NEW—Pecan Valley Broadcasting Co. (Walter J. Stewart, President), near Brownwood, Tex.—Construction permit for new station to use **1420 kc.**, 100 watts, unlimited (facilities WDAH, El Paso, Tex.). Resubmitted, corrections made.
- NEW—Ark-La-Tex Radio Corp., Tuscaloosa, Ala.—Construction permit for new station to use **1310 kc.**, 100 watts, unlimited (facilities WAML, Laurel, Miss.). Amended to request **1290 kc.**
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of license to increase power from 250 watts to 500 watts night, 1 KW local sunset (facilities of WRUF, Gainesville, Fla.). Amended to request 1 KW day and night.
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to change from daytime to specified hours. Resubmitted, corrections made.
- WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—License to cover construction permit granted 9-22-33.
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—License to cover construction permit granted 11-17-31 for 25 KW.
- WBRO—Frank M. King, Receiver of Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Consent to involuntary assignment of license from Birmingham Broadcasting Co., Inc., to Frank M. King, Receiver.
- KWWG—Frank P. Jackson, Brownsville, Tex.—Consent to voluntary assignment of license to Port Arthur College.
- KWWG—Port Arthur College, Port Arthur, Tex.—Construction permit to move Station KWWG from Brownsville to Port Arthur, Tex., provided assignment of license granted.
- NEW—Earl Marvin Nail, Lubbock, Tex.—Construction permit for new station to use **1310 kc.**, 100 watts, share KFYO (facilities KFYO, Lubbock, Tex.). Amended to change street address of proposed transmitter location to 1410 17th St., and changes re equipment.
- NEW—Harry E. Phelps, Sweetwater, Tex.—Construction permit for new station to use **1500 kc.**, 50 watts, daytime hours.

Fourth Zone

- KGDY—Voice of South Dakota, Huron, S. Dak.—License to cover construction permit granted 2-21-33, for changes in equipment and change frequency, power, and hours of operation from **1200 kc.**, 100 watts, unlimited, to **1340 kc.**, 250 watts, daytime.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification of construction permit granted 6-16-33 (move transmitter) to extend date of completion to 11-17-33.

Fifth Zone

- KGIW—Leonard E. Wilson, Trinidad, Colo.—License to cover construction permit granted 8-18-33 to make changes in

equipment and to move transmitter and studio to Alamosa, Colo.

- KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit to change transmitter locally, change equipment, and increase power from 1 KW day and night to 1 KW night, $2\frac{1}{2}$ KW daytime.
- NEW—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Construction permit for new station to use **750 kc.**, 250 watts, daytime. Amended to request **740 kc.**
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—License to cover construction permit granted 6-30-33 for new station to use **1200 kc.**, 100 watts, daytime.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit for new equipment, change hours from S-KFWI to unlimited. Amended as to equipment, move transmitter from Richmond to Oakland, Calif., and omit request for unlimited hours.
- NEW—The Wyoming Broadcasting Co. (R. E. Carroll, Owner), Sheridan, Wyo.—Construction permit for new station to use **1370 kc.**, 100 watts, unlimited time. Amended re proposed street address for transmitter, equipment, and to request specified hours of operation.

APPLICATIONS DENIED

- WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Denied authority to remain silent pending Commission's decision on application to move station, or until certain arrangements can be consummated for new quarters.
- KGBX—KGBX, Inc., Springfield, Mass.—Denied authority to operate unlimited time pending decision on application of voluntary assignment of license of KGIZ.
- KLUF—Geo. Roy Clough, Galveston, Tex.—Denied authority to reduce unlimited hours of operation to specified for period of 6 months ending May 1, 1934, and suspension of Rule 151 for that period.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Denied authority to operate until 6:30 p. m., pending filing of application.

MISCELLANEOUS

- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Reconsidered action of Sept. 29 granting special temporary authorization to operate on Nov. 24, and changed date to Nov. 30.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Reconsidered action of Sept. 29 granting special temporary authorization to operate on Nov. 24, and changed date to Nov. 30.
- WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Application for special temporary authorization to operate until 7 p. m. during September and October, heretofore set for hearing, was dismissed at applicant's request.

APPLICATIONS RETURNED

- KUOA—KUOA, Incorporated, Fayetteville, Ark.—Modification of license to change hours of operation from daytime to day to 6:30 p. m. during winter months. (Wrong form—filed on construction permit form.)
- WBT—Station WBT, Inc., Charlotte, N. C.—Application for authority to use an additional 25 KW experimentally. (Wrong form—should be 307.)
- NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, Norco, Calif.—Construction permit for new station to use **1280 kc.**, 500 watts, unlimited hours, to be considered under 6 (g). (Equipment unsatisfactory.)
- NEW—Samuel Nathaniel Morris, Stamford, Tex.—Construction permit for new station to use **1420 kc.**, 100 watts, limited time, also share time with KFPL and KFYO. (Rule 77, time incorrectly stated, frequency monitor, insufficient information on proposed location.)
- NEW—Philip N. Hobson, Medford, Mass.—Construction permit for new station to use **1500 kc.**, 100 watts night, 250 watts local sunset. (No reply to letters.)
- WDBJ—Times-World Corporation, Roanoke, Va.—Modification of station license to increase night power from 250 watts to 500 watts. (Rules 6 c and d.)
- WGCM—Grace Jones Stewart, under trade name of Great Southern Land Co. (not Incorporated), Gulfport, Miss.—Renewal of station license. (Rule 13.)
- NEW—P. B. Newman, Sacramento, Calif.—Construction permit for new station to use **1490 kc.**, 5 KW, unlimited time. (Reply not received to letters.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN AUGUST

With the publication of the summaries for radio broadcast advertising volume in August, the second NAB Statistical Service report makes its appearance. Due to code bearings and to the NAB Convention, the report has been slightly delayed. It is expected that with the September report, it will become possible to present monthly summaries of radio broadcast advertising trends within thirty days after the collection of information from cooperating stations. Plans are also being made for the extension of the sample upon which the reports are based.

Advertising Trends in August

The total volume of broadcast advertising over national and regional networks and individual stations for the month of August is found in Table I:

TABLE I

TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	1933 Gross Receipts		
	July	August	Cumulative July-August
National networks . . .	\$1,809,473.00	\$1,907,481.00	\$3,716,954.00
Regional networks . . .	16,069.00	32,262.00	48,331.00
Individual stations . . .	2,092,899.00	1,753,504.00	3,846,403.00
Total	\$3,918,441.00	\$3,693,247.00	\$7,611,688.00

Total expenditures for broadcast advertising during the month of August were somewhat below those of July. August revenues for stations and networks totaled \$3,693,246.00 as against \$3,918,441.00 for the previous month, representing a decline of approximately 5.9%.

The decline in broadcast advertising volume was entirely in the field of individual station business, station revenues dropping 11.4% from the July level. A marked increase was experienced in regional network revenues. National network revenues increased 5.2% in August over the July volume. This is particularly encouraging, since in previous years August network advertising has tended to decline from 5% to 10% as compared with the preceding month. National networks have been improving their position since the low point of last April when network revenues lagged 38.5% behind that of the previous year. August revenues are but 16% behind those of the same month of 1932, while network revenues for the first eight months of 1933 are but 31% behind those of last year.

Comparison with Other Media

During August, increases were experienced by the leading advertising media of the country. Expenditures for advertising space in 108 leading general magazines increased 8.2% over July, and lagged but 4% behind August, 1932. National farm papers gained 53% over the preceding month, while newspapers gained 16.5%. Farm paper advertising was 19% behind August, 1932, and lagged 27% behind 1932 for the first eight months. Newspaper advertising was 9.5% under the August, 1932, volume, and 15% less than the volume for the first eight months of that year. August expenditures for leading advertising media are found in Table II:

TABLE II

ADVERTISING VOLUME MAJOR MEDIA

Advertising Medium	1933 Gross Receipts		
	July	August	Cumulative July-August
Radio broadcasting . .	\$3,918,441.00	\$3,693,247.00	\$7,611,688.00
National magazines ¹ . .	6,096,540.00	6,644,831.00	12,741,371.00
National farm papers . .	236,505.00	373,134.00	609,639.00
Newspapers ²	32,450,000.00	37,790,096.00	70,240,096.00
Total	\$42,701,486.00	\$48,501,308.00	\$91,202,794.00

¹ National magazine figures are on the basis of 108 periodicals, the summaries being prepared by Publishers' Information Bureau, Inc., from which national network and farm paper summaries also are secured. The magazine figure represents August monthlies, due to the method used by the Bureau.

² Newspaper money expenditures are based upon estimates made by the service.

Evaluation of Trends

Trends in broadcast advertising must be interpreted carefully if the correct conclusions are to be drawn from them. It must be remembered, in comparing radio with other media, that broadcast advertising did not show marked decline in volume until the year of 1932, by which time the older advertising media has experienced a severe curtailment in advertising revenue. Thus, through national network advertising revenue is but 31% behind its peak year, newspaper advertising is slightly more than 50% less than in the peak year of 1929.

The trend in individual station revenue during the month of August is probably seasonal in nature. In previous years national network advertising has declined to about 20% below the monthly average for the entire year during the August low point. This year the anticipation of improved business and probably a desire to secure choice time, has led to an increase rather than a decrease in August network advertising. Since local broadcast advertising has always tended to follow the lead of network advertising, it is quite probable that the usual seasonal phenomena are behind the August declines in individual station revenue.

Declines in revenue have been more marked on the part of the larger stations than with regard to the hundred-watt transmitters. There has also been a tendency toward a greater decrease in revenue in the eastern portion of the country as compared with other sections. The southern area has experienced very little decline, the mid-western district 10%, the Pacific and Mountain district 14%, and the middle-Atlantic-New England district approximately 30%. Individual station revenues by classes of stations and various geographical districts are found in Tables III and IV:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1933 Gross Receipts		
	July	August	Cumulative July-August
Over 5,000 watts	\$960,795.00	\$772,736.00	\$1,733,531.00
2,500-5,000 watts	288,980.00	224,241.00	513,221.00
250-1,000 watts	668,535.00	560,790.00	1,229,325.00
100 watts and under	174,589.00	195,737.00	370,326.00
Total	\$2,092,899.00	\$1,753,504.00	\$3,846,403.00

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1933 Gross Receipts		Cumulative July-August
	July	August	
New England			
Middle Atlantic Area	\$589,655.00	\$410,002.00	\$999,657.00
South Atlantic			
South Central Area..	272,031.00	268,376.00	540,407.00
North Central Area..	712,529.00	640,115.00	1,352,644.00
Pacific and Mountain Area....	518,684.00	435,011.00	953,695.00
Total	\$2,092,899.00	\$1,753,504.00	\$3,846,403.00

Interesting trends with regard to national spot and local broadcast advertising are found in Tables V and VI, dealing with that phase of broadcast advertising.

While local broadcast advertising volume declined approximately 11.2%, national spot broadcast advertising declined approximately 26.9%. Particularly heavy declines were to be noted in live talent spot and spot announcements. The decline with regard to electrical transcriptions, live talent, and other forms of broadcasts sponsored by local advertisers has been comparatively uniform. In both the case of national spot and local broadcast advertising it would seem that it has been the smaller advertisers who have tended to discontinue broadcasting in the summer.

TABLE V

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1933 Gross Receipts		Cumulative July-August
	July	August	
Elec. transcriptions ..	\$322,896.00	\$262,601.00	\$585,497.00
Live talent programs ..	933,580.00	818,607.00	1,752,187.00
Records	81,323.00	50,258.00	131,581.00
Spot announcements ..	755,100.00	622,038.00	1,377,138.00
Total	\$2,092,899.00	\$1,753,504.00	\$3,846,403.00

TABLE VI

COMPARISON LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(August, 1933)

Type of Rendition	Gross Receipts for Month		
	National Spot	Local	Total
Elec. transcriptions..	\$200,154.00	\$62,447.00	\$262,601.00
Live talent programs..	167,799.00	650,808.00	818,607.00
Records	3,299.00	46,959.00	50,258.00
Spot announcements..	176,272.00	445,766.00	622,038.00
Total	\$547,524.00	\$1,205,980.00	\$1,753,504.00

An increased volume of programs jointly sponsored by several companies is indicated in Table VII dealing with participations. It is particularly encouraging to note that the gain in this field has been principally with regard to live talent programs.

TABLE VII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

	Gross Receipts		Cumulative July-August
	July	August	
Elec. transcriptions ..	\$110.00	\$141.00	\$251.00
Live talent	60,610.00	67,708.00	128,318.00
Records	20,220.00	16,284.00	36,504.00
Total	\$80,940.00	\$85,133.00	\$166,073.00

The volume of broadcast advertising in August sponsored by various industrial groups is to be found in Table VIII, while a similar analysis of national spot and local broadcast advertising volume over individual stations is presented in Table IX.

TABLE VIII

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(August, 1933)

Type of Sponsoring Business	Gross receipts for Month			Total
	National Network	Regional Network	Individual Stations	
1a. Amusements	—	\$150.00	\$83,547.00	\$83,697.00
1-2. Automobiles and accessories:				
(1) Automobiles	\$199,098.00	—	91,581.00	290,679.00
(2) Accessories, gas and oils	272,977.00	13,102.00	129,770.00	415,849.00
3. Clothing and apparel	5,232.00	900.00	115,065.00	121,197.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	86,114.00	450.00	128,244.00	214,808.00
(5) Toilet goods	284,550.00	—	125,586.00	410,136.00
6-8. Food products:				
(6) Foodstuffs	364,254.00	7,693.00	271,000.00	642,947.00
(7) Beverages	220,101.00	—	69,200.00	289,301.00
(8) Confections	5,311.00	—	32,457.00	37,768.00
9-10. Household goods:				
(9) Household equipment and furniture	37,680.00	891.00	87,917.00	126,488.00
(10) Soap and kitchen supplies	75,291.00	3,890.00	65,799.00	144,980.00
11. Insurance and financial	88,713.00	808.00	46,723.00	136,244.00
12. Radios	45,601.00	—	5,783.00	51,384.00
13. Retail establishments	—	3,003.00	113,815.00	116,818.00
14. Tobacco products	186,875.00	—	2,587.00	189,462.00
15. Miscellaneous	35,684.00	1,375.00	384,430.00	421,489.00
Total	\$1,907,481.00	\$32,262.00	\$1,753,504.00	\$3,693,247.00

TABLE IX

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(August, 1933)

Type of Sponsoring Program	Gross Receipts for Month		
	National Spot	Local	Total
1a. Amusements	\$1,451.00	\$82,096.00	\$83,547.00
1-2. Automobiles and accessories:			
(1) Automobiles	44,726.00	46,855.00	91,581.00
(2) Accessories, gasoline and oil	67,158.00	62,612.00	129,770.00
3. Clothing and apparel	5,384.00	109,681.00	115,065.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	48,340.00	79,904.00	128,244.00
(5) Toilet goods	100,451.00	25,135.00	125,586.00
6-8. Food products:			
(6) Foodstuffs	95,440.00	175,560.00	271,000.00
(7) Beverages	25,609.00	43,591.00	69,200.00
(8) Confectionery	17,961.00	14,496.00	32,457.00
9-10. Household goods:			
(9) Household equipment and furniture	16,046.00	71,871.00	87,917.00
(10) Soap and kitchen supplies	41,170.00	24,629.00	65,799.00
11. Insurance and financial	4,846.00	41,877.00	46,723.00
12. Radios	3,375.00	2,408.00	5,783.00
13. Retail establishments	6,752.00	107,063.00	113,815.00
14. Tobacco products	1,295.00	1,292.00	2,587.00
15. Miscellaneous	67,520.00	316,910.00	384,430.00
Total	\$547,524.00	\$1,205,980.00	\$1,753,504.00

In connection with the industrial tables, a new classification, that of amusements, is to be noted. This attains some prominence in the individual station field, though it is of little significance in network advertising.

Several important trends should be noted with regard to the sponsorship of radio broadcast advertising by various industrial groups. Automobile advertising over the radio has increased slightly more than one-third over the previous month. This has been due entirely to increased network advertising, with regard to which the automobile industry's expenditures more than doubled as compared to July. National spot automobile business declined slightly less than 10%, while local advertising remained practically the same as in the previous month. Total accessory and gasoline advertising declined approximately 9% as compared with July, while national network advertising in this field increased approximately 11%.

Clothing and apparel advertising declined uniformly, as would be expected at this time of the year. Drug and pharmaceutical advertising over national networks declined approximately 51%, national spot volume showing a similar drop. Local advertising in this field held its own as compared with July. Toilet goods and food advertising remained comparatively steady, with national network food advertising increasing 10% and slight declines occurring in the national spot and local fields. National spot beverage advertising increased considerably, as did local confectionery advertising, the former increasing approximately 39%.

National network advertising of household equipment showed marked increases over July, expenditures of this group increasing more than 60%. Some declines were experienced in individual station business in this field. Soaps and household supplies tended to hold their own, while financial advertising showed a slight decline. Radio advertising declined, while retail advertising dropped 37%, due undoubtedly to seasonal influences.

Of particular interest is a 13% increase in tobacco advertising over national networks. It would seem that after the ruinous price wars of last spring, cigarette manufacturers were coming to realize that radio is too potent a medium for mass sales to be dispensed with for any length of time.

Another new aspect of the monthly reports is to be found in Table X, which segregates for the first time retail broadcast advertising from other local advertising. It is interesting to note that during August retail advertising accounted for about 51% of the total locally sponsored broadcast advertising volume. Of the total retail advertising, department stores accounted for 18.7%, clothing and apparel shops for 16.8%, grocery and food establishments 15.3%, drug stores 11.6%, gasoline stations, garages and similar establishments 9.8%.

TABLE X

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(August, 1933)

Type of Sponsoring Business	Gross Receipts for Month
Automobiles and accessories:	
Automobile agencies and used car dealers	\$38,237.00
Gasoline stations, garages, etc.	60,393.00
Clothing and apparel shops	102,850.00
Drugs and toilet goods:	
Drug stores	71,016.00
Beauty parlors	913.00
Food products:	
Grocery stores, meat markets, etc.	93,664.00
Restaurants and eating places ¹	24,969.00
Beverage retailers	963.00
Confectionery stores, etc.	5,086.00
Household goods:	
General housefurnishing establishments	1,848.00
Household equipment retailers ²	25,116.00
Furniture stores	38,148.00
Hardware stores	7,038.00
Radio retailers	2,249.00
Department and general stores	113,815.00
Tobacco shops	939.00
Miscellaneous	25,382.00
Total	\$611,606.00

¹ Exclusive of hotels.² Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General Business Conditions

Business developments since the high peak of July have shown conflicting tendencies which make the determination of any clear-cut trend impossible. Business activity has declined to slightly less than 80% of the 1923-1925 level after having practically reached the 100% mark in July. Productive activity has shown an 8% decrease in August as compared with the previous month, while some slight further recessions have occurred since then. Freight car loadings also declined, contrary to the usual seasonal trend, being 6% below the previous month. Though public works enter-

prises have increased general building and construction, private construction still remains 21% less than in 1932.

Encouragement is to be found in the estimated reemployment of an additional 750,000 workers during the month of August, representing a 6.5% increase in factory employment and an 11.6% increase in total factory payrolls. It also is estimated by the Department of Agriculture that about \$1,000,000,000 has been added to the purchasing power of the American farm market by the increased prices for agricultural products.

Department store sales increased 10% over July, reaching 77% of the 1923-1925 average, and attaining the greatest volume since April, 1932. Part of this increased business, however, is merely the result of higher prices, retail prices having increased approximately 8% in August. Dollar sales were 20% above August, 1932, but 13% below August, 1931. Mail order company sales advanced in August to a point 19% below those of last year and 6% below August, 1931.

Commodity prices have risen more slowly during recent weeks than during the first rapid upswing earlier in the summer. According to Fairchild's Index, retail prices increased 8.4% during August, and on September 1 stood at 19% above May and 12% above the

same period of 1932. Retail food prices held even in August, but have gained in the neighborhood of 35% since January, 1933. The cost of living increased 2.3% in August, according to the National Industrial Conference Board, and now stands 7.6% above the low for the year. Open market operations of the Federal Reserve Banks have resulted in an unprecedented growth of bank reserves but these do not seem to be finding their way into the community in the way of actual increases in credit accommodations. New issues in the capital market remain insignificant.

While the cross currents found in business today are typical of the first stages of a recovery period, attention cannot help but be focused upon the basic problem of the immediate future—the further increase of mass purchasing power at a rate faster than advancing prices. This is of extreme interest to the broadcaster from two aspects; upon the success of this undertaking depends any resumption of business at all. Unless a resumption of mass purchasing power takes place sufficient to make possible the resumed consumption of the non-necessities which loom so large in American production today, there can be little hope for a permanently increased business tempo, or of a consequent protracted rise in advertising volume.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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COMMUNICATIONS COMMISSION STUDIED

Creation of a communications commission to have general jurisdiction over wire and radio communications is the subject of study by a special committee headed by Secretary of Commerce Roper, it was announced this week by the Secretary of Commerce at a press conference.

General Charles McK. Saltzman, former chairman of the Federal Radio Commission, is vice chairman of the committee and Herbert L. Petty, secretary of the Federal Radio Commission, is serving as secretary of the committee. Other members of the committee are Senator Dill, chairman of the Senate Committee on Interstate Commerce; Representative Rayburn of Texas, chairman of the House Committee on Interstate and Foreign Commerce; representatives of the army, navy, coast guard, State Department, and Bureau of Standards.

The committee has held several meetings.

Best information available is that the report and recommendations of this committee will not be made the basis of an executive order, as was at one time supposed, but will be sent to Congress to serve as a basis for federal legislation shortly after Congress convenes in January.

CODE CONFERENCES RESUMED

Following the annual membership meeting of the NAB at White Sulphur Springs, W. Va., conferences on the code of fair competition for the broadcasting industry were resumed. These conferences have dealt principally with the provisions in the code relating to licensed operators. Since the report at the convention there have been no new or important developments in the situation.

BOARD WILL PLAN 1934 PROGRAM

The meeting of the Board of Directors scheduled for Thursday, November 9, in Washington will be devoted to developing a program for the new year. A meeting of the executive committee consisting of the President, Treasurer and Managing Director, created under the new constitution and by-laws, will be held in advance of the Board meeting to work out an agenda for the Board meeting.

ROCKEFELLER LIQUOR AD SURVEY

Advertising of liquor, other than light beer, should be "rigidly restricted or forbidden" where possible, according to the Rockefeller liquor survey just made public.

Only the name, address, date of incorporation of a manufacturer or dealer, a coat of arms or trade-mark and a description in the simplest terms of the article or articles should be contained in newspaper and magazine advertising, the report stated.

Radio advertising should be subject to the same rules, it is reported.

All additional advertising matter, including slogans, to be prohibited, except on approval of the state licensing board.

KFAB CASE TO BE APPEALED

The Supreme Court of Nebraska has allowed an appeal to the Supreme Court of the United States in the KFAB libel case, it was learned this week. The case involves the utterance of an alleged defamatory statement in the course of a political campaign speech by radio. The Nebraska Supreme Court held the station liable in damages for the utterance. It is expected that the papers petitioning the Supreme Court of the United States for a review of the state supreme court decision will be filed shortly and that the case will come up in the higher court in March.

NRA CHIEF PRAISES RECORDINGS

The series of electrical transcriptions prepared for the NRA in connection with the "Buy Now" campaign, and available to all broadcasting stations, won a word of praise from Frank Wilson, chief of the NRA organization division.

"We have just come from an audition where several of the radio recordings made in behalf of the 'Now Is The Time To Buy Campaign' were heard," he stated in a bulletin to all NRA Committees. "We have no hesitation in saying to all NRA Committees and to all retail merchants and groups interested in getting maximum results from this campaign, that this radio series is fully as outstanding as the series of newspaper advertisements prepared for us by the leading copywriters in America.

"These radio recordings follow the same idea as the 24 factual advertisements furnished the newspapers. Each one is devoted to a certain commodity. In the staging of these productions a cast of 12 competent people was taken to the Victor Recording Studio at Camden, N. J. Nothing was spared to make the programs outstanding. The manager of your local radio station has complete information about the series and he can arrange for the delivery of these records to his station at a cost made very reasonable by reason of the quantity being produced. We suggest that your committee meet with your station manager and try to make this series a part of your local campaigns in all cities where there is a radio station.

"These broadcastings may be sponsored by an individual advertiser or by a group of advertisers engaged in a similar line of business. If, for instance, the recording on shoes were sponsored by all shoe dealers in a given community, the cost to each would be very small indeed. The manager of your radio station has the test of each recording so the prospective user may know exactly the nature of the material."

As pointed out before, these recordings may be secured from G. T. Herzog, 704 National Press Building, Washington, D. C. The cost is \$60.00, plus five per cent tax, for the entire series of 24 recordings. Stations may pay for half the series at the time of subscribing and the balance at a later date or have them sent C. O. D. It is not necessary to purchase the entire series but arrangements may be made to purchase any number less than 24 by getting in touch with Mr. Herzog.

EXAMINER REJECTS ERIE PROTEST

Leo J. Omelian was granted a construction permit for a new broadcasting station at Erie, Pa., by the Commission, but a protest was filed against this by the Broadcasters of Pennsylvania, Inc. In Report No. 515 this week it is recommended that the Commission affirm this grant (George H. Hill, e.).

The Examiner found that the city of Erie will support two radio stations and that there is sufficient local talent to serve the needs of an additional broadcasting station at Erie. He also found that the applicant is financially and otherwise qualified to operate the proposed new station.

WILL GETS POWER INCREASE

On Friday the Federal Radio Commission granted an increase in daytime power from 500 to 1,000 watts to station WILL, Urbana, Ill., on its present frequency of 890 kilocycles, reversing Examiner George H. Hill in his Report No. 496.

The Commission found that the applicant is rendering a meritorious service, that the service would be improved and enlarged by the use of the additional daytime power and that "such interference as may result from applicant's use of the additional power requested would be more than offset by the advantages to be gained."

NEWS BROADCAST BRINGS SUIT THREAT

A suit for damages under Section 51 of the Civil Rights Law of the State of New York has been threatened against Station WFBL for the use of names of citizens in a news broadcast sponsored by one of the station's clients.

The news item was correct in every detail, according to the station.

The section of the New York law under which suit is threatened is as follows:

"Sec. 51. Action for injunction and for damages. Any person whose name, portrait or picture is used within the state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the Supreme Court of this State against the person, firm or corporation so using his name, portrait or picture, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait or picture in such manner as is forbidden or declared to be unlawful by the last section, the jury, in its discretion, may award exemplary damages. But nothing contained in this act shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about his or its establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed."

THEY WON'T RESTRICT, IF—

A number of radio stations have sent in copies of letters that reveal a new style of "advertising chiseling" by ASCAP music publishers.

The letter from Louis Bernstein, president of Shapiro, Bernstein and Co., Inc., names two compositions whose copyright he claims to control and says:

"We are publishers of the above compositions, and we have entered into a contract with Paramount Pictures for the publication of the entire score of 'I'M NO ANGEL'. The terms of the contract prohibit us to authorize the public performance of these compositions by radio except and unless they be announced as 'from Mae West's new picture I'M NO ANGEL'."

"We have no desire to place these songs upon the restricted list, yet must do so unless the Stations will cooperate in making the above announcement every time the compositions are played.

"Will you, therefore, please accept this as a friendly request to make the announcement or refrain from performing the compositions. If you will do this we will not be faced with the necessity of restricting the numbers, and they can be available for your use and the service of your station if presented in the above manner.

"In order that we may protect our obligations, under the contract with Paramount Pictures, will you please favor us with the

assurance that if and when the compositions are performed from your Station they will be announced in accordance with the above form."

The letter from Robert Crawford, president of De Sylva, Brown and Henderson, Inc., claims the copyright to four compositions in "Broadway Thru A Keyhole" and says:

"Under the terms of our agreement with the producers of this picture we were required to place these numbers on the restricted list, to be done by special permission only. However, we have been able to prevail upon the producers to have them remove the restriction with the proviso that we would request the broadcasting stations to credit the numbers as being from the picture 'BROADWAY THRU A KEYHOLE' whenever they are played on the air.

"This looks like one of the smash hit pictures of the season, and I know the numbers are due to be extremely popular. I sincerely trust that you will see your way clear to conform with this request, and in accordance with the above I have this day authorized ASCAP to remove the numbers from the restricted list. You may therefore have same played over your stations *without requesting special permission.*"

To the stations asking for advice on this subject, Oswald F. Schuette, NAB director of copyright, has written:

Under the terms of the ASCAP contract, these music publishers have the right either to restrict compositions and thereby prevent their being played by broadcasting stations or not to restrict them and thereby leave them open to public performance on the air.

If the publishers place these numbers on the restricted list, stations are advised not to play them and not to ask special permission to play them. Stations are further advised that once a number is placed on the restricted list it should remain there.

If the publishers do not place these compositions on the restricted list, stations are free to use them without tying that use to an advertising blurb or to free publicity for a motion picture.

Stations receiving such requests from publishers or motion picture companies should send their rate cards to the companies asking for such free advertising.

Both Mr. Bernstein and Mr. Crawford are directors of the American Society of Composers, Authors and Publishers. It is, therefore, particularly interesting that they should participate in such an effort to obtain additional performances of their music despite the ASCAP plea that broadcasting is destroying ASCAP compositions.

The best answer to all such special efforts to "plug" ASCAP music is to keep it off the air.

A. F. OF L. OPPOSES INVESTIGATION

The Executive Council of the American Federation of Labor, at its 53d annual convention held in Washington last week, submitted a report in which the following on the subject of broadcasting was included:

"Resolution No. 53, providing for an investigation of radio advertising and if feasible to secure national legislation prohibiting the long advertising lectures and speeches over the radio of the country, was referred to the executive council.

"A thorough investigation of this subject has been made. In the first place, the most persistent advertisers over the radio are the largest advertisers in the newspapers and magazines. These include automobiles, cigars and cigarettes, toothpaste, ginger ale and many other articles.

"The advertising broadcasts are necessarily accompanied by music. Actors and actresses furnish a program. Should advertising be eliminated or restricted to an extent that it would not be practical, thousands of musicians, actors and other employes, would be thrown out of employment. If radio advertising was prohibited it would be necessary for the broadcasting stations to secure funds from some other source to carry on their broadcasts. In some countries where the broadcasting stations are controlled by the government a tax is placed upon receiving sets. Naturally, that would be the main source of revenue that would have to be raised in the United States if advertising was prohibited or restricted.

"There are 12,000 full-time employes of the broadcasting stations of the United States. This does not include the thousands of artists and musicians employed by program sponsors and the networks. The annual payroll is approximately \$23,000,000.

"It is doubtful if radio advertisers have materially decreased newspaper or magazine advertising. It is true that many newspaper publishers in asking for reductions in wages use this as an argument.

"New inventions cause many changes in old established industries. This, of course, raises objections from those displaced. But were it not for the telephones, graphophones, electricity, automobiles and radios there would be many more idle in the United States.

"The executive council believes that progress cannot be stopped. Inventions will continue in greater number than before. Labor's solution of this problem is reducing the hours in the workday and workweek at adequate wages. There is no other remedy and labor uses every effort to organize the wage-earners in order that they can secure a comfortable living and more leisure. If the five-day week and six-hour day were in effect there would not be as many idle workers in the United States."

RADIO EMPLOYMENT AGAIN INCREASES

September employment index for September was 133.6 compared with 108.2 for August and 68.1 for September of last year taking 1926 at 100, according to the Bureau of Labor Statistics, Department of Labor. The payroll index number for September was 91.2 compared with 73.9 for August and 56.1 for September of last year.

INFORMATION REQUESTED

The NAB has been asked by members for information concerning the whereabouts of:

A. M. Parmenter, 36 to 40 years old, about 210 pounds, about 6 feet 1 inch in height, fair complexion.

Gayle Norman 2nd, 25 to 30 years old, about 5 feet, 10 inches, about 140 pounds, dark complexion.

J. J. Moore of the National Feature Service Company.

CHAIN STORE ADVERTISING

Newspaper advertising is the predominant type of advertising among chain stores, according to the Federal Trade Commission's latest report on chain stores entitled "Chain Store Advertising," which is made public today.

More than 86 per cent of the 1,030 chains reporting their detailed advertising expenditures for a recent year used newspaper advertising and these chains operated 96.3 per cent of the stores of this group, the Commission reports.

Only three kinds of chains, namely, tobacco, men's shoes, and dry goods, reported less than 50 per cent of their total advertising expenditures as being for newspaper advertising. All three showed higher than average proportions of their total advertising expenditures under other types of advertising.

Millinery, unlimited price variety, and furniture chains reported newspaper advertising expense as accounting for more than 90 per cent of their total expenditures for advertising. Grocery and meat chains reported 72.2 per cent of total advertising expenditures used for newspaper advertising; grocery chains, 72.8 per cent; drug chains, 76.2 per cent; and department store chains, 60.4 per cent.

The chain-store schedule specified ten different kinds of advertising including the miscellaneous category, "other" advertising. In tabulating the answers, however, the number of kinds of advertising was cut to eight because of the small number of chains reporting one cent sales as a form of advertising, and because, although a substantial number of chains reported "national magazine advertising" inspection of the replies showed that some of the chains reporting had termed advertising in local school magazines and theatre programs "national magazine advertising."

Slightly over 86 per cent of the 1,030 chains reporting their detailed advertising expenditures for 1928 used newspaper advertising and these chains operated 96.3 per cent of the stores. Pamphlet and dodger advertising was reported by 24.9 per cent of these chains, operating 32.1 per cent of the stores, and window and counter display advertising by 23.8 per cent of the companies which operated 55.0 per cent of the stores. Billboard and outdoor advertising was

used by 7.3 per cent of the chains operating only 2.6 per cent of the stores. Free goods as a form of advertising was used by 4.3 per cent of the reporting chains and these operated 4.0 per cent of the stores. Street car and bus advertising was reported by only 1.7 per cent of the companies, but these operated 13.4 of the reported stores.

Miscellaneous or "other" advertising includes a wide variety of kinds of advertising, and 21.7 per cent of the chains operating 56.0 per cent of the stores, used "other" advertising. Included in this category are national magazine, one-cent sales, direct mail, radio, premiums, contributions and numerous other expenditures reported as advertising.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, October 23, 1933

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license, 1300 kc., 1 Kw, share with WBBR, WFAB, and WHAZ. Present assignment, 1300 kc., 500 watts, shares with WBBR, WFAB, and WHAZ. (Others notified.)

Tuesday, October 24, 1933

WODX—Mobile Broadcasting Corp., Mobile, Ala.—Modification of license, 1380 kc., 500 watts, unlimited time. Present assignment, 1410 kc., 500 watts, simultaneous daytime operation with WSFA, sharing at night.

Wednesday, October 25, 1933

Oral Argument Before Commission en banc

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license, 1440 kc., 500 watts, unlimited time (facilities of WTAD). Present assignment, 1440 kc., 500 watts 1 KW LS, shares with WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license, 1440 kc., 500 watts, shares with WMBD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—CP to move station to E. St. Louis, Ill., 1440 kc., 500 watts, share with WMBD.

Hearing Before Examiner

NEW—Williard G. Demuth, Uhrichville, Ohio—CP, 1370 kc., 100 watts, daytime.

Thursday, October 26, 1933

NEW—Jos. S. Crawford & L. E. Ore, Erie, Pa.—CP, 1420 kc., 100 watts, unlimited time.

NEW—Church of Christ (T. C. White, business manager and Operator), Stamford, Texas.—CP, 1200 kc., 100 watts, daytime.

Friday, October 27, 1933

KOIN—KOIN, Inc., Portland, Oregon—CP, 940 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment, 940 kc., 1 KW, unlimited time.

APPLICATIONS GRANTED

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authorization to operate from 8:15 to 9 p. m., EST, on October 20.

- WSMB—WSMB, Inc., New Orleans, La.—Granted CP to move transmitter from New Orleans to U. S. Naval Station, Algiers, La.
- WCAC—Connecticut Agricultural College, Storrs, Conn.—Granted modification of license to reduce specified hours of operation to as follows: Monday to Friday, inclusive, 12:30 to 1 p. m.; Wednesday, 4:30 to 5 p. m., EST.
- WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of license to increase specified hours to unlimited except from 12:30 to 1 p. m., Monday to Friday inclusive, and 4:30 to 5 p. m., Wednesday.
- WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to midnight, EST, Nov. 3, 1933.
- KGIW—Leonard E. Wilson, Almosa, Colo.—Granted license covering move of station, 1420 kc., 100 watts, shares with KIDW.
- KGDY—The Voice of South Dakota, Inc., Huron, S. Dak.—Granted authority to continue operating for 30 days under program test without a frequency monitor, until monitor crystal for new frequency has been delivered.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted authority to use auxiliary transmitter while moving regular transmitter to new location and begin equipment tests Oct. 20. Also granted modification of CP extending completion date to Nov. 17, 1933.
- WBBX—Samuel D. Reeks, New Orleans, La.—Granted authority to remain silent for two weeks.

SET FOR HEARING

- NEW—Ark-La-Tex Radio Corp., Shreveport, La.—CP for new station, 1210 kc., 100 watts, unlimited time (facilities of KWEA).
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of license to increase power from 250 watts to 1 KW (facilities of WRUF).

APPLICATIONS DENIED

- WBBX—Coliseum Place Baptist Church, New Orleans, La.—Denied authority to change licensee from Samuel D. Reeks to Coliseum Place Baptist Church temporarily pending action on involuntary assignment of license due to cancellation of lease formerly held by Reeks.
- WBBX—Samuel D. Reeks, New Orleans, La.—Denied authority for Samuel D. Reeks, licensee of WBBX, to broadcast the programs of that station over the old transmitter of WJBO temporarily during nighttime.
- WJBW—Charles C. Carlson, New Orleans, La.—Denied authority to operate unlimited time pending action on application for modification of license.

APPLICATIONS DISMISSED

- The following applications, heretofore set for hearing, were dismissed at request of applicants:
- NEW—Ray M. Thompson, Youngstown, Ohio—CP, 1370 kc., 100 watts, unlimited time (facilities of WHBD).
- WCAL—St. Olaf College, Northfield, Minn.—CP to increase power to 1 KW, 2½ KW, LS.

MISCELLANEOUS

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied authority to operate from 8 to 11 p. m. each Thursday evening pending disposition of unused 4/7 time on 1360 kc., formerly assigned WJKS. (Action taken Oct. 17.)
- WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted special temporary authority to operate station for period ending Nov. 1, 1933, due to foreclosure by 1st Natl. Bank. Said authority granted subject to the filing and approval of formal applica-

tion and proper showing that Eure is possessor of equipment, etc.

- KGIW—Leonard E. Wilson, Trinidad, Colo.—Program test period extended 30 days pending action on license appeal.

APPLICATIONS RECEIVED

First Zone

- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit to increase power from 250 watts to 500 watts and to install new equipment. Amended to change transmitter location, exact location to be determined subject to approval of Commission, 1 to 2 miles south of Secaucus along Hackensack River and to request power be increased from 250 watts to 250 watts night, 500 watts to local sunset. (This amendment supersedes amendment on Report No. 643 10-16-33.)
- WGCP—May Radio Broadcast Corp., Newark, N. J.—Construction permit to install new equipment and increase power from 250 watts to 1 KW night, 2½ KW to local sunset. Previously amended as to equipment and to increase hours to 1/3 time. Amended again to omit request for change in hours.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit, exact transmitter location to be determined after survey, make changes in equipment, change frequency and increase power from 1210 kc., 100 watts, daytime, to 1330 kc., 1 KW, daytime.

Second Zone

None.

Third Zone

- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to increase power from 250 watts night, 500 watts to local sunset to 500 watts night, 1 KW to local sunset—experimentally to 3-1-34.
- WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith & John T. Hubbard, d/b as Troy Broadcasting Co., Troy, Ala.—Construction permit to move station from Troy, Ala., to Dothan, Ala., change frequency from 1210 to 1370 kc. Amended to give proposed st. add. of transmitter Southwest Alabama Fair Grounds and studio Houston Hotel, Dothan, Ala.
- WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Construction permit to move transmitter and studio from Russell Erskine Hotel to Twickenham Hotel, Huntsville, Ala., and changes in antenna.

Fourth Zone

- KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. D.—Construction permit to move transmitter from Lots 1 and 7, Carpenters Addition, Sioux Falls, S. D., to NE¼ of the NW¼ of section 24; township 101, Range 50 West, S. D., and make changes in equipment.
- WTRC—Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license to change hours of operation to include simultaneous nighttime operation with WLBC in addition to operating daytime simultaneously with WLBC, instead of share night with WLBC.
- WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts to local sunset.

Fifth Zone

- KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Construction permit to move transmitter and studio locally to 119 E. Gurley St., and make changes in equipment.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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ROPER EXPLAINS COMMUNICATIONS STUDY

The Roper Committee on Communications, now studying wire, radio and cable regulations, is the outgrowth of the Transportation Committee appointed by the President shortly after March 4, the Secretary of Commerce said this week.

"In order to clarify some of the questions that have been raised within the last few days concerning our Committee on Communications," said Secretary Roper, "I want to state that this committee was formed to continue studies which were begun in connection with the departmental reorganization work launched immediately after March 4.

"The entire subject of transportation is divided into four divisions: land, water, air and communications. Studies relating to the first three divisions are being conducted by the Federal Coordinator of Transportation, Honorable Joseph B. Eastman, the authority for such being embodied in legislation enacted by the last session of Congress and approved by the President.

"Immediately after March 4, a Transportation Committee was formed to study and advise in relation to departmental reorganization plans. The Committee on Communications is an outgrowth of the Transportation Committee which is now simply coordinating in an advisory capacity with Mr. Eastman. This leaves, therefore, for the full launching of this study the communications unit, and for this particular study an interdepartmental committee has been appointed consisting of:

Hon. Daniel C. Roper, Secretary of Commerce; Dr. W. M. W. Splawn, Advisor, House Committee on Commerce; Dr. Irvin Stewart, Department of State; Lt. Com. E. M. Webster, Coast Guard, Retired, Treasury Department; Maj. Gen. Irving Carr, War Department; Capt. S. C. Hooper, Navy Department; Maj. Gen. C. McK. Saltzman, Commerce Department; Dr. J. H. Dellinger, Bureau of Standards; Herbert L. Pettey, Federal Radio Commission; Senator Dill of Washington; Representative Rayburn of Texas.

"This committee is making a study of the subject of communications with the primary view of working out a more definite interdepartmental arrangement in the interest of better service, more economically administered. In making this study it is conducting a survey of the field of communications, but no further directions regarding its work have been given. As this study has just been initiated, it is not possible to say when it will be completed, but it is hoped that it may be in its final stages by the end of this calendar year. As the committee is at present concerned with interdepartmental problems, it is not possible at this time to define the scope of its further studies in order to anticipate in any way what the committee may recommend in its report to the President, through the Secretary of Commerce."

NRA CODE CONFERENCES CONTINUED

There were no important developments during the week in connection with the code of fair competition for the broadcasting industry although conferences which have been in progress for the past several weeks were continued.

The principal point of difference now existing still revolves around the hours of work provisions as applied to technicians. Changes of a minor nature have been agreed upon and the general form has been altered somewhat to conform with the style approved by the NRA.

It has been agreed that the administration of the code shall be vested in a Code Authority to be appointed by the President of the United States during a temporary period of 90 days during which time this code authority shall recommend a permanent form of administration.

CANADIAN RADIO OFFICIALS VISIT U. S.

A delegation of Radio Officials of Canada visited Washington last week and conferred with officials of the Federal Radio Commission concerning an allocation plan for frequencies in the band 1500-6000 kc.

COMMISSION DECIDES KYW CASE

The Commission (Commissioner Hanley not participating), handed down its decision today in the so-called "1020 and 1160 kc. cases," in which Kunsy-Trendle Broadcasting Corp., of Detroit, and 15 other applicants were involved. These cases came on for hearing July 18, 1932, and on succeeding days much testimony on the entire group was taken before Examiner Elmer W. Pratt. The Examiner submitted his report on October 28, 1932, after which many of the parties involved filed exceptions and requested oral arguments, and on March 15, 1933, oral argument was heard before the Commission en banc.

The decisions follow:

- KYW—Westinghouse Electric & Manufacturing Co., Chicago, Ill.—Granted CP for new 10-KW transmitter at a proposed location near Philadelphia, to be operated in accordance with the proposals contained in said application and the testimony produced at hearing in support thereof. Granted renewal of present license on a temporary basis authorizing the continued operation of KYW at Chicago, pending the construction of the new transmitter at Philadelphia.
- WXYZ—Kunsy-Trendle Broadcasting Corp., Detroit, Mich.—Denied application for new 10-KW station at Detroit, to operate on 1020 kc. Applicant proposed to abandon WXYZ if application for new station were granted.
- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Denied CP for increase in power from 1 KW to 5 KW, and a change in frequency from the regional channel, 1290 kc., to 820 kc., a clear channel assigned to WHAS at Louisville, proposing that 1020 kc. be assigned to WHAS.
- WHAS—The Courier-Journal and the Louisville Times Co., Louisville, Ky.—Granted renewal of license to continue operation on 820 kc.
- WFAN—Keystone Broadcasting Co., Philadelphia, Pa.—Denied CP for change in frequency from 610 kc. to 1020 kc., sharing with WIP, and increase in power from 500 watts to 5 KW.
- WIP—Gimbel Bros., Inc., Philadelphia, Pa.—Denied application for CP to change frequency from 610 kc. to 1020 kc., and increase in power from 500 watts to 5 KW.
- WCAU—Universal Broadcasting Co., Philadelphia, Pa.—Denied CP to change frequency from 1170 kc. to 1020 kc.
- WRAX—WRAX Broadcasting Co., Inc., Philadelphia, Pa.—Granted CP for modification of license to change frequency from 1020 kc. to 920 kc., a change in power assignment from 250 watts day and night to 250 watts night and 500 watts day, and change in operating time from daytime to sharing time with Station WPEN, Philadelphia. This change will result in improved service in the Philadelphia area.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted CP for modification of license to change frequency from 1500 kc. to 920 kc., to change power assignment from 100 watts night and 250 watts day to 250 watts night and 500 watts day, and to change hours of operation from unlimited time to part time, sharing with WRAX. This change will result in improved service in the Philadelphia area.
- WIBG—WIBG, Inc., Elkins Park, Pa.—Granted renewal of license and modification of license changing frequency from 930 kc. to 970 kc., and increasing power from 25 watts to 100 watts.

This grant will result in an improvement in service from that station, and there will be no objectionable interference to any existing station.

WORK—York Broadcasting Co., York, Pa.—Granted renewal of license on present frequency—**1000 kc.**, with 1 KW power, as licensed at present.

WHN—Marcus Loew Booking Agency, New York—Granted renewal of license to operate on **1010 kc.**, with 250 watts, sharing with WRNY and WQAO-WPAP as at present.

WRNY—Aviation Radio Station, Inc., New York—Granted renewal of license to operate on **1010 kc.**, with 250 watts, sharing with WHN and WQAO-WPAP as at present.

WQAO-WPAP—Calvary Baptist Church, New York—Granted renewal of license to operate on **1010 kc.**, with 250 watts, sharing with WHN and WRNY as at present.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Denied modification of license to permit full-time operation on **1160 kc.**, a clear channel now shared with WWVA at Wheeling, W. Va. and denied CP to increase power from 10 KW to 25 KW. It was proposed that WWVA be assigned to **1290 kc.**, now used by WJAS.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Denied modification of license so as to operate full time on **1160 kc.**; granted renewal of license on present basis, *i. e.*, sharing time on **1160 kc.** with WOWO.

In explaining how it reached its decision, the Commission declared:

"Consideration of the relative merits of the different applications for 1020 kc. is aided by a comparative study, first, of the population, quota status, present service, service needs and requirements, interference problems of the cities and communities involved: and second, of the relative merits of each of the applications with reference to financial responsibility, technical equipment, past, present and proposed programs, service, etc."

All of these questions are discussed fully in the decision.

In its statement of Facts and Grounds for Decision the Commission took up first the proposal to use 1020 kc. at Detroit, then the proposal that 1020 kc. be used at Louisville, Ky., and 820 kc. at Pittsburgh; next the several proposals to use 1020 kc. at Philadelphia, then KYW's application for renewal of license at Chicago, and lastly applications relating to 1160 kc.

Referring to the application of Westinghouse Electric & Mfg. Co. to move its station from Chicago to Pennsylvania, the Commission sets forth, among other things:

"This applicant proposes to construct a transmitter in the vicinity of Whitemarsh, Pa., 10 or 12 miles northwest of Philadelphia City Hall. This location was chosen with a view to rendering as effective service to the Philadelphia metropolitan area as possible and by means of suitable antennae array, with a minimum of interference with stations on adjoining channels.

"The studios will be located in the Westinghouse Building, 13th and Walnut Streets, and the programs and service will be similar to those now rendered in Chicago."

Discussing the qualifications of applicants, the Commission says:

"While each of the applicants for 1020 kilocycles is financially responsible and otherwise qualified to carry out his proposal, the Westinghouse Electric and Manufacturing Company, licensee of KYW, has a superior financial standing, greater technical resources, more extensive broadcasting experience, etc., than any of the other applicants. Although there exists in a licensee no property or priority rights in a frequency, it has been held that a licensee with a good past record and substantial investment in his station should not be deprived of his license except for compelling reasons. In *Chicago Federation of Labor v. Federal Radio Commission* (41 F. (2d) 422) the Court of Appeals of the District of Columbia said: 'It is not consistent with true public convenience, interest, or necessity, that meritorious stations . . . should be deprived of broadcasting privileges when once granted to them, which they have at great cost prepared themselves to exercise, unless clear and sound reasons of public policy demand such action. The cause of independent broadcasting in general would be seriously endangered and public interest correspondingly prejudiced, if the licenses of established stations should arbitrarily be withdrawn from them, and appropriated to the use of other stations . . .'"

With reference to the various proposals to use the frequency 1020 kilocycles in Philadelphia, Pa., the Commission declares:

"One of the proposals to use the frequency 1020 kilocycles at Philadelphia, is that of the Westinghouse Electric and Manufacturing Company, licensee of KYW.

"The Westinghouse Electric and Manufacturing Company is a Pennsylvania corporation with extensive manufacturing interests

in Philadelphia and other cities. On December 31, 1931, it had total assets of \$222,819,777.74; liabilities other than capital stocks of \$10,461,793.38, a surplus of \$79,050,324.06, and a net worth of \$212,358,074.06.

"The Westinghouse Electric and Manufacturing Company first entered the radio broadcasting field in 1920, when the election returns of that year were broadcast through a station in Pittsburgh which later became known as KDKA. Through its research and experimental activities this company has contributed largely to the development of the radio arts and industries with particular reference to the practice of maintaining frequency by crystal control, the synchronization of broadcasting stations, the development and perfection of transmitters suitable for high power, as well as for the use of shortwave long distance communications; the development and use of remote control apparatus and studios, and the employment of directional antenna in connection with short-wave operations.

"KYW was the first radio broadcasting station in Chicago, construction having been completed and operation commenced in November, 1921. The station has since been operated continuously by the present licensee and has been maintained in keeping with the progress of the radio art, many of the new developments having been installed in this station earlier than in any other. Since about the first of August, 1925, the station has been operated with a power of 10 kilowatts. Operas were broadcast direct from the stage during the first month after completion of the station; and later, musical programs, market reports of the Department of Agriculture, news bulletins from the Associated Press in connection with the *Chicago Tribune*, and market quotations direct from the grain pit of the Chicago Board of Trade were broadcast. The year following, additional studios were opened in the Hearst Building, and later, studios were added in the Congress Hotel."

The Commission further states:

"The Fourth Zone being greatly over-quota and the Second Zone considerably under-quota, the withdrawal of 1020 kc. from the Fourth Zone and its assignment for use in the Second Zone would tend toward the equal distribution of broadcasting facilities among zones required by Section 9 of the Radio Act of 1927, as amended, and Paragraph 111 of the Commission's Rules and Regulations.

"As between Michigan and Pennsylvania, the two states in the Second Zone from which applications for 1020 kc. were filed, Pennsylvania being more under-quota than Michigan, the allocation of this facility to Pennsylvania would be more consistent with the requirements of Section 9 of the Radio Act of 1927 as amended, and Paragraph 111 of the Commission's Rules and Regulations providing for a fair and equitable distribution of facilities among states, according to population, than would its allocation to Michigan.

"Of the metropolitan areas of the four cities from which come the applications for 1020 kc., viz Detroit, Pittsburgh, Philadelphia and Chicago, the Philadelphia area has fewer transmission facilities in proportion to population and the number of receiving sets than any of the others.

"While reception is had in Detroit, Philadelphia and Chicago from stations located outside their metropolitan areas, and while the Pittsburgh area depends almost entirely for reception upon stations located therein, there are more transmission facilities in Pittsburgh area than in either the Detroit or Philadelphia areas."

Concerning its decision in the "1160 case", the Commission says:

"The granting of WOWO's application for full time on this channel would reduce the facilities of a state and zone already under-quota and would thus be inconsistent with Section 9 of the Radio Act of 1927."

In its opinion the Commission sustained the recommendations of former Examiner Elmer W. Pratt.

WHAS APPEAL DISMISSED

The appeal of Station WHAS against a decision of the Radio Commission in which it granted WFIW permission to move from Hopkinsville to Louisville, Ky., was dismissed this week by the Court of Appeals of the District of Columbia. The appeal was dismissed at the request of the applicant station.

SUPREME COURT DENIES WLOE APPEALS

Writ of certiorari was denied by the United States Supreme Court this week in case No. 446 of the Boston Broadcasting Company, Station WLOE against the Radio Commission and case No. 447 of William S. Pote, also against the Radio Commission.

In the case of Station WLOE the Radio Commission refused to grant a license renewal and a temporary license which it had was

terminated. The station appealed to the Court of Appeals of the District of Columbia which upheld the Commission and then appeal was filed in the United States Supreme Court which has now denied further appeal.

In the case of William S. Pote, the latter filed an application with the Commission for involuntary assignment of the license of WLOE. The Commission refused this and Mr. Pote followed the same procedure as that followed by the station in its appeals. The Supreme Court has now also refused him further appeal.

RECOMMENDS AGAINST UNLIMITED TIME

Station WJBK, Detroit, Mich., and WIBM, Jackson, Mich., both operating on a frequency of 1370 kilocycles, applied for unlimited time. Denial of these applications is recommended in Report No. 516 (Ralph L. Walker, e.) this week. The Examiner recommended that the application of Station WIBM be denied as in cases of default because it failed to make any appearance when the hearing was called. In connection with the application of WJBK the Examiner found that "while such operation (full time) would undoubtedly benefit the applicant from a financial viewpoint, it does not appear that additional program service is needed in the Detroit area." In connection with WJBK the Examiner found that "unlimited time, will add to the interference condition now existing on the frequency in question and thereby make more difficult the problem of correcting that condition at some future date."

DEMURRER IN WMAL CASE

The Radio Commission this week filed a demurrer in the Supreme Court of the District of Columbia in the case of Gerald V. Moore against the Commission. In this case Moore filed a suit in the Court calling upon the Court to have the Commission refuse to renew the license of WMAL, Washington, D. C., leased by the National Broadcasting Company, subsidiary of the Radio Corporation of America on the basis that this company had been adjudged as violating the anti-trust laws. A similar case was denied by the same Court a few months ago.

WLAP APPEAL IS DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of Station WLAP, Hopkinsville, Ky. It was dismissed at the request of the station itself. On June 16 the Radio Commission refused to change the frequency of the station from 1200 to 940 kilocycles and to increase its power from 100 to 1,000 watts. Appeal was taken from this decision of the Commission which has now been dismissed.

RETAIL CODE GOVERNS ADVERTISING

The Retail Trade Code, which was approved on October 23 and becomes effective on October 30, contains a provision governing the advertising and sale of goods by retail merchants.

The retail code does not affect the retailing of milk and its products, tobacco and its products, food and food-stuffs or other branches of retail selling already under separate codes, General Johnson pointed out this week. Neither does it become binding upon retailers in towns of 2,500 or less population.

Article IX, Section 1 of the Retail Code provides:

"(a) No retailer shall use advertising, whether printed, radio or display or of any other nature, which is inaccurate in any material particular or misrepresents merchandise (including its use, trade-mark, grade, quality, quantity, size, origin, material, content, preparation or curative or therapeutic effect) or credit terms, values, policies or services; and no retailer shall use advertising and/or selling methods which tend to deceive or mislead the customer.

"(b) No retailer shall use advertising which refers inaccurately in any material particular to any competitor or his merchandise, prices, values, credit terms, policies or services.

"(c) No retailer shall use advertising which inaccurately lays claim to a policy or continuing practice of generally under-selling competitors.

"(d) No retailer shall secretly give anything of value to the employee or agent of a customer for the purpose of influencing a sale, or in furtherance of a sale render a bill or statement of account to the employee, agent or customer which is inaccurate in any material particular.

"(e) No retailer shall place obstacles in the way of the purchase of a product which a consumer orders by brand name by urging upon the consumer a substitute product in a manner which disparages the product ordered."

QUOTA REVISION UNDER DISCUSSION

Revision of the quota system adopted by the Federal Radio Commission several years ago has been the subject of discussion at Commission headquarters.

Although the courts have sustained the present system, it is felt in some quarters that revision is necessary to provide for greater equality in reception. Since the system is of the Commission's own creation, it could be changed without Congressional action.

Whether or not official action will be taken on the subject is conjectural. The question has been discussed and undoubtedly will receive further study.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Bell Rose Industries, Inc., Dover, Del. (2-295).
- Blumer Brewing Corporation, Monroe, Wis. (2-297).
- Gillet Realty Corporation, Baltimore, Md. (2-291).
- Old Jordan-Old '76 Distillery Company, Covington, Ky. (2-294).
- Old Monroe Brewing Association, St. Louis, Mo. (2-293).
- Republic Mortgage Company, Albuquerque, N. M. (2-299).
- Suburban Electric Utilities Company, Dunlap, Ill. (2-296).
- Warrington Apartments Company, Baltimore, Md. (2-290).
- Williams & Company, Inc., New York City (2-292).
- Wright and Taylor Distilling Corporation, Baltimore, Md. (2-298).
- Chopaka Mining Corporation, Seattle, Wash. (2-301).
- Double Eagle Mining Company, Baldy, N. M. (2-308).
- East Contra Costa Irrigation Bondholders Protective Committee, San Francisco, Cal. (2-305).
- Edward M. Fitch, Jr. and Others, Philadelphia, Pa. (2-306).
- Goldfield Operators, Ltd. Los Angeles, Cal. (2-302).
- Halifax Power and Pulp Company, Sheet Harbour, Nova Scotia, (2-304).
- Maynard & Child, Inc., New York City (2-300).
- Oakman Brewing Company, Detroit, Mich. (2-309).
- Scottish Type Investors, Inc., Jersey City, N. J. (2-303).
- Southwestern Trading Company, Denver, Colo. (2-307).

SECURITIES ACT STOP ORDERS

The Federal Trade Commission this week issued stop orders suspending the effectiveness under the Securities Act of registration statements filed by Southern Trading Company, Denver, Colo.; Liberty Brewing Company, Baltimore, Md.; and Byron Gold Mining Company, Omaha, Nebr.

RADIO CONTROL DEBATE NOVEMBER 1

Many high schools throughout the country have adopted as the official debate question for the coming winter the subject: "Resolved, That the United States Should Adopt the Essential Features of the British System of Radio Control and Operation." This question was suggested by the Committee on Debate Materials of the National University Extension Association, of which Mr. T. M. Beard of the University of Oklahoma is Chairman. For the purpose of giving information to the high school pupils who will engage in platform debate on this subject a radio program has been arranged for November 1, 3:00 to 4:00 Eastern Standard Time, on the coast to coast networks of both the Columbia Broadcasting System and the National Broadcasting Company. Management of this broadcast was entrusted to the National Advisory Council on Radio in Education, of which Dr. Levering Tyson is Director. Time for the program on both national networks was secured through the cooperation of the National Association of Broadcasters.

The affirmative side of the question will be presented by Professor E. C. Buehler, Director of Forensics, University of Kansas, Lawrence, Kansas; Dr. H. L. Ewbank of the Department of Speech, University of Wisconsin, Madison, Wisconsin; and Professor C. C. Cunningham, Director of University Debate and Professor of Public Speech, Northwestern University, Evanston, Illinois.

The negative side of the question will be presented by Dr. Harry W. Chase, Chancellor of New York University; Professor C. H. Judd, Dr. Louis Brownlow and Professor T. V. Smith, all of the University of Chicago.

Dr. Levering Tyson will act as Chairman.

The Debate will be held from broadcasting studios in Chicago and New York. Thousands of high school debating clubs and leagues throughout the country will listen in,

EDUCATORS CAMPAIGN WITH CARDS

Post cards are the newest weapons being utilized by the educators in their campaign to destroy the American radio system. The cards seek to enlist the help of the general public in the effort of a certain group of educators to force a Congressional investigation of radio after January 1.

The card carries the return address of Dr. Tracy F. Tyler, 1201 Sixteenth Street, N. W., Washington, D. C., the address being the same as that of the National Education Association which has generously supported the activities of the National Committee on Education by Radio which was set up during the Hoover administration and made a vigorous fight for adoption of the Fess 15-per cent bill.

The post card condemns the present system of radio and praises the Canadian system of government ownership. Following is the text matter appearing on the cards:

"Radio is one of the most frequently discussed questions before the American people today. There is a tremendous amount of dissatisfaction with radio broadcasting. It is doing something to American life. Mr. Average Citizen, altho he knows there is something fundamentally wrong with the American radio practise, has been led to believe that he is fortunate to get free radio programs and therefore should praise rather than condemn. He does not realize that the listener's investment is fifty times that of the broadcaster's and hence should receive first consideration; that the United States is the only country in the world that supports its radio entirely from the sale of advertising; that after a thorough, impartial study the Canadian Parliament decided unanimously against the haphazard, advertising-controlled radio as practised in the United States; that in spite of all that might be gained from it, the United States has never made a thorough, impartial Congressional study of radio. If he knew these things and many others, which have been carefully concealed from him by the selfish interests who profit from a continuance of the present broadcasting practise, he would rise up and use his influence upon the Congress to secure a Congressional study of radio.

"May we count on your assistance when Congress convenes in securing the passage of a measure or measures to provide for a thorough and impartial Congressional study of radio broadcasting to serve as a basis for future legislation? . . ."

NAB PREPARING DEBATE MATERIAL

"Broadcasting in the United States," a 176-page volume containing articles supporting the American system of radio control is being prepared by the National Association of Broadcasters in order to meet the demand of high school and college students for material for use in connection with the radio control debate proposed by the National University Extension Association. Hundreds of requests have been received by the NAB and it has become necessary to print the material that has been collected. The material is now in the hands of the printer. NAB members are urged to forward all requests for debate material to NAB Headquarters.

The NAB publication is included in a list of debate references compiled by Dr. Cline M. Koon, senior specialist in Education by Radio, and sent out by the Office of Education, Department of Interior. The list of references follows:

1. Advisory Committee on Education by Radio, REPORT. Columbus, Ohio., F. J. Heer Printing Co., 1930. 246 p. **Out of print.**
2. ***Aly, Bower, and Shively, Gerald D. DEBATE HANDBOOK. Columbia, Mo., Staples Publishing Co., 1933. 224 p. **75 cents.**
3. ***Aly, Bower, and Shively, Gerald D. SUPPLEMENT TO THE DEBATE HANDBOOK. Columbia, Mo., Staples Publishing Co., 1933. 224 p. **75 cents.**
4. **Baden, A. L. SELECT LIST OF REFERENCES ON THE REGULATION AND CONTROL OF RADIO BROADCASTING IN THE UNITED STATES AND FOREIGN COUNTRIES. Washington, D. C., Division of Bibliography, U. S. Library of Congress. **Free.**
5. *British Broadcasting Corporation. BRITISH BROADCASTING CORPORATION PUBLICATIONS, Summer, 1933. New York, N. Y., British Library of Information, 270 Madison Ave., 1933. 15 p. **Free.**
6. *British Broadcasting Corporation. B. B. C. YEAR-BOOKS. New York, N. Y., British Library of Information, 270 Madison Ave., 1930-1934. 5 vols. **85 cents each.**

7. *Broadcasting, Fortnightly, Broadcasting Publishing Co., National Press, Building, Washington, D. C. **15 cents a copy, \$3.00 a year.** Will carry special articles on the debate during the present school year.
8. **Buehler, E. C. AMERICAN VS. BRITISH SYSTEM OF RADIO CONTROL. New York, N. Y., The H. W. Wilson Co., 1933. 361 p. **90 cents.**
9. Burrows, A. R. BROADCASTING ABROAD. New York, N. Y., National Advisory Council on Radio in Education, 60 East 42d St., 1932. 84 p. **Free.**
10. *Education by Radio, Periodical. Washington, D. C., National Committee on Education by Radio, 1201 16th St., N. W. **Free to schools.** Will carry special articles on the debate during the present school year.
11. *Federal Radio Commission. COMMERCIAL RADIO ADVERTISING. Senate Document No. 137. Seventy-second Congress, 1st Session. Washington, D. C., Government Printing Office, 1932. 201 p. **15 cents.**
12. **Hall, T. H. CURRENT CONFLICTING VIEWS ON AMERICAN VS. BRITISH BROADCASTING. Chicago, Ill., National Research Bureau, 210 East Erie Street, 1933. 277 p. **\$2.25.**
13. *Hettinger, Herman S. A DECADE OF RADIO ADVERTISING. Chicago, Ill. The University of Chicago Press, 1933. 354 p. **\$3.00.**
14. International Institute of Intellectual Cooperation. SCHOOL BROADCASTING. Boston, Mass., World Peace Foundation, 40 Mount Vernon St., 1933. 210 p. **\$2.00.**
15. Lingel, Robert. EDUCATIONAL BROADCASTING: A BIBLIOGRAPHY. Chicago, Ill., The University of Chicago Press, 1932. 162 p. **\$1.50.**
16. *MacLatchy, Josephine H., Editor. EDUCATION ON THE AIR. Columbus, Ohio, Bureau of Educational Research, Ohio State University, 1930-1933. 300-400 p. 4 vols. **\$3.00 each.**
17. **National Association of Broadcasters. BROADCASTING IN THE UNITED STATES. Washington, D. C., National Association of Broadcasters, National Press Building, 1933. 175 p. **Free.**
18. *Perry, Armstrong. RADIO AND EDUCATION. Office of Education Bulletin, 1931, No. 20. Washington, D. C., Government Printing Office, 1932. 23 p. **5 cents.**
19. **Phelps, Edith M. British System of Radio Control. In UNIVERSITY DEBATORS' ANNUAL. New York, N. Y., The H. W. Wilson Co., 1933. pp. 97-133. **\$2.25.**
20. **Rankin, E. R., Editor. RADIO CONTROL AND OPERATION. Chapel Hill, N. C., University Extension Division, University of North Carolina, 1933. 90 p. **50 cents.**
21. *Reports, ADVISORY COUNCIL OF THE NATIONAL BROADCASTING COMPANY. New York, N. Y., National Broadcasting Co., Radio City, 1928-1933. 50-75 p. each. **6 vols. Free.**
22. *Schmeckebier, Laurence F. THE FEDERAL RADIO COMMISSION: ITS HISTORY, ACTIVITIES AND ORGANIZATION. Washington, D. C., The Brookings Institution, 1932. 162 p. **\$1.50.**
23. **The Congressional Digest. Debate Number. THE AMERICAN VS. THE BRITISH SYSTEM OF RADIO CONTROL. Washington, D. C., Congressional Digest, Munsey Building. August-September, 1933. 33 p. **50 cents.**
24. Tyler, Tracy F., Director. AN APPRAISAL OF RADIO BROADCASTING IN THE LAND-GRANT COLLEGES AND SEPARATE STATE UNIVERSITIES. Washington, D. C., National Committee on Education by Radio, 1201 16th Street, N. W., 1933. 224 p. **Free to State, city and university libraries.**
25. *Tyson, Levering, Editor. RADIO AND EDUCATION. Chicago, Ill., The University of Chicago Press, 1931-1933. 275-300 p., 3 vols. **\$3.00 each.**
26. *Tyson, Levering. WHAT TO READ ABOUT RADIO. New York, N. Y., The National Advisory Council on Radio in Education, 60 East 42d Street, 1933. 30 p. **25 cents.**
27. *Whitney, Edward S. EDUCATIONAL BROADCASTING IN THE UNITED KINGDOM. Madison, Wis., The Department of Debating and Public Discussion, The University of Wisconsin, 1931. 15 p. (Mimeographed). **10 cents.**

* Good source material. Parts bear directly on the debate.

** Prepared especially for the debate.

*** The official debate handbook.

FEDERAL RADIO COMMISSION ACTION
HEARING CALENDAR

Wednesday, November 1, 1933

Oral Argument Before Commission en banc

- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license, 830 kc., 1 KW, unlimited time. Present assignment, 830 kc., 1 KW, limited time.
- WNBW—WNBW, Inc., Carbondale, Pa.—Renewal of license, 1200 kc., 10 watts, unlimited time.
- WNBW—G. F. Schiessler and M. E. Stephens, d/b as Home Cut Glass and China Co., Carbondale, Pa.—Involuntary assignment of license, 1200 kc., 10 watts, unlimited time.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Special authority, 630 kc., 250 watts, unlimited time. Present assignment, 1210 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authorization to operate from 9 to 10 p. m., EST, on Oct. 25.
- WHN—Marcus Loew Booking Agency, New York—Granted modification of CP extending completion date to Dec. 1, 1933.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted temporary extension of special experimental authorization to operate unlimited time and simultaneous operation with stations WHP, WHEC, WOKO, and WCAH, pending decision and hearing on pending application.
- WGNY—Peter Goelet, Chester Township, N. Y.—Granted authority to operate from 7 to 9 p. m., EST, simultaneously with WGBB, in order to broadcast local election returns on Nov. 7.
- WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Granted authority to operate from 8 to 10 p. m., EST, Oct. 30, in order to broadcast political rally; also same for Nov. 2.

Second Zone

- WDBJ—Times-World Corp., Roanoke, Va.—Granted modification of license to increase night power from 250 to 500 watts.
- WHBC—Edw. P. Graham, Canton, Ohio—Granted authority to operate simultaneously with WNBO on Nov. 6 from 9 to 11 p. m., and Nov. 7 from 9 p. m. to midnight, in order to permit use of station by political candidates and to broadcast election returns.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted CP to move auxiliary transmitter to same location as main transmitter, northwest of Wheeling, at West Liberty.
- WFIW—WFIW, Inc., Hopkinsville, Ky.—Granted authority to discontinue operation to January, 1934, pending removal of station to Louisville.

Third Zone

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted special temporary authorization to use an auxiliary tube in last radio stage in conjunction with interlocking switch for period Nov. 1, 1933, to May 1, 1934, said auxiliary tube and licensed output tube not to be used at same time.
- KOCW—J. T. Griffin, Tulsa, Okla.—Granted modification of CP approving exact transmitter location— $3\frac{3}{4}$ miles south of center of Tulsa.
- WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted license covering local move of transmitter and studio, and changing equipment; 1210 kc., 100 watts, unlimited time.

Fourth Zone

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted temporary renewal of license and designated application for hearing, subject to such action as the Commission may take on their pending application. Also granted special temporary authorization to operate the following specified hours instead of sharing with WJKS: Monday, Tuesday, Wednesday, Thursday, and Friday, 6 to 11 a. m. and 5 to 8 p. m.; Saturday, 6 to 11 a. m., 6 to 7 p. m., 11 p. m. to 2 a. m.; Sunday, 7:30 a. m. to 1 p. m., 3:30 to 7 p. m., 11 p. m. to 2 a. m., CST.

- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted CP to make changes in equipment, installing switching arrangement of last radio stage in order to reduce power from 25 to 10 KW; also granted extension of special experimental authorization to operate with 25 KW until local sunset, and granted renewal of license, 1460 kc., 10 KW, unlimited time.

Fifth Zone

- KOCW—J. T. Griffin, Chickasha, Calif.—Granted renewal of license on a temporary basis pending installation of new equipment and approved frequency monitor, and on condition that station remain silent until installation of said equipment and approved frequency monitor.
- KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of CP to make changes in equipment and extend commencement date to this date and completion date to Jan. 1, 1934.
- KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted authority to operate from local sunset to 5:45 p. m., PST. with Station WOR on the following dates: Oct. 14, 21, and 28; Nov. 4, 11, 18, 25, and 30; Dec. 2, 9, 16, 23, and 30; Jan. 1, 1934, in order to broadcast football games.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted CP to install new equipment and move station from Richmond to Oakland, Calif.
- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted license covering erection of new station, 1200 kc., 100 watts, day-time operation.

SET FOR HEARING

- NEW—Northern Broadcasting Co., Inc., Laconia, N. H.—CP, 1310 kc., 100 watts, unlimited time; facilities of WKAV.
- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—CP to install new equipment, move transmitter, and increase daytime power from 250 to 500 watts.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Modification of license to increase power from 500 watts to 1 KW.
- WBT—Station WBT, Inc., Charlotte, N. C.—Modification of license to increase power from 25 KW to 50 KW.

MISCELLANEOUS

- KFNF—Henry Field Co., Shenandoah, Iowa—Denied authority to use the time assigned to but not used by stations WILL and KUSD, during month of November.
- NEW—Church of Christ, Stamford, Tex.—Denied CP for new station to operate on 1200 kc., 100 watts, daytime hours; application heretofore set for hearing but applicant failed to enter appearance within time allowed.
- NEW—R. D. DuBois and T. R. Putnam, The Pima Broadcasting Co., Tucson, Ariz.—Dismissed at request of applicant, CP for facilities of KVOA, 1260 kc., 500 watts, which was designated for hearing.
- WLB—University of Minnesota, Minneapolis, Minn.—Application for modification of license removed from hearing docket.
- WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.; WCAL—St. Olaf's College, Northfield, Minn.—WCAL has withdrawn application for increased power. The three stations have entered into a time-sharing agreement, using all the facilities of 1250 kc., including the 5 hours formerly assigned to KFMX, now deleted. The Commission approved the time-sharing agreements and new licenses will be issued to the respective stations upon a specified hour basis in conformity with the time-sharing agreement.

APPLICATIONS RECEIVED

First Zone

- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Modification of license for authority to use transmitter formerly licensed to WPCH as auxiliary at WMCA's main transmitter location. (This application supersedes 1-L-B-1000 reported 10-16-33, Report No. 643.)

Second Zone

None.

Third Zone

- NEW**—Ark-La-Tex Radio Corp., Shreveport, La.—Construction permit for new station, transmitter to be located at Keithville, La., to use **850 kc.**, 10 KW, unlimited hours, facilities KWKH, Shreveport, La., and WWL, New Orleans, La. Amended as to equipment and additional information given on transmitter location.
- WBT**—Station WBT, Inc., Charlotte, N. C.—Modification of license to increase power from 25 KW to 50 KW (supersedes 3-SA-B-60).
- WQBC**—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Extension of special experimental authorization to operate with 500 watts, unlimited time, to 5-1-34.
- WGCM**—Grace Jones Stewart, under trade name of the Great Southern Land Co. (not inc.), Mississippi City, Miss.—License to cover construction permit granted 8-22-33 for increase in power from 100 watts to 100 watts night and 250 watts to local sunset, new equipment, and change in specified hours.
- KOCW**—J. T. Griffin, Tulsa, Okla.—Modification of construction permit as modified 5-26-33, granted 9-13-33, to move station from Chickasha to Tulsa, Okla., for approval of exact transmitter location near Tulsa, Okla.
- WSOC**—WSOC, Inc., Charlotte, N. C.—License to cover construction permit granted 6-23-33, as modified 9-1-33, move transmitter and studio from Gastonia to Charlotte, N. C., and make changes in equipment.
- WSB**—The Atlanta Journal Co., Atlanta, Ga.—License to use 5 KW old transmitter as auxiliary.

Fourth Zone

- WHAD**—Marquette University, Milwaukee, Wis.—Consent to voluntary assignment of license to *WHAD, Inc.*
- KMBC**—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to move auxiliary transmitter to new location of main transmitter granted in construction permit 9-27-32, 50th and Belinder Road, outside city limits, Kansas City, Kans.
- WIND**—Johnson-Kennedy Radio Corp., Gary, Ind.—License to cover construction permit granted 8-16-33 to move transmitter 2 miles from Gary.

Fifth Zone

- KOA**—National Broadcasting Co., Inc., Denver, Colo.—Modification of construction permit for 50 KW transmitter to extend completion date to 5-17-34.
- NEW**—Fred W. Christian, Jr., and Raleigh W. Whiston, "Christian and Whiston," Norco, Calif.—Construction permit for new station to use **1280 kc.**, 500 watts, unlimited time. Requests be considered under 6 (g). Resubmitted with corrections re equipment.
- KRE**—First Congregational Church of Berkeley, Berkeley, Calif.—Modification of license for change in specified hours of operation, amended for further change in hours: 7 a. m. to 1 p. m. and 6:30 p. m. to 9:30 p. m. daily, except Sunday; Sunday hours same as at present.

APPLICATIONS RETURNED

- NEW**—J. W. Woodruff and David Parmer, Anniston, Ala.—Construction permit for new station to use **1420 kc.**, 100 watts, unlimited hours, facilities WAMC, Anniston, Ala. (Request of applicant.)
- NEW**—J. W. Woodruff and David Parmer, Tuscaloosa, Ala.—Construction permit for new station to use **1200 kc.**, 100 watts, daytime, facilities WBHS, Huntsville, Ala. (Request of applicant.)
- NEW**—Joseph G. Mayer and Clarence R. Cummins, Erie, Pa.—Construction permit for new station to use **1420 kc.**, 100 watts, unlimited time. (Equipment, geographical location, and jurat not completed.)
- NEW**—J. W. Woodruff and David Parmer, Selma, Ala.—Construction permit for new station to use **1500 kc.**, 100 watts, daytime, facilities WBHS, Huntsville, Ala. (Request of applicant.)
- NEW**—Henry Clay Allison, Fort Worth, Tex.—Construction permit for new station to use **1370 kc.**, 100 watts night, 250

watts to local sunset, share KJFZ half time, facilities KJFZ, Fort Worth, Tex. (Oath, equipment, Rule 140; Rule 6a, c and d—insufficient facilities requested.)

- WBHS**—Radio Station WBHS, Inc., Huntsville, Ala.—Construction permit to move transmitter and studio locally. (Request of applicant.)
- KGU**—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Consent to voluntary assignment of license to Advertiser Publishing Co., Ltd. (Insufficient information furnished and no reply to letters.)
- KGA**—Louis Wasmer, Spokane, Wash.—Construction permit to make minor changes in equipment. (Not necessary.)
- NEW**—H. E. Studebaker, Lewiston, Idaho—Construction permit for new station to use **1420 kc.**, 100 watts, unlimited hours. (Rule 6, equipment, and insufficient information on proposed transmitter location.)

CALL BOOK SUPPLEMENT—OCT. 1, 1933

Freq.	Call Letters	Studio Location	Alterations and Corrections
550 kc.	KFUO	Clayton, Mo.	Quota units, 0.14.
550 kc.	KSD	St. Louis, Mo.	Quota units, 0.5.
570 kc.	WNAX	Yankton, S. Dak.	Power, 2½ KW—LS.
570 kc.	WEAO	Columbus, Ohio	Call letters changed to WOSU.
580 kc.	WSAZ	Huntington, W. Va.	Correct to read as follows: S.A. exp. 500 w. additional. Strike out 1 KW experimental.
630 kc.	WOS	Jefferson City, Mo.	Licensee, State of Missouri, Missouri State Highway Patrol.
740 kc.	WSB	Atlanta, Ga.	Power, 50 KW.
780 kc.	WEAN	Providence, R. I.	S.A. exp. 250 w. additional night. Strike out 250 w. additional night experimental.
850 kc.	KWKH	Shreveport, La.	Licensee, International Broadcasting Corp.
890 kc.	WJAR	Providence, R. I.	S.A. exp. 250 w. additional night. Strike out 250 w. additional night experimental.
1060 kc.	WBAL	Baltimore, Md.	T-Pikesville.
1190 kc.	WOAI	San Antonio, Tex.	Licensee, Southern Industries, Inc.
1200 kc.	WJBL	Decatur, Ill.	Quota units, 0.12.
1200 kc.	WJBC	La Salle, Ill.	Quota units, 0.08.
1200 kc.	WHBC	Canton, Ohio	Power, 100 w.
1210 kc.	WKOK	Lewisburg, Pa.	T and studio Sunbury, Pa.
1210 kc.	WGNY	Chester Twp., N. Y.	Power, 100 w.
1250 kc.	WODA	Paterson, N. J.	C.P. consolidate WODÁ and WAAM, T-near Carlstadt, N. J., studio Newark, power 2½ KW—LS, call letters WODA-WAAM, quota units 1.07.
1330 kc.	WDRC	Hartford, Conn.	Power 1 KW, quota units 1.0.
1350 kc.	WEHC	Emory, Va.	Licensee, Community Broadcasting Corp., T and studio Charlottesville.
1350 kc.	WCDA	New York, N. Y.	Strike out all particulars.
1350 kc.	WMSG	New York, N. Y.	Strike out all particulars.
1350 kc.	WAWZ	Zarepath, N. J.	Strike out S-WCDA and WMSG.
1350 kc.	WBNX	New York, N. Y.	T-Cliffside, N. J., strike out S-WMSG and WCDA, quota units 0.3.
1400 kc.	KOCW	Chickasha, Okla.	C.P., T and studio Tulsa.
1420 kc.	WEED	Greenville, N. C.	C.P. covered by license.
1420 kc.	WMED	Florence, Ala.	Call letters changed to WNRA.
1500 kc.	WMIL	Brooklyn, N. Y.	Call letters changed to WCNW.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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BROADCASTERS CODE IN FINAL STAGES

The Code of Fair Competition for the Broadcasting Industry, submitted by the NAB on August 31, and on which public hearings were held on September 27, is now receiving final consideration by the National Recovery Administration. It is understood that the Industrial, Labor and Consumer Advisory Boards and the Legal Division of the NRA are now prepared to make reports to General Johnson and that there is a possibility that the code may be approved by President Roosevelt within the next ten days. Differences which arose over the hours of work and wages for operators and control men have been virtually settled during the past week. Under the code, as now drafted, President Roosevelt would be empowered to name a code authority consisting of nine broadcasters and three government representatives, the latter without vote, who would administer the code until such time as this temporary authority makes recommendations for a permanent set-up.

NAB BOARD MEETING THURSDAY

The new Board of Directors of the NAB will hold its reorganization meeting in Washington, D. C., November 9, for the purpose of outlining a program for the next year. It is expected that President McCosker will announce committee assignments at the time of the meeting.

McCOSKER NAMED WOR PRESIDENT

Alfred J. McCosker, President of the NAB, last week was promoted from general manager to President of the Bamberger Broadcasting Service, Inc., which owns and operates WOR, Newark, N. J. President McCosker recently completed his tenth year of service with the eastern station.

F. R. C. MAY MOVE TO P. O. BUILDING

The government has condemned the building in which the Federal Radio Commission is now housed. Therefore, it will soon be necessary for it to move again.

Having this in mind the Radio Commission has asked for space in the new Post Office Department Building, which is nearing completion at Pennsylvania Avenue and 12th Street, N. W.

Should the Commission be assigned space in this new building and move, it will be about the fifth time that the Commission has moved since its organization in 1927. It was first housed in one part of the old Department of Commerce building, then in another part of the same building. It then was moved to the Interior Department building, then to the National Press Building, back to the Interior Building, and then to its present location. In other words, it has been forced to move about every year of its existence.

COPYRIGHT CONTRACTS ATTACHED

The National Recovery Administration has been asked to brand as unfair competition the provision of the ASCAP broadcast copyright license contract which exacts a fixed percentage on the revenue from all programs regardless of whether they contain ASCAP music or not. This provision discriminates against independent composers and publishers by depriving them of an equal opportunity to have their works performed on the air.

For the National Association of Broadcasters, Oswald F. Schuette, copyright director, asked the insertion of a clause in the Music Publishers' Code that would stop this discrimination. The Code presented by the Music Publishers condemned the following as "unfair competition":

"The paying, presenting or otherwise giving to any owner, lessee, manager, or other person in control of or interested in any talking machine company, radio broadcasting or television station, electrical transcription company, motion picture company, or any place of public entertainment, of any money, service,

favor or thing or act of value for the privilege of performing or having works performed in such place."

To this section, the NAB proposal would add the following language:

"Or the granting of a license, directly or indirectly, or authorizing the granting of a license, for the public performance of copyrighted works, under terms, conditions, or agreements, the effect of which is to deny to other copyright owners the equal opportunity to obtain the public performance of their works through the facilities of such talking machine company, radio broadcasting or television station, electrical transcription company, motion picture company or any place of public entertainment."

Inasmuch as the practice that would so be condemned is being carried on by a contract of a separate corporate organization—ASCAP—it was further proposed to bar from the "Code Authority" of the Music Publishers any publisher who participated in an organization that carried on such unfair competition. To do this, the NRA was asked to insert in the paragraph of the Music Publishers' Code which set up the code committee, the following language:

"No publisher shall be eligible for election as a member of the foregoing committee, or to participate in the election of such representative so long as he shall be a member, stockholder, associate, or participant, either directly or indirectly, or in any capacity, in any corporation, club, partnership or association composed of copyright owners and/or composers and/or publishers of music, the purpose, effect, or result of which is to engage in any of the practices condemned in Section 6 as constituting unfair competition in the production, manufacture, exploitation and/or sale of music."

In presenting the code for the Music Publishers, John G. Payne, president of the Music Publishers' Protective Association, said:

"The publishers do not regard themselves as in competition in the sale of their compositions. They are only in competition with each other in so far as getting their numbers exploited is concerned."

This seemed to pave the way for a discussion of the unfair competition practiced in the copyright license of ASCAP. Before this point in the bearing was reached, however, Deputy Administrator Sol A. Rosenblatt announced that the code would have to be completely rewritten because it included sections concerning practices in the wholesale and retail field that should be turned over to other divisions of the NRA. No announcement was made concerning a date when the Publishers Code would again be considered. Because the copyright situation was to be discussed, a representative of the Department of Justice attended the hearing.

LAFOUNT RESOLUTION WITHDRAWN

Commissioner LaFount this week withdrew a resolution seeking to bring about amendment of the Commission's Rules and Regulations so as to require licensee corporations to report to the Commission the transfer of 10 per cent or more of its stock to any purchaser during any license period, together with the name of each such stockholder and the citizenship and residence of each said purchaser. The proposed resolution also sought to require a list of officers and stockholders holding 10 per cent or more of stock in licensee corporations to be a part of each license renewal application.

COMMISSION TO STUDY QUOTA SYSTEM

The Federal Radio Commission this week rejected, by a vote of 4 to 1, the proposal made by Commissioner LaFount that certain low-power stations be removed from the list of quota charges. The resolution sought to provide that low-power stations might be licensed, under certain restrictions in areas not now receiving good broadcast service, without addition to the existing quota charges of the various states.

The Commission, however, adopted a resolution introduced by Commissioner Brown, providing for a study of the entire quota system under which broadcasting facilities have been apportioned to the various states and zones. The resolution follows:

"WHEREAS, Section 9 of the Radio Act of 1927 as amended by Section 5 of the Act of March 28, 1928, has been construed by the Supreme Court of the United States as dealing primarily with the 'interests of the people—that they might have a reasonable equality of opportunity in radio transmission and reception,' and that this involves 'an equitable distribution not only as between zones, but as between states as well,' and

"WHEREAS, for the purpose of effecting such equality, both the Commission and the Courts have construed said law as authorizing and permitting the Commission in the exercise of its 'administrative judgment' to adopt some unit of measurement of the service value of stations of various types and classes, and

"WHEREAS, the 'quota units' now in effect have been employed by the Commission as such unit of measurement since their promulgation, June 17, 1930, and

"WHEREAS, there have been certain economic, scientific and legal developments since that data which may, after due investigation, be found to have affected said quota system as a valid measure of service,

"NOW, THEREFORE, BE IT RESOLVED, that the Commission proceed at once to a study of its Rules 6, 109 to 111, inclusive, and 116 to 124, inclusive, with a view to an early determination of what, if any, changes should be made in said regulations and the system of quota units established thereby."

WILL MAKE HUM MEASUREMENTS

Mr. Murray Clay, of the RCA License Laboratory, New York, has made a number of measurements of hum modulation of broadcasting station carriers, and contemplates additional measurements in the eastern and middle western sections of the country in the near future. This work is conducted as a fact-finding mission, and as a contribution to the art inasmuch as these and other similar measurements may later be used as a basis for standards of tolerable hum modulation.

The determination of tolerable limits of hum modulation of broadcasting station carriers has been discussed at some length by the NAB Engineering Committee as well as the IRE Broadcast Committee and the RMA Engineering Committee. As adequate factual information has been lacking, the results of Mr. Clay's survey will be especially useful. Such information is of considerable importance to the NAB committee, and its compilation may be fostered by cooperation of NAB member stations. Measurements at individual stations should be of considerable interest to such stations.

Mr. Clay has been furnished with a letter of introduction from NAB headquarters to NAB member stations, in which reasonable cooperation is suggested.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Berghoff Brothers Brewery, Inc., Fort Wayne, Ind. (2-321).
- Bondholders' Protective Committee, Hotel Strand Bond Issue, Los Angeles, Calif. (2-317).
- Bondholders' Protective Committee, Kaufman County, Texas, Levee Improvement District No. 1, Serial Six Per Cent Bonds, Kansas City, Mo. (2-311).
- Carbon Dioxide & Chemical Company, Seattle, Wash. (2-325).
- Commonwealth Bond Corporate Committee, New York City (2-313).
- Consolidated Chollar Gould Savage Mining Company, San Francisco, Calif. (2-310).
- Deadwood Mining & Milling Company, Oklahoma City, Okla. (2-324).
- Fawn Mining Company, Ltd., Vancouver, B. C., Canada (2-328).
- Golden Center Mines, Inc., New York City (2-323).
- Hygienic Products Corporation, Albany, N. Y. (2-320).
- Monex Corporation, New York City (2-312).
- Nob-Lok Cabinet Company, New York City (2-322).
- Old Joe Distilling Company, Lawrenceburg, Ky. (2-318).
- Old Jordan-Old '76 Distilling Company, Covington, Ky. (2-315).
- Protective Committee For Stanley Theatre, Bridgeton, N. J.; Philadelphia, Pa. (2-329).
- Quaker City Brewing Corporation, Philadelphia (2-314).
- Reed Company, Inc., New York City (2-326).
- Seneca Plumas Gold Mining Company, Reno, Nev. (2-319).

- Wazona Mines, Inc., Seattle, Wash. (2-327).
- Western Gold Exploration Company, Dallas, Texas (2-316).
- American Plan Credit System, Inc., New York City (2-335).
- Commonwealth Bond Corporation Committee, New York City (2-331).
- Foreign Bond Associates, Inc., Jersey City, N. J. (2-377).
- Gold Operators, Inc., New York City (2-339).
- Montgomery Building, Inc., Spartanburg, S. C. (2-336).
- National Beer & Wine Importers, Inc., New York City (2-330).
- Ocean Park Pier Amusement Corporation, Santa Monica, Calif. (2-338).
- Pacific Seaboard Foundation, Inc., San Diego, Calif. (2-333).
- Protective Committee for Brewster-Deal Chocolate Company, Philadelphia, Pa. (2-332).
- Sterling Motor Truck Company, Inc., West Allis, Wis. (2-334).
- Baranof Chichagof Gold Mines Company, Ogden, Utah (2-344).
- Beaver-Bethnal Gold Mines, Ltd., Wilmington, Del. (2-340).
- Como Mines Company, Layton, Nev. (2-342).
- Gerben-Hecht Rin Wheel Corporation, New York City (2-343).
- Interstate Surety Company, Newark, N. J. (2-347).
- Lackner Safety Research Corporation, Brooklyn, N. Y. (2-349).
- Little Pepper Distillery, Inc., Lexington, Ky. (2-345).
- National Unit Corporation, Pittsburgh, Pa. (2-341).
- Pierce Metals Development Company, Lewiston, Ida. (2-348).
- Public Finance Service, Inc., Philadelphia, Pa. (2-346).
- Bailor Manufacturing Company, Atchison, Kans. (2-355).
- Carl H. Berets and Fred H. Mason, Agents, New York City (2-352).
- Carstairs Rye Distilleries, Ltd., Baltimore, Md. (2-359).
- Consolidated Natural Gold Mines, Inc., Denver, Colo. (2-351).
- Charles A. Criqui, Buffalo, N. Y. (2-354).
- Distillers & Brewers Corporation of America, New York City (2-358).
- Gold Standard, Inc., Reno, Nev. (2-353).
- Lambda Chemical Products Company, Seattle, Wash. (2-350).
- Red Arrow Mines, Inc., Idaho Springs, Colo. (2-356).
- Truscon Steel Company, Youngstown, Ohio (2-357).
- The Arizona Power Company Adjustment Committee, Philadelphia, Pa. (2-362).
- Fradel Car Door Corporation, Buffalo, N. Y. (2-361).
- Gulf States Development Company, Inc., New Orleans, La. (2-367).
- Industrial Exchange Building Company, Bondholders Protective Committee, Los Angeles, Calif. (2-364).
- Maison Pichel, Inc., New York City (2-363).
- Protective Committee Trinity Court Building Burda Holding Corporation, New York City (2-368).
- Rainbow Mining & Milling Company, Medimont, Idaho (2-369).
- Schonbrunn Brewing Company, Inc., Sturgeon Bay, Wis. (2-360).
- Standard Collateral Shares Corporation, Washington, D. C. (2-366).
- Treasure Mountain Gold Mining Company, New York City (2-365).

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, November 6, 1933

- WOKO—WOKO, Inc., Albany, N. Y.—Modification of license, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1440 kc.**, 500 watts, simultaneous day, sharing night with WHEC.
- WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1440 kc.**, 500 watts, simultaneous day, sharing night with WOKO.
- WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1430 kc.**, 500 watts, simultaneous day with WHP and WBAK, sharing night with WHP.
- WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license, **1430 kc.**, 500 watts, 1 KW LS, unlimited daytime, sharing night with WHP.
- WHP—WHP, Inc., Harrisburg, Pa.—Modification of license, **1430 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment, **1430 kc.**, 500 watts, 1 KW LS, specified hours day, sharing night with WCAH.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—License, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1430 kc.**, 500 watts, unlimited time (exp.—C. P. only).

Wednesday, November 8, 1933

- NEW—Chas. W. Phelan, tr. as Caseo Bay Broadcasting Co., Portland, Me.—C. P., 1340 kc., 500 watts, unlimited time.
- NEW—Portland Maine Publishing Co., Portland, Me.—C. P., 1340 kc., 500 watts, unlimited time.
- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—C. P., 1340 kc., 1 KW, specified hours. Present assignment, 1370 kc., 100 watts, specified hours.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Mod. C. P., 1340 kc., 500 watts, unlimited time. Present assignment, 1430 kc., 500 watts, unlimited time.
- WRDO—WRDO, Inc., Augusta, Me.—C. P. to move station to Portland, Me.; 1370 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

- WINS—American Radio News Corp., New York—Granted authority to operate from 7 to 10 p. m. November 7, simultaneously with KOB, in order to broadcast election returns.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York—Granted modification of license to use former main transmitter of station WPCH as auxiliary, at same location as main transmitter, *i. e.*, College Point Causeway, Flushing, N. Y.
- WGNV—Peter Goelet, Chester Township, N. Y.—Granted authority to operate simultaneously with WFAS from 9 to 11 p. m., November 7.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted authority to operate simultaneously with WJBI from 8:30 to 10 p. m., November 3, in order to broadcast political rally.
- WORC—Alfred F. Kleindienst, Worcester, Mass.—Granted modification of specific experimental authorization to change type of equipment.
- WMAS—WMAS, Inc., Springfield, Mass.—Granted modification of C. P. to change type of equipment, extend commencement date to within 30 days from this date and completion date to March 1, 1934.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. to extend completion date to December 1, 1933.

Second Zone

- WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authorization to operate from 8 to 9 p. m., EST, November 1, provided WIBM remains silent.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authorization to operate from 1:30 to 2:30 p. m., CST, November 11, 1933.
- WORK—York Broadcasting Co., York, Pa.—Granted authority to operate from 5:30 p. m., November 7, to 2 a. m., November 8, for purpose of broadcasting municipal and other election returns.
- WKRC—WKRC, Inc., Cincinnati, Ohio—Granted 60-day extension within which to complete construction and submit field intensity measurements and data.

Third Zone

- WBRC—Frank M. King, as Receiver of The Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted consent to involuntary assignment of license from Birmingham Broadcasting Co., Inc., to Frank M. King, as Receiver.
- WPFB—Otis Perry Eure, Hattiesburg, Miss.—Granted consent to involuntary assignment of license from W. E., F. E., and P. L. Barcliff, d/b as Hattiesburg Broadcasting Co., to Otis Perry Eure.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authorization to operate from 3:30 to 5 p. m., CST, November 6, 8, 13, 15, 20, and 22; December 4, 6, 11, 13, and 18, 1933; January 8, 10, 29, and 31; February 5, 7, 12, 14, 19, 21, 26, and 28; March 5, 7, 12, and 14, 1934, provided KGGF remains silent.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted authority to operate simultaneously with KPO Wednesday, November 8, from 8 to 12 p. m., EST, and from 7:45 to 8 p. m., during month of December.
- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authorization to operate from 3 to 5 p. m., CST, November 3, 11, 17, 24, and 30, 1933.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authorization to operate from 9:45 to 11:45 a. m., and from 7:30 to 9:45 p. m., November 11, CST.

- WBBX—Samuel D. Reeks, New Orleans, La.—Granted extension of special authorization to remain silent from November 4 to November 15.
- WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted authority to reduce unlimited hours of operation to specified as follows: From November 1 to December 1, 1933, in order to repair antenna system, remodel studio equipment, and overhaul transmitter, 7:30 to 9:30 a. m., 11 a. m. to 2 p. m., 6 to 9 p. m.
- KWEA—Hello World Broadcasting Corp., Shreveport, La.—Granted license covering installation of new equipment; 1210 kc., 100 watts, unlimited time. Also granted consent to voluntary assignment of license to International Broadcasting Corp.
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted extension of special authorization to operate 500 watts, unlimited time, to May 1, 1934.

Fourth Zone

- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authorization to operate from 11 a. m. to 12:30 p. m., CST, November 11, provided KFYR remains silent.
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authorization to operate from 12:30 to 2 p. m., CST, November 11, provided KFDY remains silent.
- KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell & Platz, Coffeyville, Kans.—Granted special temporary authorization to operate from 7:15 to 9:15 p. m., CST, November 23 and 30; December 21, 26, and 28, 1933; January 2, 18, 23, and 25; and March 29, 1934; and from 8:15 to 9:15 p. m., CST, November 29, December 20 and 27, 1933; January 24 and March 23, 1934, provided WNAD remains silent.
- WBAA—Purdue University, W. Lafayette, Ind.—Granted authority to operate with 1 KW from 1:45 to 4:30 p. m., and 500 watts from 4:30 to 5 p. m., CST, November 4 and 18.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted permission to carry on synchronization experiments with Station WJSV, Alexandria, Va.

Fifth Zone

- KFAC—Los Angeles Broadcasting Co., Los Angeles, Calif.—Granted extension of special experimental authorization to operate unlimited time, pending decision on application for unlimited time.
- KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted modification of C. P. extending completion date to May 17, 1934.

SET FOR HEARING

- NEW—M. L. Myers, d/b as Richland Sound Systems, Mansfield, Ohio—C. P. for new station, 1310 kc., 50 watts day, specified hours, facilities of WHBD.
- NEW—J. H. Squires, A. E. Cullum, Jr., Dallas, Tex.—C. P. for new station, 1200 kc., 100 watts daytime, facilities of KFYO. (Application for facilities of KGKL was returned to applicants without action.)
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to change hours of operation from daytime only to specified, as follows: 10:30 a. m. to 2:30 p. m. and 6 to 9 p. m., CST, daily.
- WJJD—WJJD, Inc., Mooseheart, Ill.—Authority to operate until 8:30 p. m. (Chicago time, which is CST during winter months and Central Daylight Saving Time during summer months) with 5 KW power after sunset at Denver.
- KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license to change hours of operation from specified to unlimited (one-half of facilities of KWEA).

ORAL ARGUMENT GRANTED

Oral arguments will be heard by the Commission en banc on December 6, 1933, in re Examiner's Report No. 507, in which KSEI, at Pocatello, Idaho, asks for modification of C. P. and modification of license, and KFPY, Spokane, Wash., asks for modification of license.

MISCELLANEOUS

- The following cases, heretofore set for hearing, were dismissed at request of applicants:
- WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—C. P., 1310 kc., 100 watts, unlimited time.
- KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Modification of license, 680 kc., 2½ KW, 6 a. m. to 7 p. m.

Herbert H. Fette, Meriden, Minn.—Granted permission to take depositions of certain witnesses on November 10, 1933, in re application for C. P. for new broadcasting station to operate on 1310 kc., 100 watts, daytime.

WBBX—Samuel D. Reeks, New Orleans, La.—Denied request for reconsideration of Commission's action of October 20, which denied authority to use temporarily the transmitter of station WJBO.

WBBX—Coliseum Place Baptist Church, New Orleans, La.—Denied authority to change licensee from Samuel D. Reeks to Coliseum Place Baptist Church temporarily, pending action on involuntary assignment of license due to cancellation of lease formerly held by Reeks. (This is reconsideration of Commission's action of October 20.)

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—C. P. to make changes in equipment heretofore granted, was cancelled and retired to closed files at request of applicant.

APPLICATIONS RECEIVED

First Zone

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—License to cover construction permit granted 9-1-33 make changes in equipment.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Extension of special experimental authorization to 3-1-34 to operate on 1280 kc., 500 watts power, using directional antenna.

Second Zone

NEW—Mason Dixon Radio Group, Inc., York, Pa.—Construction permit for new station to use 1310 kc., 100 watts, share with WRAW, Reading, Pa. Requests facilities WGAL, Lancaster, Pa.

WGAL—WGAL, Inc., Lancaster, Pa.—Modification of license to change frequency and hours of operation from 1310 kc., share with WRAW, to 1500 kc., unlimited time. Requests frequency to be vacated by WPEN, Philadelphia, Pa.

WSAI—Crosley Radio Corp., Cincinnati, Ohio—Extension for 90 days of special authorization to use 1 KW night, 2½ KW to local sunset using directional antenna, experimentally.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Construction permit to move transmitter from Pontiac, Sylvan Lake Village, Mich., 31 miles south.

Third Zone

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Consent to involuntary assignment of license from W. E., F. E. and P. L. Barclift d/b as Hattiesburg Broadcasting Co.

NEW—Henry Clay Allison, Fort Worth, Tex.—Construction permit for new station to use 1370 kc., 100 watts night, 250 watts to local sunset, share KFJZ equally, facilities KFJZ, Fort Worth, Tex. Resubmitted and amended to request 100 watts day and night, oath corrected.

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to make changes in equipment and increase daytime power from 500 watts to 1 KW to local sunset (250 watts night).

WSPA—Virgil V. Evans, tr. as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to move transmitter locally, make changes in equipment, change frequency, power and hours from 1420 kc., 100 watts night, 250 watts to local sunset, unlimited time, to 920 kc., 2½ KW daytime hours of operation. Requests be considered under Rule 6(f).

WODX—Frank M. King, Mobile, Ala.—Consent to involuntary assignment of license from Mobile Broadcasting Corporation to Frank M. King, Receiver.

KUOA—KUOA, Inc., Fayetteville, Ark.—Modification of license to change hours of operation from daytime to local sunset to 7:00 a. m. to 6:30 p. m.

WJBW—Chas. C. Carlsen, New Orleans, La.—Modification of license to change hours of operation from shares equally with WBBX to unlimited time, facilities WBBX, New Orleans, La.

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Consent to voluntary assignment of license to Virgil V. Evans.

NEW—Ark-La-Tex Radio Corp., Tuscaloosa, Ala.—Construction permit for new station to use 1290 kc., 100 watts, unlimited hours, facilities WAML, Laurel, Miss. Amended re proposed transmitter location, equipment, and to request 250 watts.

WENC—Americus Broadcast Corp., Americus, Ga.—Construction permit to move transmitter, exact location to be determined near Albany, Ga., and move studio to Washington

and Broad Streets, Albany, Ga., and make changes in equipment.

Fourth Zone

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction permit to make changes in equipment, change frequency, and increase power from 1310 kc., 100 watts, to 1360 kc., 1 KW, facilities WGES, Chicago, Ill. Amended additional information re equipment.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit authorizing move of transmitter to Kansas City, Kans., granted 9-27-32.

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Authority to determine operating power by direct measurement of antenna.

Fifth Zone

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license to change hours of operation from specified hours to unlimited. Requests facilities in quota units from KGAR, Tucson, Ariz.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—License to cover construction permit granted 8-25-33 to move transmitter and studio locally and make changes in equipment.

APPLICATIONS RETURNED

NEW—John Edison Stauffer, Pastor Central Presbyterian Church, Anniston, Ala.—Construction permit for new station to use 580 kc., 7½ watts, unlimited hours; 1 hour weekdays, 2 hours Sundays (Rules 120, 151, equipment and proposed location).

NEW—Boston Herald-Traveler Corp., Boston, Mass.—Construction permit for new station to use 1500 kc., 100 watts night, 250 watts to local sunset, unlimited time (request of applicant).

WKBC—R. B. Broyles, tr. as Broyles Furniture Co., Birmingham, Ala.—Construction to make changes in equipment (not signed and oath not executed; also Rule 6) and increase day power from 100 watts to 250 watts to local sunset.

WOL—American Broadcasting Co., Washington, D. C.—License to cover construction permit granted 8-22-33, new equipment (Section 7 not filled in).

NEW—Portsmouth Broadcasting Co., Talmage Edwards, Fred Lorey, J. Morgan Derr, Charles Pfau, Jr., and Arthur L. Laudeman, Portsmouth, Ohio—Construction permit for new station to use 1370 kc., 100 watts night, 250 watts to local sunset, unlimited time, facilities WHBD, Mt. Orab, Ohio. (Rule 6, requests facilities more than WHBD's assignment quota, Rule 140, and transmitter location.)

NEW—Midwestern Broadcasting Assn., St. Joseph, Mo.—Construction permit for new station to use 1500 kc., 100 watts, unlimited time, facilities KGIZ, Springfield, Mo. (Improperly signed.)

FREQUENCY MONITORS APPROVED

The Commission approved the frequency monitor of the Hygrade-Sylvania Corp., for use in broadcast stations, to comply with Rule 145. The Approval No. is given:

Mfg's Name	Type	Approval No.
Hygrade Sylvania Corp.	Model 30 J	1460

Other frequency monitors approved by the Commission to date follow:

Mfg's Name	Type	Approval No.
DeForest Radio Co.	ABM-106 Model A	1451
General Radio Co.	Oscillator Type 575-D	1452
	Deviation Meter Type 581-A	
	Quartz Plate Type 376-J	
Western Electric Co.	1-A	1453
	Oscillator 700-A Modified	
RCA Victor Co.	EX-4180	1454
Doolittle & Falknor	FD-1	1455
Bremer Brdcastg. Corp.	A	1456
International Brdcastg. Equipment Co.	Type 60	1457
Piezo Electric Labs.	PM-125-A	1458
Pillar of Fire	A	1459

CALL SIGNALS CHANGED DURING WEEK OCT. 23

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Changed from WCOD,

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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Vol. 1 - - No. 42
 NOV. 9, 1933

BROADCAST ADVERTISING IN SEPTEMBER

A total of \$3,949,341.00 was spent by American business organizations for radio broadcast advertising during September of the current year. This represents a 6.9% increase in advertising volume over the previous month. Broadcast advertising volume for September was approximately 1% higher than for July of this year.

Advertising Trends in September

The total volume of broadcast advertising over national and regional networks and individual stations for the month of September is found in Table I:

TABLE I
 TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	1933 Gross Receipts		Cumulative July-Sept.
	August	September	
National networks . .	\$1,907,481.00	\$2,102,809.00	\$5,819,763.00
Regional networks . .	32,262.00	14,281.00 ¹	62,612.00
Individual stations . .	1,753,504.00	1,832,251.00	5,678,654.00
Total	\$3,693,247.00	\$3,949,341.00	\$11,561,029.00

¹ Part of the discrepancy between August and September is due to a reclassification of regional network accounts. Corrections will be made for August in next month's report.

National network advertising in September showed a gain of 12.4% over the previous month, while individual station revenues experienced a 5% gain over August. Individual station business is still lower than in July which can probably be explained on the basis of a somewhat slower seasonal upswing than is experienced by national network advertising volume. Regional networks have tended to follow the individual station experience. The seemingly marked decline in regional network revenue in September as against August is due primarily to a misunderstanding as to classification of regional network accounts in August. Corrections will be made for this discrepancy in the October report.

September national network revenues are still 16% behind those of the same month of 1932, while network revenues for the first nine months of the year are 30% behind the previous season. A marked gain has been experienced by networks in recent months since the foregoing figure compares very favorably with a lag of 38.5% which was experienced during the first quarter of the current year.

Comparison with Other Media

A comparison of September expenditures for radio broadcast advertising as against those for other leading advertising media is found in Table II:

TABLE II
 ADVERTISING VOLUME MAJOR MEDIA

Advertising Medium	1933 Gross Receipts		Cumulative July-Sept.
	August	September	
Radio broadcasting	\$3,693,247.00	\$3,949,341.00	\$11,561,029.00
National magazines	6,644,831.00	7,942,886.00	20,684,257.00
National farm papers	236,505.00	373,134.00	846,144.00
Newspapers	37,790,096.00	38,371,622.00	108,611,718.00
Total	\$48,364,679.00¹	\$50,636,983.00	\$141,703,148.00

¹ Changes in classification of magazine data have required a slight readjustment in the August total.

Dollar volume of national magazine advertising gained 4.5% as against August. Newspaper volume increased 1.6%, and that of national farm paper advertising 19.0%. The gains made by radio advertising during the month therefore compare favorably with those experienced by other media, and it seems as though radio is beginning to make up for its relative sluggishness at the outset of the second half of the current year. The volume of October revenue will be particularly interesting in giving an indication of what the trend will be during the 1933-1934 broadcasting season.

The volume of non-network advertising placed over stations of different classes of power and situated in different sections of the country is found in Tables III and IV:

TABLE III
 NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1933 Gross Receipts		Cumulative July-Sept.
	August	September	
Over 5,000 watts	\$772,736.00	\$768,480.00	\$2,502,011.00
2,500-5,000 watts	224,241.00	183,245.00	696,466.00
250-1,000 watts	560,790.00	666,267.00	1,895,592.00
100 watts and under . . .	195,737.00	214,259.00	584,585.00
Total	\$1,753,504.00	\$1,832,251.00	\$5,678,654.00

TABLE IV
 NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1933 Gross Receipts		Cumulative July-Sept.
	August	September	
New England			
Middle Atlantic Area	\$410,002.00	\$462,448.00	\$1,462,105.00
South Atlantic			
South Central Area . . .	268,376.00	288,802.00	829,209.00
North Central Area . . .	640,115.00	676,341.00	2,028,985.00
Pacific and Mountain Area	435,011.00	404,660.00	1,358,355.00
Total	\$1,753,504.00	\$1,832,251.00	\$5,678,654.00

It will be noted from the tables in question that there has been a slight decrease in business placed over the larger stations, while regional stations and local broadcasters have accounted for the major increases in September radio advertising volume. The upward trend in broadcast advertising volume in the South seems to be continuing, while Middle Western business is making up for the losses experienced in August. There have also been slight gains in advertising volume in the eastern part of the country.

The trends with regard to national spot and local broadcast advertising as well as with regard to electrical transcription business and other types of broadcasting rendition are found in Tables V and VI:

TABLE V
 NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1933 Gross Receipts		Cumulative July-Sept.
	August	September	
Elec. transcriptions . . .	\$262,601.00	\$303,605.00	\$889,102.00
Live talent programs	818,607.00	916,041.00	2,668,228.00
Records	50,258.00	51,906.00	183,487.00
Spot announcements	622,038.00	560,699.00	1,937,837.00
Total	\$1,753,038.00	\$1,832,251.00	\$5,678,654.00

TABLE VI
COMPARISON LOCAL AND NATIONAL SPOT
ADVERTISING BY TYPE OF RENDITION
 (September, 1933)

Type of Rendition	Gross Receipts for Month		
	National Spot	Local	Total
Elec. transcriptions..	\$223,485.00	\$80,120.00	\$303,605.00
Live talent programs	295,023.00	621,018.00	916,041.00
Records	2,604.00	49,302.00	51,906.00
Spot announcements.	132,902.00	427,797.00	560,699.00
Total	\$654,014.00	\$1,178,237.00	\$1,832,251.00

Electrical transcription business increased 15.6% over August. There was a slightly greater increase in local transcription volume than in national spot volume, the latter having increased but 11.6% over the previous month. General live talent business increased 10.6%, while national spot live talent volume rose 16.3%. There has been a marked decline in spot announcement volume which may indicate a resumption of advertising effort on the part of the users of radio broadcasting and a willingness of companies to sponsor more ambitious programs. There has been no appreciable change in the record situation since the marked decline which occurred in August.

Local advertising has still to show a fall upswing, a situation which is probably partly due to seasonal lag plus the uncertainty which exists in retail trade at this time. Participations, which are found in Table VII, declined approximately 9% during September.

TABLE VII
PARTICIPATION OVER INDIVIDUAL STATIONS

Type of Rendition	1933 Gross Receipts		
	August	September	Cumulative July-Sept.
Elec. transcriptions..	\$141.00	\$144.00	\$395.00
Live talent	67,708.00	62,067.00	190,385.00
Records	16,284.00	15,623.00	52,127.00
Total	\$85,133.00	\$77,834.00	\$242,907.00

Radio Advertising Sponsors

The volume of broadcast advertising in August sponsored by various industrial groups is found in Table VIII, while an analysis of spot and local broadcast advertising over individual stations is presented in Table IX.

TABLE VIII
RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
 (September, 1933)

Type of Sponsoring Business	Gross Receipts for Month			Total
	National Networks	Regional Networks	Individual Stations	
1a. Amusements	—	—	\$62,156.00	\$62,156.00
1-2. Automobiles and accessories:				
(1) Automobiles	182,455.00	1,100.00	96,463.00	280,018.00
(2) Accessories, gas and oils	262,257.00	2,220.00	111,340.00	375,817.00
3. Clothing and apparel	24,429.00	900.00	134,702.00	160,031.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	155,836.00	—	159,876.00	315,712.00
(5) Toilet goods	356,038.00	1,800.00	131,576.00	489,414.00
6-8. Food products:				
(6) Foodstuffs	431,598.00	3,541.00	264,835.00	699,974.00
(7) Beverages	244,833.00	972.00	62,832.00	308,637.00
(8) Confections	42,083.00	200.00	28,263.00	70,546.00
9-10. Household goods:				
(9) Household equipment and furniture	—	—	110,478.00	110,478.00
(10) Soap and kitchen supplies	94,325.00	—	59,597.00	153,922.00
11. Insurance and financial	95,432.00	550.00	41,556.00	137,538.00
12. Radios	59,679.00	—	12,296.00	71,975.00
13. Retail establishments	—	918.00	117,797.00	118,715.00
14. Tobacco products	113,277.00	—	1,898.00	115,175.00
15. Miscellaneous	40,567.00	2,080.00	436,586.00	479,233.00
Total	\$2,102,809.00	\$14,281.00	\$1,832,251.00	\$3,949,341.00

TABLE IX
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
 (September, 1933)

Type of Sponsoring Program	Gross Receipts for Month		Total
	National Spot	Local	
1a. Amusements	\$4,671.00	\$57,485.00	\$62,156.00
1-2. Automobiles and accessories:			
(1) Automobiles	41,696.00	54,767.00	96,463.00
(2) Accessories, gasoline and oil	59,369.00	51,971.00	111,340.00
3. Clothing and apparel	18,190.00	116,512.00	134,702.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	86,247.00	73,629.00	159,876.00
(5) Toilet goods	107,453.00	24,123.00	131,576.00
6-8. Food products:			
(6) Foodstuffs	102,464.00	162,371.00	264,835.00
(7) Beverages	23,630.00	39,202.00	62,832.00
(8) Confectionery	21,060.00	7,203.00	28,263.00
9-10. Household goods:			
(9) Household equipment and furniture	25,371.00	85,107.00	110,478.00
(10) Soap and kitchen supplies	44,259.00	15,338.00	59,597.00
11. Insurance and financial	4,579.00	36,977.00	41,556.00
12. Radios	3,239.00	9,057.00	12,296.00
13. Retail establishments	13,107.00	104,690.00	117,797.00
14. Tobacco products	118.00	1,780.00	1,898.00
15. Miscellaneous	98,561.00	338,025.00	436,586.00
Total	\$654,014.00	\$1,178,237.00	\$1,832,251.00

With regard to the total volume of radio advertising placed by different types of business, several interesting trends are to be noted. The advertising of automobile accessories, gasoline and oil increased approximately 30% during September, though still below July. Clothing advertising increased approximately 25% over August. Cosmetic advertising advanced 19.5%, though still remaining 11% below July. Advertising of foodstuffs increased 9% and represents the highest figure during the quarter. Advertising by radio manufacturers and dealers increased 28%, while soap and household equipment advertising rose slightly above August, representing a 34% gain since July. Advertising of household equipment dropped slightly, while automobile, beverage, financial, and general retail advertising more or less held their own. Tobacco advertising continued its downward trend of recent months.

National spot advertising trends followed those of the general field fairly closely, though not gaining as strongly in any one type of business. With regard to local broadcasting, amusement advertising declined approximately 24%, primarily due to the discontinuance of advertising by summer resorts, parks, and similar types of business. Gasoline advertising declined 14%, drug advertising rose slightly, and general retail advertising continued to hold its own. The special retail tabulation of local business will be found in Table X.

TABLE X
RETAIL ADVERTISING OVER INDIVIDUAL STATIONS
(September, 1933)

Type of Sponsoring Business	Gross Receipts for Month
Automobiles and accessories:	
Automobile agencies and used car dealers.....	\$51,161.00
Gasoline stations, garages, etc.....	26,805.00
Clothing and apparel shops.....	106,861.00
Drugs and toilet goods:	
Drug stores.....	7,408.00
Beauty parlors.....	858.00
Food products:	
Grocery stores, meat markets, etc.....	30,959.00
Restaurants and eating places ¹	21,887.00
Beverage retailers.....	3,366.00
Confectionery stores, etc.....	657.00
Household goods:	
Household equipment retailers ²	30,411.00
Furniture stores.....	41,333.00
Hardware stores.....	6,832.00
Radio retailers.....	8,451.00
Department and general stores.....	103,797.00
Tobacco shops.....	154.00
Miscellaneous.....	68,066.00
Total	\$509,113.00

¹ Exclusive of hotels.

² Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The publication of the September report marks the completion of the first quarter for which information regarding total radio

broadcast advertising volume has been made available. Enough information is now becoming available to make possible a determination of some of the trends in the field. It may be interesting to compare the volume of national network and individual station advertising, respectively, which has been done by various types of business during the past quarter. Information on this point is found in Table XI.

TABLE XI
COMPARISON OF NATIONAL NETWORK AND INDIVIDUAL STATION RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(Third Quarter, 1933)

Type of Sponsoring Business	Gross Receipts for Quarter National Networks	Individual Stations
1a. Amusements.....	—	\$145,703.00
1-2. Automobiles and accessories:		
(1) Automobiles.....	\$477,569.00	282,338.00
(2) Accessories, gas and oils.....	780,641.00	449,100.00
3. Clothing and apparel.....	38,571.00	393,627.00
4-5. Drugs and toilet goods:		
(4) Drugs and pharmaceuticals.....	395,980.00	482,535.00
(5) Toilet goods.....	946,487.00	390,562.00
6-8. Food products:		
(6) Foodstuffs.....	1,123,196.00	868,375.00
(7) Beverages.....	690,750.00	207,790.00
(8) Confections.....	50,882.00	90,619.00
9-10. Household goods:		
(9) Household equipment and furniture.....	60,985.00	309,975.00
(10) Soap and kitchen supplies.....	233,410.00	173,919.00
11. Insurance and financial.....	263,255.00	148,912.00
12. Radios.....	151,997.00	31,324.00
13. Retail establishments.....	—	419,362.00
14. Tobacco products.....	462,507.00	10,862.00
15. Miscellaneous.....	143,533.00	1,273,651.00
Total	\$5,819,763.00	\$5,678,654.00

It will be noticed that during the three-month period ending September 30, national network advertising accounted for approximately 50% of total radio advertising volume, individual stations for approximately 49%, and regional networks for slightly less than 1% of broadcasting business. National networks enjoy the preponderant volume of automobile, gasoline, oil and accessories, toilet goods, beverage, soap, radio, and tobacco advertising. In the case of advertising by radio manufacturers and dealers this accounts for approximately 83% of total advertising done by this industry, while practically all of tobacco advertising is carried on over networks. On the other hand, approximately 90% of the clothing advertising, 85% of household equipment advertising, and the great majority of miscellaneous advertising is local in origin.

A comparison of the total volume of advertising placed through national networks, national magazines, and national farm papers during the first nine months of 1933 is found in Table XII.

TABLE XII
COMPARISON OF NATIONAL NETWORK, NATIONAL MAGAZINE, AND NATIONAL FARM PAPER ADVERTISING
(First nine months, 1933)

Type of Sponsoring Program	National Networks	Gross Receipts for Quarter National Magazines ¹	National Farm Papers
1-2. Automobiles and accessories:			
(1) Automobiles.....	\$1,187,688.00	\$4,818,980.00	\$227,276.00
(2) Accessories, gasoline and oil.....	2,676,756.00	4,877,217.00	517,660.00
3. Clothing and apparel.....	280,777.00	2,381,431.00	77,300.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals.....	1,763,550.00	6,246,250.00	189,890.00
(5) Toilet goods.....	3,417,887.00	10,289,740.00	174,020.00
6-8. Food products:			
(6) Foodstuffs.....	3,968,167.00	11,061,065.00	392,001.00
(7) Beverages.....	2,285,283.00	3,652,100.00	46,660.00
(8) Confectionery.....	468,481.00	486,460.00	1,125.00
9-10. Household goods:			
(9) Household equipment and furniture.....	323,898.00	3,307,987.00	71,442.00
(10) Soap and kitchen supplies.....	708,189.00	5,615,418.00	316,232.00
11. Insurance and financial.....	770,222.00	1,907,095.00	12,247.00
12. Radios.....	408,384.00	649,703.00	24,301.00
13. Retail establishments.....	—	—	—
14. Tobacco products.....	2,209,441.00	3,546,547.00	134,670.00
15. Miscellaneous.....	613,474.00	11,529,894.00	881,503.00
Total	\$21,082,197.00	\$70,369,897.00	\$3,066,327.00

¹ 108 national magazines.

A comparison of national network and national magazine advertising is particularly interesting. It will be noted that national network advertising of gasolines, oils and automobile accessories is equal to 55% of the volume of national magazine advertising; and in the case of drugs, the proportion is 28%, cosmetics 38.2%, food-

stuffs 35%, beverages 63%, confectioneries 96.2%, radios 62.9%, and tobacco 62%. This gives some indication of the relative use of the two media by various industries in their national advertising.

A breakdown of national magazine advertising for the first nine months of 1933 by types of advertisers is found in Table XIII.

TABLE XIII
NATIONAL MAGAZINE ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS¹

Type of Advertising Business	1933 Gross Receipts for Month									Cumulative Jan.-Sept.
	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	
1-2. Automobiles and accessories:										
(1) Automobiles	\$870,627	\$666,849	\$691,705	\$530,420	\$348,492	\$373,606	\$408,317	\$355,397	\$573,567	\$4,818,980
(2) Accessories, gasoline and oil.....	335,731	313,837	501,225	667,549	623,336	602,063	672,630	610,255	550,591	4,877,217
3. Clothing and apparel.....	85,507	182,811	330,474	430,708	436,178	301,772	177,571	66,456	369,954	2,381,431
4-5. Drugs and toilet goods:										
(4) Drugs and pharmaceuticals.....	658,333	1,060,370	990,206	740,723	671,873	607,176	521,693	430,043	565,833	6,246,250
(5) Toilet goods	588,057	1,348,068	1,483,960	1,583,233	1,269,237	1,029,392	971,681	878,772	1,137,340	10,289,740
6-8. Food products:										
(6) Foodstuffs	1,012,486	1,530,882	1,480,794	1,614,823	1,456,405	1,062,876	1,038,657	846,938	1,017,204	11,061,065
(7) Beverages	190,181	389,313	426,573	508,550	461,246	406,904	435,198	355,629	478,506	3,652,100
(8) Confectionery	38,740	60,449	66,241	61,757	56,363	49,270	32,991	51,392	69,257	486,460
9-10. Household goods:										
(9) Household equipment and furniture	150,292	424,900	465,378	598,130	635,599	365,664	162,714	117,622	387,688	3,307,987
(10) Soap and kitchen supplies.....	326,788	643,861	754,695	806,013	801,551	707,253	520,657	458,730	595,870	5,615,418
11. Insurance and financial.....	218,406	208,136	220,462	206,827	225,892	211,073	202,773	175,041	238,485	1,907,095
12. Radios	87,118	64,761	70,395	51,956	52,012	55,675	85,180	81,152	101,454	649,703
13. Retail establishments	—	—	—	—	—	—	—	—	—	—
14. Tobacco products.....	336,001	423,131	401,868	446,476	388,573	386,683	376,557	354,784	432,474	3,546,547
15. Miscellaneous	1,028,894	1,252,491	1,455,731	1,613,426	1,604,299	1,329,073	967,311	813,245	1,465,424	11,529,894
Total	\$5,927,161	\$8,569,859	\$9,339,707	\$9,860,591	\$9,031,056	\$7,488,480	\$6,573,930	\$5,595,456	\$7,983,647	\$70,369,897

¹ 108 national magazines.

GENERAL BUSINESS CONDITIONS

The general business situation is relatively unchanged since the publication of the last report. There have been further business recessions from the peak of last July. Since September 30 the New York Times Index of Business Activity declined from 78.4 to 76.6 as of October 28th. The Index was 79.8 on September 9th. The Combined Price Index of the Department of Labor dropped from 71.1 on September 30th to 70.4 as of the end of October. During the same period, the Food Price Index declined from 64.9 to 63.4, while farm products dropped from 58.0 to 54.2. Car loadings moved contrary to the usual seasonal upswing, declining from 69.0 to 67.8 as of October 21st.

There was a marked decline in automobile production during the month, the Index standing at 33.1 on October 28 as against 57.5 at the end of September. Steel ingot production declined from 50.0 to 40.8 during the same period. There has been a general improvement in retail trade during the month, though figures are not as yet available from which to judge the full effect of this movement.

In spite of the recessions noted above, all of the business indices tend to be appreciably above those of the same period of 1932.

Probably the best explanation of the present situation is to be found in the following quotation from the October issue of the Federal Reserve Bulletin:

"For the past two months there has been a reaction in industry from the exceptionally rapid expansion of activity during

the spring and early summer months. Notwithstanding this reaction, business was in considerably larger volume in August and September than in March.

"At the time of the banking holiday industrial activity was close to the lowest level of the depression. Almost immediately after the reopening of the banks there was an increase in activity. The increase was accelerated by the prospects of increased costs and price advances as a result of processing taxes and code provisions and also by anticipation of inflation. In particular, industries making semifinished, storable goods were influenced by these prospects; some industries, notably textiles and shoes, advanced production rates in the early summer to the highest levels on record.

"The decline in industrial activity during the past two months has come, in large measure, in the industries in which expansion previously had been most rapid."

At the present time, two basic problems loom most important as determinants of future business recovery. The first of these is the necessity of materially increasing mass purchasing power and at the same time the seeming necessity of raising prices to levels which will enable the payment of dividends and interest upon the more reasonable pre-depression capital structures. The second problem is that of absorbing excessive plant capacity in the basic industries without having such absorption resulting in a too great drag upon reemployment. The reconciliation of these factors is the real task facing business and government at the present time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Copyright, 1933, The National Association of Broadcasters



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BOARD MEETING AT WASHINGTON

The reorganization meeting of the Board of Directors of the National Association of Broadcasters was held at the Mayflower Hotel, Washington, D. C., Thursday, November 9.

President McCosker presided. The following were present: John Shepard III, I. D. Levy, H. K. Carpenter, William S. Hedges, I. R. Lounsberry, Lambdin Kay, W. Wright Gedge, J. Thomas Lyons, Arthur B. Church, Walter J. Damm, Ed B. Craney, Henry A. Bellows, J. Truman Ward, Frank M. Russell, I. Z. Buckwalter, and Philip G. Loucks, Managing Director.

Mr. Levy submitted an oral report on copyright activities of the NAB since the convention. He said returns from his request for funds to carry on the copyright campaign had been satisfactory and that stations seemed to agree that the payment of 10 per cent of the amount paid monthly to the American Society of Composers, Authors and Publishers was a proper basis for assessment for copyright funds. He was unable, however, to predict what amount would be realized.

Both Mr. Levy and J. C. Hostetler, law partner of Hon. Newton D. Baker, reported briefly on the status of the dissolution suit filed by Station WIP, Philadelphia, Pa., against the Society, pointing out that the Society had filed its answer and that the case would undoubtedly go down for hearing. Mr. Hostetler said that it would be necessary to call for information from stations as his firm proceeded with the preparation of the case and expressed the hope that stations would cooperate liberally in this effort.

Mr. Levy reported that he had several informal conferences with publisher and composer members of the Society since the White Sulphur Springs meeting with a view to learning the Society's attitude toward a revision of present contracts under which the royalty would be assessed only upon programs using music. He said these conferences had not progressed very far, and that the way was open for further conferences. He explained that he would not endeavor to bind the industry to any agreement that might be reached, but would report his activities to the Board at the next meeting.

The Board then took up the matter of the reappointment of Oswald F. Schuette and voted to continue his services on a retainer basis. Mr. Schuette explained that he did not desire to continue as NAB copyright director since he had developed plans for a more general campaign against the licensing practices of the Society not only as these practices related to radio but as they also related to restaurants, theaters, hotels and other users of copyrighted music. He remains, however, as President of the Radio Program Foundation which was created by the NAB to build up an independent reservoir of music.

The status of the Radio Program Foundation was discussed and it was pointed out that this organization was under the management and direction of a separate Board of Trustees and that the affairs of that unit would be considered at the next meeting of the Trustees.

The Managing Director then laid before the Board a draft of the Code of Fair Competition for the Broadcasting Industry, explaining that Deputy Administrator Sol A. Rosenblatt was prepared to lay the code before the President for signature upon receipt of reports from the various divisions of the National Recovery Administration. The conferences of the past several weeks, and the results of such conferences, were explained, and the provisions of the code in its present form were explained. The Board voted to recommend the code as presented to the industry and authorized and directed President McCosker to sign it on behalf of the Board of Directors. The code is now being printed and official prints will be ready for distribution just as soon as

President Roosevelt signs it. It is expected that the President's signature will be affixed to the code within the next few days.

The Managing Director laid before the Board a letter from Leo B. Tyson of Los Angeles, Calif., tendering his resignation from the Board because he is no longer connected with a radio station. The Board accepted the resignation of Mr. Tyson and elected C. W. Myers, KOIN, Portland, Ore., to fill Mr. Tyson's unexpired term of approximately two years.

In connection with the report and recommendations of James W. Baldwin, relating to the international aspects of broadcasting, and adopted at the annual meeting, the Board adopted a resolution authorizing the Executive Committee to make the necessary investigations and preparations looking toward the adoption by the Government of proposals concerning regional and international agreements and treaties affecting radio broadcasting and to employ such personnel and make such expenditures as are necessary to accomplish this purpose.

The Board took up the recommendations contained in the report of the Engineering Committee adopted at the annual convention and approved a motion authorizing the Executive Committee to employ such technical assistance as is required to fulfill obligations to standardize technical surveys; to promote activities already under way leading to establishment of standards of broadcasting operation and to improvement in operating technique, and to perform such other duties as may arise.

Routine resolutions authorizing the Managing Director to deposit and disburse moneys of the Association were adopted.

The Managing Director then laid before the Board certain communications from Station WFBL, Syracuse, N. Y., relating to a threatened suit under the Civil Rights law of New York State, under which it claimed that private citizens are protected in their right of privacy against use of their names in commercial radio programs. The matter was discussed at length and it was decided that since the question was one affecting New York stations alone, that it should be referred to the New York State Committee.

The Managing Director then placed before the Board certain correspondence in connection with the recent WIBO case which suggested the employment of someone to secure passage of legislation designed to amend the radio laws. The correspondence was considered and the questions raised therein discussed but it was decided that in view of the lack of funds that the Association could not act favorably upon the recommendation contained in the letter transmitting the correspondence.

The Managing Director called the attention of the Board of Directors to the very heavy demand being made upon NAB headquarters for debate material on the negative side of the national debate question, "Resolved that the United States adopt the essential features of the British system of radio operation and control." He pointed out that he had mimeographed several hundred copies of an article prepared by Dr. Herman S. Hettinger of the Wharton School of Commerce, University of Pennsylvania, but that the increased demands for material from high school and college students made it necessary for the Association to compile and publish debate material to meet these requests. He announced that arrangements for publication had been completed and the Board authorized him to defray the expenses of printing and mailing.

The Managing Director called attention of the Board to the proposal to encourage the Post Office Department to make a nation wide count of radio receiving sets, pointing out that certain Government departments, including the Federal Radio Commission, had indicated an interest in such survey. The communication from the Department of Commerce setting forth the condi-

tions under which such count could be undertaken was read. Since it would involve the expenditure of approximately \$4,000.00 the Board felt the Association's financial position would not warrant the incurring of such an obligation at this time.

The new dues section of the By Laws approved at the White Sulphur convention and fixing the rate of dues at two-tenths of one per cent of net sales of broadcasting facilities was discussed. The Managing Director expressed the view that unless all stations joined the Association it might be necessary to curtail the activities of the Association during the next year. Several members of the Board disagreed with the statement that the income of the Association would be reduced under the new schedule. It was decided that a study of the new dues system should be made during the first three months of the new year and a report made thereon to the Board. The new scale of dues becomes effective on December 31, 1933 and payments of dues for January are to be based upon December business.

It was pointed out that hearings in Congress will be started on the Tugwell bill to revise the Food and Drugs bill on December 7. The Board made provision for representation at the hearing and directed that the Association's position as expressed at the White Sulphur Springs convention be expressed.

EARLY APPROVAL OF CODE SEEN

With the labor, industrial and legal departments of the National Recovery Administration in virtual agreement, it is expected that Deputy Administrator Sol A. Rosenblatt will present the Code of Fair Competition for the Broadcasting Industry to the President for approval within the next few days.

The code, in its present form, provides for the creation of a Code Authority of nine persons with three Government representatives, who shall serve without vote, all to be appointed by the President.

The code will be printed by the Government just as soon as approved, and the NAB will send copies to the industry in its approved form.

Last minute changes in the text of the code were directed to the style and uniformity of the code and do not materially change the substance of the draft as submitted by the NAB Code Committee. A number of provisions, standard in all codes, were inserted by the NRA prior to sending it to the President for approval.

The report of James W. Baldwin, industrial advisor, raised questions of license terms. He pointed out that the industry is faced with the situation where one branch of the government (the Federal Radio Commission) is licensing and regulating an industry and another branch of the government (The National Recovery Administration) is making decisions of the greatest importance to that industry's economic existence and suggests the closest kind of cooperation between these two agencies. In his discussion of the matter, he said:

"This is a Federally licensed industry, subject to rigid obligations to serve the public interest. It should be pointed out that each of the 588 broadcasting stations must seek a renewal of its license to operate every six months; that in practice a great many owners of stations, at renewal periods, are faced with the necessity of prosecuting their applications against some one who seeks to take their radio facilities away from them. Often-times such applications are frivolous in character. Nevertheless, the licensee, in such cases, is compelled to engage technical and legal aid in order that he may prove his case at a formal hearing which is conducted by the Federal Radio Commission. Frequently, this is so where the Federal Radio Commission, over a period of several years, has found that the station was operated in the public interest."

"The cost of these proceedings is very great. It requires station owners, through no fault of theirs, to spend substantial sums for the services of expert radio engineers and lawyers, which otherwise could be used to engage a greater number of employes with benefit to programs rendered."

"The Radio Act of 1927 provides for license periods not exceeding three years (Sec. 9). While the industry was being formed, there could be no question as to the wisdom of limiting license periods to short terms. Today, however, the state of the art, and the power of the Government to revoke licenses for violation of or failure to observe any of the restrictions and conditions of the Radio Act of 1927 or of any regulation of the licensing authority authorized by that Act or by a Treaty ratified by the United

States, etc. (Sec. 14), make short-term licenses unnecessary. In view of the commitment now being required of every broadcaster under the terms of the National Recovery Act, it is a manifest injustice that this industry should be compelled to measure the existence of every one of its component parts in terms of not more than six months. As a definite part of the National program of recovery and increased stability and confidence, the Broadcasters are clearly entitled to the full term of license provided by Congress in the Radio Act of 1927. I cannot recommend that the Radio Broadcasting Industry be required to make additional fixed and permanent commitments unless it first can be given the full measure of protection provided by law."

EIGHT NEW NAB MEMBERS

The Board of Directors at its meeting in Washington on November 9, 1933, approved applications for membership from eight stations. This brings the membership to 282, which is very nearly half of the broadcasting stations in the United States. The new members are the following:

KGGC, San Francisco, Calif.	WABI, Bangor, Maine.
WFBC, Greenville, S. C.	KTBS, Shreveport, La.
KTAB, San Francisco, Calif.	WGBF, Evansville, Ind.
KRSC, Seattle, Washington.	W2XR, New York, N. Y.

W2XR is the first television station to apply for membership. It is operated by Radio Pictures, Inc., of which John V. L. Hogan is President.

WTAG POWER INCREASE APPROVED

The Radio Commission this week partially upheld Report No. 489 of former Chief Examiner Ellis A. Yost in the case of Stations WTAG, Worcester, Mass., and WOBU, Charleston, W. Va. The stations asked that their power be increased to 500 watts day and night.

A preliminary order was issued by the Commission granting temporary special authority to Station WOBU to operate stations WTAG and WOBU with 500 watts power during day and night hours subject to special conditions imposed by the Commission. These conditions include the fact that the Commission reserves the right to terminate the 250 watt nighttime power at any time without hearing and that the regular licenses of the stations shall continue in full force and effect for the time specified.

PHILADELPHIA STATIONS DENIED POWER BOOST

Application of Stations WIP, WFI, and WLIT, all of Philadelphia, for an increase in their power from 500 to 1,000 watts was denied this week by the Radio Commission, upholding Examiner George H. Hill in his Report No. 497.

In its decision the Commission found that if the power increases were granted that it would be likely to cause increased interference, and that the public interest "would not be served by the granting of any one of the three applications involved herein."

DENY TIME INCREASE TO WHDH

The Radio Commission on Friday sustained Examiner George H. Hill in his Report No. 502 by denying the application of Station WHDH, Boston, a modification of license to operate unlimited time on its frequency of 830 kilocycles.

The Commission found that it "does not appear that there is a substantial need in Boston and vicinity for the additional service which the applicant proposes to render."

KWKC DENIED UNLIMITED HOURS

Station KWKC, Kansas City, Mo., using a frequency of 1370 kilocycles, applied to the Commission for an increase in operating time from specified hours to unlimited time. In Report No. 521 this week, George H. Hill, e, recommends that the application be denied.

The Examiner points out in his report that while no interference would result by granting the request, "the granting of the application would result in an increase in the broadcasting facilities of an already over-quota state and zone" and would violate the rules of the Commission.

RECOMMENDS WCAO DAY POWER INCREASE

Broadcasting Stations WCAO, Baltimore; WICC, Bridgeport, Conn.; and WCAC, Storrs, Conn., all operating on a frequency of 600 kilocycles, petitioned the Radio Commission to increase their power to 500 watts.

In Report No. 520 this week, Ralph L. Walker, e, recommended that in so far as the application of WCAO is concerned for 500 watts daytime power, that that be granted, but denied for nighttime; that the application of WICC for 500 watts be denied; and that the application of WCAC for increased power be denied, but that its request to change the licensee to "The Connecticut State College" be granted.

COMMISSION UPHELD IN WREC DECISION

The Radio Commission was upheld this week by the Court of Appeals of the District of Columbia in its decision in the so-called WREC case, Docket No. 5846.

On November 15, 1929, the Radio Commission granted WMT, Waterloo, Iowa, additional nighttime power of 250 watts, on an experimental basis. It already had 250 watts on a regular basis.

Station WREC, Memphis, Tenn., operating on the same frequency of 600 kilocycles, protested this decision. The case was heard before an Examiner, who recommended that the 250 watts experimental additional power be taken from Station WMT. The Commission held a hearing in the case and the Examiner was overruled. WREC appealed in the Court of Appeals, which has now upheld the Commission's decision.

In its decision the Court states that "a question also is raised by appellant concerning the application of the Davis amendment to this situation. We think, however, that it is not applicable, for the reason that each station is in an over-quota state and in an over-quota zone, and that consideration is not important in the decision of the case."

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Atascadero Oil Company, Atascadero, Calif. (2-373)
- Bank Block Investment Company, Parkersburg, W. Va. (2-377)
- Committee for the Reorganization of the Capital Reservation Land Trust, Chicago, Ill. (2-378)
- Congress Gold Mines, Ltd., Vancouver, Canada. (2-379)
- Greenebaum Sons Investment Company, Chicago, Ill. (2-375)
- Liberty Loan Corporation, Chicago, Ill. (2-374)
- Lynchburg Distillery Company, Cincinnati, Ohio. (2-370)
- New Deal Mining Company, Las Vegas, Nev. (2-372)
- New York-Buffalo Trading Corporation, New York City. (2-371)
- Standard Finance Corporation, Denver, Colo. (2-376)

ARK-LA-TEX CASE DISMISSED

The appeal of the Ark-La-Tex Radio Corporation of Shreveport, La., against the Federal Radio Commission was dismissed this week on the motion of the Commission by the Court of Appeals of the District of Columbia.

On September 15 the Commission rendered a decision consent to the assignment of the broadcasting license of Station KWKH to the International Broadcasting Corporation. The Ark-La-Tex Corporation appealed this decision which has just been dismissed.

EMERGENCY FREQUENCY DISCUSSED

Pursuant to a resolution introduced by Commissioner Lafount which was referred to the Engineering and Legal Divisions of the Federal Radio Commission for study, a meeting was held November 10 for discussion of the proposal to set aside a frequency or frequencies for emergency use in case of disaster on land, such as floods, hurricanes, or earthquakes.

The consensus of opinion expressed at the meeting, which was attended by representatives of the Army, Navy, Coast Guard, Airways, the various communications companies and the NAB, was that emergency operation would not be improved by assignment of such frequency or frequencies.

GRANGE RESENTS NEWS BAN

The Wishkah Valley Grange No. 634, Aberdeen, Washington, adopted a resolution protesting against any legislation which "would in any way prohibit or lessen the broadcasting of news." The resolution condemned the press for its attempt to prohibit the broadcasting of news by radio.

"BROADCASTING AND PEACE"

The Committee of Experts of the League of Nations has just completed a report entitled "Broadcasting and Peace," which is now available for distribution. Copies may be had by writing to Ch. Mercier, secretary, Societe des Nations, Institute International de Cooperation Intellectuelle, Paris, 2 Rue de Montoensier.

FAVORS DENIAL OF ERIE APPLICATION

The Radio Commission on November 3 upheld Report No. 518 of Examiner Ralph L. Walker in which he recommended that the application of Joseph S. Crawford and L. E. Ore for the erection of a new broadcasting station at Erie, Pa., be denied as in cases of default. The applicants applied for a frequency of 1420 kilocycles, 100 watts power and unlimited time. The case came on for hearing on October 26 but the applicant failed to make any appearance.

OPPOSES LA GRANDE, ORE., PERMIT

The Eastern Oregon Broadcasting Company, Inc., applied for a construction permit for a new station at La Grande, Ore., while Station KOAC, Corvallis, Ore., asked for a license renewal. In report No. 517 this week (George H. Hill, e), it was recommended that the application for the new station be denied and that the application for license renewal for Station KOAC be granted. The Examiner found that the Eastern Oregon Broadcasting Company "failed to establish that it is legally, technically and financially qualified to construct and operate the proposed station" while he further found that the continued operation of KOAC "would serve public interest, convenience and necessity."

RECOMMENDS KGIZ ASSIGNMENT

Station KGIZ, Grant City, Mo., asked for voluntary assignment of its license from the Grant City Park Corporation to KGBX, Inc., and for voluntary assignment of its construction permit to move to Springfield, Mo. In Report No. 519 (George H. Hill, e) it is recommended that the Commission affirm its grant of consent to the voluntary assignment as applied for and that the assignment of the construction permit also be granted. A protest has been filed with the Commission on its former decision and therefore it was referred to the Examiner for hearing. The Examiner found that public interest would be served by the assignments requested and he found further that the assignee applicant, Station KGBX is technically, financially and otherwise qualified to take over the assignment.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, November 14, 1933

NEW—The State Journal Co., Lansing, Mich.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, November 16, 1933

WMBR—F. J. Reynolds, Tampa, Fla.—Voluntary assignment of license to F. J. Reynolds, Inc.; 1370 kc., 100 watts, unlimited time.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—C. P., 1370 kc., 100 watts, unlimited time. Requests authority to move station from Tampa to Jacksonville.

APPLICATIONS GRANTED

KGIZ—Grant City Park Corporation, Springfield, Mo.—Granted modification of C. P. for extension of completion date from 10-31-33 to 1-31-34.

WHBC—(Telegram) Edward P. Graham, Canton, Ohio.—Granted authority to operate simultaneously with WNBO November 11 and November 25 from 3:00 p. m. to 6:00 p. m. to broadcast football games. WNBO's consent received.

WEBC—(Telegram) Head of the Lakes Broadcasting Co., Superior, Wis.—Granted authority to use auxiliary transmitter from November 8 to 28 while erecting a new radiator.

WHET—Joe K. Jernigan, Cyril W. Reddoch, J. C. Smith, and J. T. Hubbard, d/b as Troy Broadcasting Co., Troy, Ala.—Granted C. P. to move station from Troy to Dothan, Ala.; studio in Houston Hotel, transmitter southeast Alabama Fair Grounds, and change frequency from 1210 kc. to 1370 kc.

KRE—First Congregational Church of Berkeley, Calif.—Granted modification of license to change specified hours to as follows: Daily except Sunday: 7 a. m. to 1 p. m., 6:30 to 9:30 p. m., PST; Sunday: 10 a. m. to 2 p. m., 4 to 6 p. m., 6:45 to 9:45 p. m., PST.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authorization to operate from 8 to 10:30 p. m. February 19, 1934, CST, provided KGGF remains silent.

WNRA—Kathryn Jones, Florence, Ala.—Granted authority to operate unlimited time during period of program test, and pending resumption of operation by WAMC.

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted authority to operate night of November 10, in order to broadcast a program of veterans' organizations at Eureka.

SET FOR HEARING

KWWG—Frank P. Jackson, Brownsville, Tex.—Consent to voluntary assignment of license to Port Arthur College.

WSBT—The South Bend Tribune, South Bend, Ind.—Renewal of license application.

MISCELLANEOUS

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Construction permit retired to the closed files (granted March 3, 1933). To construct auxiliary transmitter to be used while moving main transmitter.

WGCP—May Radio Broadcast Corp., Newark, N. J.—Reconsidered and granted application for increase in power from 250 watts to 1 KW night and 2½ KW day to offset increase in power given WODAAAM Corp. WGCP operates 1/7 time on frequency of 1250 kc.

WFIW—WFIW, Inc., Hopkinsville, Ky.—Granted modification of C. P. to move its transmitter from Nashville Pike, Hopkinsville, Ky., to a location in Louisville, Ky., to be determined by tests, and to move studio from 8th and Main Streets,

Hopkinsville, Ky., to a location in Louisville to be selected, with the commencement date to be December 10, 1933, and completion date not later than March 10, 1934.

APPLICATIONS RECEIVED

First Zone

NEW—S. George Webb, Newport, R. I.—Construction permit for new station to use 1320 kc., 250 watts, unlimited time. Amended to request 1390 kc.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit, granted 11-17-31 for 50 KW station, to extend dates of commencement and completion to 1-16-34 and 6-16-34.

Second Zone

WFIW—WFIW, Inc., Hopkinsville, Ky.—Modification of construction permit granted 6-16-33 (move station to Louisville, Ky.) for approval of exact location—Brown Hotel, 4th and Broadway, Louisville, Ky., and extension of commencement and completion dates.

NEW—Joseph G. Mayer and Clarence R. Cummins, Erie, Pa.—Construction permit for new station to use 1420 kc., 100 watts, unlimited time, facilities formerly assigned WERE, Erie, Pa. Resubmitted corrections made.

Third Zone

NEW—Virgil V. Evans, Rock Hill, S. C.—Construction permit for new station to use 1370 kc., 100 watts, daytime, facilities WBHS, Huntsville, Ala.

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to move main transmitter locally.

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to move auxiliary transmitter locally to proposed location of main transmitter.

Fourth Zone

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Modification of construction permit granted 6-30-33 (changes in equipment) requesting authority to move transmitter locally.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Special experimental authorization to operate from 5 p. m. to 7 p. m. during November and December.

KGIZ—Grant City Park Corp., Springfield, Mo.—Modification of construction permit granted 6-30-33 to extend date of completion to 1-1-34.

Fifth Zone

None.

APPLICATIONS RETURNED

WNBW—WNBW, Inc., Carbondale, Pa.—Modification of construction permit granted 8-18-32 requesting move of transmitter and studio, change equipment and extension commencement and completion dates. (Request of applicant.)

NEW—Pecan Valley Broadcasting Co., Walter J. Stewart, Pres., Brownwood, Tex.—Construction permit for new station at Brownwood, Tex., to use 1420 kc., 100 watts, unlimited time, facilities WDAH, El Paso, Tex. (Rules 6 and 43—improperly filed.)

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit move transmitter locally, new equipment, and increase power from 1 KW to 1 KW night, 2½ KW to local sunset. (Rules 6 and 4.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

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BROADCASTERS' CODE AWAITS SIGNATURE

The Code of Fair Competition for the Broadcasting Industry still awaits the signature of President Roosevelt before it becomes binding upon the broadcasters.

The code, revised by the NRA to meet some of the objections interposed by the labor and consumer advisory boards, was in final draft form on Friday night and Deputy Administrator Rosenblatt was adding finishing touches to his report recommending government approval of the code. It was believed, however, that the code would not be approved by General Johnson and sent to the White House in advance of the President's trip to Warm Springs, Ga. An official announcement made at NRA Friday stated that the President would sign codes during his stay in the South and after the broadcasters' code receives General Johnson's approval it is expected that it will be sent to Georgia for presidential approval. The code would become effective upon the second Monday following the date of approval.

Immediately upon its signature by the President, official copies of the code will be made available to every broadcaster.

DILL INTERESTED IN LINE RATES

Senator C. C. Dill (D), Washington, chairman of the Senate Committee on Interstate Commerce, intends to make a survey of charges by telephone companies for broadcasting line purposes.

In Washington during the past several weeks giving attention to a legislative program for the next session of Congress which convenes on January 3, Senator Dill told Robert D. Heintz, Washington newspaper correspondent, that he became interested in the telephone line problem during the summer months. "The networks and stations each year spend millions for telephone line charges," he said. "This runs up the cost of broadcasting and puts a terrific burden on the stations. The various states are unable to secure hook-ups without large fees being exacted by the telephone companies and this is one of the greatest factors in the high cost of broadcasting."

Senator Dill favors the use of short waves for school broadcasting along the lines suggested by Commissioner Lafount some time ago. He said if a license fee is exacted on broadcasting stations a portion of this money should be used for the preparation of educational programs. He said he does not favor setting aside 15 per cent of all facilities in the broadcast band for education.

Senator Dill expressed the opinion that any radio legislation enacted at the forthcoming session of Congress would be predicated upon the report and findings of the Roper Committee on Communications which has been giving study to the general communications problem for several months.

It is understood that the Roper Committee has virtually completed its work and is prepared to report to President Roosevelt. If the President approves the report it will be sent to Congress as a basis for legislation. The text of the report and its recommendations have not been made public.

Senator Dill was a caller at the White House this week and it is understood that he discussed with the President the program for his Committee during the forthcoming session of Congress.

KANSAS TAX ON BROADCASTING

The Emergency Sales Tax Act of 1933, Senate Bill No. 164-X, introduced at the First Special Session of the Kansas Legislature

by the Committee on Manufacturers and Industrial Pursuits, was on November 15th referred to the Committee of the Whole.

This bill is similar to one in Oklahoma which became law earlier this year and is now under attack. It proposes a five per cent tax on the gross proceeds of sales of service in radio casting. Section 3 of the bill provides as follows: "There is hereby levied a tax in the amounts hereinafter set out upon the gross proceeds of sales as follows: (a) Upon all sales of tangible personal property consisting of goods, wares or merchandise, a tax of two per cent; (b) upon all sales of tickets or admissions to places of amusement and athletic events, a tax of five per cent; (c) upon all sales of electricity, electric light current, electric power, gas (natural or artificial) to domestic or industrial consumers thereof, a tax of three per cent; (d) upon all sales of service to telephone subscribers and others for the transmission of messages or conversation, whether local or long-distance, a tax of three per cent; (e) upon all sales of service for the transmission of messages by telegraph companies, a tax of three per cent; (f) upon all sales of service in radio casting, hiring, or renting of radio casting equipment or facilities, a tax of five per cent; (g) upon all sales of food, confections, or drinks prepared or compounded by hotels, restaurants, or other dispensers, served for immediate consumption upon the premises, or delivered or carried away from the premises for consumption elsewhere, a tax of five per cent."

The act further provides that the taxes shall be due and payable monthly, requires returns to be filed under oath, and gives the county treasurer authority to summon any person before him with his books and records for examination. The penalty for not paying the tax on time is double the amount of the tax plus ten dollars per day for each day it remains unpaid.

Section 7 of the act provides that all sales which the state of Kansas is prohibited from taxing under the constitution or laws of the United States shall be exempt from taxation under the act.

The act abolishes practically all real estate taxes except where outstanding bond issues are dependent upon them. If it becomes law it is to be effective December 1, 1933, and to expire December 31, 1935.

MISSOURI TAX PROPOSED

A bill proposing a general sales tax on broadcasting, similar to the Oklahoma law, and the proposed Kansas law, has been introduced in the Missouri Legislature. The rate of the tax levied in the Ways and Means Committee substitute for Nos. 3-X, 4-X and 6-X is one-fourth of one per cent.

The bill contains the usual saving clause in case of unconstitutionality; the customary section to prevent the seller from absorbing or claiming to absorb the tax; requires the filing of monthly returns; and by its own limitation expires after two years.

Section 3 of the act reads as follows: "For the privilege of selling tangible personal property at retail and/or furnishing or rendering the services hereinafter designated and/or defined, a tax is hereby imposed upon the person or persons as in this act defined at the rate of one-fourth of one per cent of the gross receipts of any such retailer from the sale of all tangible personal property, and/or furnishing the services hereinafter designated and/or defined sold in this state on and after December 1, 1933, or the effective date of this act, whichever is the latest, to and including December 31, 1935, such tax shall be paid at the time and in the manner hereinafter provided and shall be in addition to any and all other taxes; services upon which such tax shall be levied

are from all receipts received and derived from the following: (a) * * *. (e) Upon all sales of service by radio casting equipment or facilities. (f) * * *."

THREE 50-KW APPLICATIONS GRANTED

Stations WBZ, Boston; WHAM, Rochester, and WGN, Chicago, were all granted permission to increase their power from 25,000 to 50,000 watts by the Radio Commission this week using their present frequencies. The decision was the result of a hearing by the Commission en banc held on October 4.

The Commission's grounds for decision in these three cases were the same.

It was found that "the applicant is qualified and able to increase the power of station . . . from 25 kilowatts to 50 kilowatts and to operate the station at that power in such manner as to serve the public interest," also "that from what appears in the evidence of this case the use of 50 kilowatt power by station . . . will result in a more efficient use of the clear channel frequency assignment of that station;" and "that the public interest, convenience and/or necessity will be served by the granting of the application of . . . for a construction permit to make the changes and modifications in equipment specified in the application."

COURT DISMISSES RCA CASE

The Supreme Court of the District of Columbia this week dismissed the petition of Gerald V. Moore, requesting the Radio Commission to deny licenses to Station WMAL, National Broadcasting Company, a subsidiary of RCA, on the grounds that RCA had been adjudged in violation of the anti-trust laws by a Federal Court. Moore noted an appeal which will go to the Court of Appeals of the District of Columbia.

The case was dismissed following argument held on Tuesday before the Court. The Court also sustained the demurrer of the Radio Commission and discharged the rule to show cause and in addition dismissed the petition of Moore for the writ of mandamus.

GREENSBURG, PA., STATION PERMIT DENIED

The Radio Commission on Friday sustained Examiner George H. Hill, in his Report No. 511 by denying a construction permit for a new station to operate on 1420 kilocycles, 100 watts power, daytime hours, at Greensburg, Pa., asked for by the Greensburg Broadcasting Company.

The Commission found that the operation of the proposed new station "would very likely result in serious interference in the reception of two established stations and also interference in the reception of the new station." It was also found by the Commission that the applicants' showing as to their business, technical and financial ability is not such as to afford reasonable assurance for the success of this project.

MONTEVIDEO PARLEY MAY CONSIDER RADIO

The Pan American Conference at Montevideo will probably take up the question of radio communications, "with a view to their improvement." It has been learned that while radio is not included in the agenda, Secretary of State Hull and the delegates may develop the subject while enroute to Montevideo. Broadcasters do not have representation on the delegation.

1520 KC REQUESTED FOR BROADCASTING

The American-Republican, Inc., of Waterbury, Conn., this week filed an application with the Federal Radio Commission for special experimental authorization to construct a new broadcasting station at Waterbury to use 1 KW on 1520 kc., unlimited time.

This is the first of such applications to be received by the Commission. Frequencies between 1500 and 1600 kc., heretofore assigned to visual broadcasting, aviation, state police, and other services, have been assigned recently to "general communication service," which presumably leaves the way open to broadcasting allocations within the band. The Commission has, as yet, pub-

lished no comments concerning its policy concerning use of such frequencies by broadcasters.

HAMILTON, OHIO, STATION DENIAL FAVORED

William L. Slade applied to the Radio Commission for a construction permit for a new station at Hamilton, Ohio, to use 1420 kilocycles while Station WHBD, Mt. Orab, Ohio, asked that its present license on 1370 kilocycles be renewed. In Report No. 522 this week George H. Hill, e., recommended that the application of Slade be denied and that the license of Station WHBD be renewed.

The Examiner found that the financial showing of the applicant "is of uncertain and doubtful nature." He found further that the area proposed to be served by Slade is already served by stations in Cincinnati and other stations located in the State of Ohio, and from clear channel stations located in the central and eastern sections of the United States.

RADIO EMPLOYMENT AGAIN INCREASES

For the third successive month employment in the radio manufacturing plants of the country increased in September, according to the Bureau of Labor Statistics, Department of Labor.

Reports received by the Bureau from 41 radio manufacturers gave their September employment at 31,968, an increase of 23.5 per cent over August and of 96.2 per cent over September of last year. The average weekly payrolls in these plants in September were \$545,086, an increase of 23.5 per cent over August and of 62.6 per cent over September of last year.

RADIO EMPLOYMENT FOR OCTOBER

The index number for October employment in the radio industry was 162.4 compared with 133.6 for September and 79.8 for October last year, taking 1926 at 100, according to the Bureau of Labor Statistics.

Employment October index number was 125.2 compared with 91.2 for September and 62.9 for October, 1932.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Protective Committee, 263-271 West 38th Street Building, New York City (2-388).
- Bondholders' Protective Committee for Hotel St. George, New York City (2-387).
- Commonwealth Bond Corporation Committee, New York City (2-385).
- Cory Mine Company, Ltd., San Francisco, Calif. (2-380).
- A. Gonnella Bakery Corporation, Chicago, Ill. (2-381).
- Hammond, Standish & Company, Detroit, Mich. (2-382).
- Holland System Breweries, Inc., Boston, Mass. (2-383).
- Montgomery Building, Inc., Sparfensburg, S. C. (2-389).
- National Beer & Wine Importers, Inc., New York City (2-386).
- West Virginia Jockey Club, Wierton, W. Va. (2-384).
- Alpha Shares, Inc., Jersey City, N. J. (2-395).
- American Coarse Gold Corporation, Los Angeles, Calif. (2-398).
- American Eagle Gold Mines, Inc., Boise, Idaho (2-397).
- Aztec Silver-Gold Mining Company, Wilmington, Del. (2-391).
- Bremner Gold Mining Company, McCarthy, Alaska (2-396).
- "Carey Trust," Tulsa, Okla. (2-390).
- Froedtert Grain & Malting Company, Inc., Greenfield, Wis. (2-394).

Laclede Power & Light Company, St. Louis, Mo. (2-393).
 Mavis Bottling Company of America, New York City (2-399).
 C. E. Meriweather, J. M. Wilzon, I. Lowenburg, and A. P. Smith, Jr., New Orleans, La. (2-392).
 Cadiz Mining Company, Los Angeles, Calif. (2-404).
 Comstock, Ltd., San Francisco, Calif. (2-405).
 Green Tree Breweries, Inc., St. Louis, Mo. (2-409).
 Hollywood Argyle Corporation, Los Angeles, Calif. (2-403).
 K. Taylor Distilling Company, Frankfort, Ky. (2-408).
 Protective Committee for Villa Theatre, Collingsdale, Pa. (2-406).
 National Associated Dealers, Inc., New York City (2-402).
 Osage Mineral Rights Syndicate, Santa Fe, N. M. (2-400).
 Penn York Distilleries, Inc., Shrewsbury, Pa. (2-407).
 United States Bond & Mortgage Company, New York City (2-401).

MUSIC USERS ORGANIZE TO FIGHT

The fight against the licensing practices of the American Society of Composers, Authors and Publishers went forward on a widened front this week when Oswald F. Schuette called attention of the Department of Justice and the Federal Trade Commission to a resolution adopted by the Music Users' Protective Association of America, a newly formed organization to combat unfair copyright practices.

The text of the resolution adopted at a meeting held in Baltimore, Md., on November 6, is as follows:

WHEREAS, the control of practically all the musical compositions in America has passed from the individual composers to a certain group of individuals who have combined themselves into an organization holding a monopolistic control over practically all musical compositions in the United States, and

WHEREAS, the said group of individuals by virtue of the Copyright Laws of the United States are unregulated as to fees to be charged for the use of said music, and

WHEREAS, by virtue of the said monopolistic control, the said group are now in a position to dictate the terms upon which an industry dependent upon the use of music may continue to exist, which arbitrary power has been continuously exercised to the great detriment of the public, and causing the ranks of the unemployed musician to increase, because of the prohibitive license fees people employing musicians in public places are forced to pay, and

WHEREAS, the said combination of certain groups, unrestricted by law, is gradually extending its sources of revenue, often collecting as many as three separate license fees for the rendering of one musical performance, which by fiction of law has been interpreted as three separate performances under certain circumstances, and

WHEREAS, the said monopolistic combination is ever actively engaged in enacting new laws in their behalf while the American Public has heretofore slept, during such invasion of their rights.

NOW, THEREFORE, BE IT RESOLVED, That the aforementioned grievances together with all data in the possession of, and obtained by, Music Users' Protective Association be forwarded immediately for action thereon to the following authorities: Joseph B. Keenan, Federal Investigator, appointed by United States authorities to investigate commercial racketeering, and the Honorable Simon E. Sobeloff, United States District Attorney for the District of Maryland, for investigation of these practices, as being in restraint of trade and in violation of the Federal Anti-Trust Laws, and to investigate the unauthorized use of the mails to enforce such practices of the aforementioned combination of groups, and that a copy of same be sent to the Federal Trade Commission and to every Senator and Congressman in the United States to act immediately thereon for the protection of the American Public.

DEMANDS INVESTIGATION OF ASCAP

Petitions demanding that Congress investigate the "discriminatory policy" of the American Society of Composers, Authors and Publishers are being circulated by the American Society for the Advancement of Public Music, a civic non-profit organization, of which Charles L. Mullen, Milwaukee, Wis., is general counsel.

Mr. Mullen claims that the "A. S. C. A. P." has abused the copyright law; that the group collects excessive royalties from radio stations, hotels, theaters and dance halls where copyrighted music is played and that the organization completely controls popular music.

HANLEY DEFENDS AMERICAN BROADCASTING

James H. Hanley, in a statement issued this week, concerning the debates in schools and colleges on the subject of radio broadcasting:

"I have received numerous requests from debate masters, teachers and students of literature, on the question of the advisability of the United States Government adopting legislation providing for the regulation and control of radio similar to the system now used in Great Britain," he said.

"Colleges and high schools in twenty-eight states have taken this subject for their debates. It is well they so decided, because impassionate and intelligent debate of vital public questions to develop all the facts—their merits and demerits—before reaching a final determination, is the real backbone of democracy and it affords expression for our people, proud of their independence and free thinking.

"The relative merits of the two systems (American and British) have been discussed sporadically for some time in and out of Congress, but the question will probably come to a head this winter as a result of the enterprise and ingenuity of the National Committee on Radio in Education, representing a group of educators who will appeal to Congress to make a special investigation of radio at home and abroad. It is contended by this Committee that use of radio for education is sorely neglected under the American system and is subordinated to the use of radio for purely commercial purposes. With that general conclusion I am in full accord, although it is my contention that the American system can be changed to meet the demands of the educators without doing violence to its basic principles. It therefore gives me pleasure to make some observations on the relative merits of the two systems.

"First, I want to point out some of the merits and demerits of the American plan, then I will do the same with the British system, and at the outset I want to give you the appraisal of the American system made by Senator C. C. Dill of the State of Washington, co-author of the Radio Act of 1927 and a close student of radio development throughout the world. He said in a book recently published:

"Private initiative, private capital, and most of all, American business methods of popularizing and developing radio have placed radio in this country far ahead of that of any other country in the world.

"A forward looking spirit on the part of most of those engaged in the industry in this country, and a liberal policy by Congress, have brought radio to its present place. Since Marconi's feat of spanning the Atlantic with radio waves most of the great radio inventions, and by far the greatest radio developments, have been produced by American inventors and American business men. Radio as we know it today is truly an American art developed and used in the American way."

"This is certainly a sweeping defense of our American system, although Senator Dill at times in vigorous terms has pointed out defects in our system of control.

"Under our system, service to the listener is the main consideration. Friendly, but spirited, rivalry exists among stations in their efforts to provide interesting programs for listeners. Efforts are made to satisfy the needs and requirements, the whims and fancies, of the various communities and to provide valuable information and high-grade entertainment, thus giving opportunity for expression to every reputable and substantial class or group.

"Our plan tends toward national unity, promotes musical culture and appreciation, banishes provincialism and sectionalism, prevents disintegration of our people into classes, and brings to our people, even in remote sections, the inspiration of religion and other messages of men and women of outstanding achievements and mentality. Our people are cemented by common sources of entertainment, economic interests, ideals, problems and dangers, all of which were in the minds of the members of Congress when they, after long and serious debate, adopted the Federal Radio Act of 1927. That law is the product of an enlightened, alert public opinion. Under it private initiative, private capital, and most of all American business methods of popularizing and developing radio are provided for. It gives to the licensees of radio stations no vested right in the air but preserves that heritage for the benefit of all of the people, to be used in the public interest for the public's convenience, and to meet public necessities, all of which, under our plan, is to be supervised, administered and controlled by the people through the Federal Radio Commission as the agency set up by Congress to represent the people—the listeners. The law has been sustained as constitutional by the Supreme Court of the United States and all other courts having occasion to pass upon its terms and conditions.

"Nation-wide communication by radio is proving to be a valuable asset to the government at this critical time, keeping the people fully and accurately informed concerning economic readjustments being made to restore prosperity. Our dynamic President takes advantage of radio now and then to talk to the 'whole family,' giving our people new hope and inspiration by clarifying many complex questions, as, for example, his thirteen-minute speech regarding the banking situation delivered soon after his inauguration. There the President banished fear from our people regarding their banking institutions and instilled new faith, confidence and respect for our State and Federal governments. Since then he has frequently spoken on other issues with equal effect. The President can, and does, reach in each of his speeches practically the whole nation of over 124,000,000 people with the result that the people have buckled down to hard work with the feeling of confidence that everything will come out all right under the "New Deal." Thus, the citizenry generally are kept better informed than former generations were concerning the functions of our national government and the manifold and complex problems confronting it.

"The Press, about six weeks ago, carried the following item:

"If you have any comments or kicks about radio programs send them along to the Federal Radio Commission. That invitation was extended today by Commissioner James H. Hanley, newest member of the Commission who took office just six months ago. He wants to get listener reaction and "let the people rule radio" by expressing their likes and dislikes.

" "I don't think the people as a whole take enough interest in programs." He said, "I think they should communicate with stations and with the Commission. I would favor a questionnaire at regular intervals to leading citizens, public officials, school teachers, educational societies, clubs and other representative groups to obtain views and information which I am certain would prove most helpful to the Commission."

"Although this notice appeared in practically all of the large daily and weekly papers throughout the country, less than a hundred responses came to the Commission or to myself. Those were from all sections of the country, and less than fifteen had any serious criticism of our system, and the conclusion can well be drawn that the people, generally, throughout the United States are pretty well satisfied with radio reception.

"When the regulation of radio was before our Congress the question of government ownership and control was thoroughly considered. After much deliberation the Congress decided that it would require vast sums to operate a radio system, which would mean an extra tax on our people. Vigorous protests against such a plan by listeners swamped Senators and Representatives.

"Under the British system a tax of approximately \$2.50 per year is placed on all receiving sets. At present there are in use 17,000,000 sets in this country, which if taxed at the same rate would mean the listeners would be forced to pay annually \$42,500,000.00 for use of their radio sets. Now the only expense to the listener is the cost of the set, its installation and upkeep.

"Theoretically the British Postmaster General is the director of British radio. He licenses the British Broadcasting Corporation,

giving it a monopoly of all British broadcasting. The charter provides that the Postmaster General may by notice require the British Broadcasting Corporation to refrain from transmitting any broadcast matter specified, also the charter declares explicitly that the corporation shall transmit any matter which any department of the government may require to be broadcast.

"According to William Hard, the noted American journalist and radio commentator, Sir John Reith, Director General of the British Broadcasting Corporation, is the absolute autocrat of the whole British radio system. Mr. Hard says:

"Sir John wields substantially the centralized omnipotent benevolent radio power, that some progressives among us think ought to be wielded. He should, of course, in accordance with that thought, be a progressive. He is in fact a true blue, conscientious, conservative.

"Sir John has openly denounced the demagogic heresy that in radio the public should be given what it wants. He gives it overwhelmingly, what Sir John himself thinks personally, that it ought to have. He thinks that it ought to have a great many elevating talks. One is impressed by the multitudinousness and magnitudinousness of these talks."

"Governmental broadcasting since it is supported by the state, in Great Britain, according to Mr. Hard, must be careful not to offend the state and must therefore, while it escapes 'commercialization,' embrace 'governmental responsibility, and a censorship' far beyond any control known among us."

"Which recalls that recently the press carried reports to the effect that Lloyd George and Winston Churchill were denied the right to use the facilities of the British Broadcasting Corporation, because Sir John declared they no longer represented important political parties.

"No such discrimination could be practiced here. Minorities are usually accorded the same privileges as majorities and anyone with a worth-while message is accommodated as a rule by our broadcasting stations.

"Evidently speakers who are disposed to take issue with policies advocated by the government are barred from using the British system. Here we have free and full discussion of all public questions—the opposition being quite as vocal as the proponents.

"Here the 600 licensees are individually responsible for the kind of programs broadcast. Instead of one radio czar as in England, we have more than 600 here, with the Federal Radio Commission sitting as a quasi-judicial body to see that the programs rendered are in the public interest.

"The British system cost the taxpayers approximately \$7,000,000.00 to support, obtained through the tax on the 4,470,000 sets in operation.

"There are long periods through the day when no programs are on the air. Here one can obtain radio service day or night to gratify his peculiar whim, fancy or inclination at the time.

"It is our diversity of programs which is one of the chief virtues of the American system, appealing as they do to all elements of our population.

"In a recent report to the U. S. Senate, the Federal Radio Commission outlined several possible plans whereby our broadcasting system could be operated under government control. One plan calls for a system whereby 1000 low-powered stations would be established in the 48 states to take care of the varying areas, population and interests. That plan it is estimated would require an initial cost for installation of \$120,000,000.00 with annual maintenance cost of \$100,000,000.00.

"Another plan would be to provide one or more stations for each state to give programs of interest to the states, and several high-powered stations for national coverage.

"This plan, it is estimated, would require an initial investment of \$50,000,000.00 with an annual maintenance cost of the same amount.

"So it would seem that the best and most economical thing for us to do would be to strengthen the radio structures we have erected through years of toil and experience, eliminating offensive features and strengthening weak spots."

PETTEY, SOUTH CAROLINA COLONEL

Governor I. C. Blackwood of South Carolina appointed Herbert L. Pettey, secretary of the Federal Radio Commission, as a colonel on his staff.

SPECIAL RMA TELEVISION COMMITTEE APPOINTED

A special RMA engineering committee to confer with the Federal Radio Commission on future broadcast facilities for television facsimile and other special services was appointed November 8 at Chicago by the RMA Board of Directors. Walter E. Holland of Philadelphia, former Director of Engineering of the RMA, is chairman of the special committee. Other members are J. A. Chambers of Cincinnati, chairman of the engineering committee for the National Association of Broadcasters; Ray H. Manson of Rochester, N. Y., former Engineering Director of the RMA; and Dr. W. R. G. Baker of Camden, N. J.

The special committee of engineers will confer with Dr. C. B. Jolliffe, Chief Engineer, and other experts of the Federal Radio Commission, regarding the future broadcast frequencies to be assigned in developing visual broadcasting. The engineers committee was chosen on recommendation of the special RMA committee of executives, headed by Mr. E. T. Cunningham of New York, and including Mr. Powel Crosley of Cincinnati, Mr. W. Roy McCanne of Rochester, and Mr. James M. Skinner of Philadelphia. The matter of frequency assignments and other special services is regarded as a special problem for engineers in its present status.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, November 20, 1933

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time, except Sundays (facilities of WPHR). Present assignment, 1210 kc., 100 watts, unlimited time, except Sundays.

WPHR—WLBG, Inc., Petersburg, Va.—Renewal of license, 1200 kc., 100 watts, 250 watts, LS, unlimited time.

Wednesday, November 22, 1933

Hearings Before Commission en banc

WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—C. P., 820 kc., 50 KW, unlimited time. Present assignment, 820 kc., 25 KW, unlimited time.

KNX—Western Broadcast Co., Los Angeles, Calif.—Modification of license, 1050 kc., 50 KW, unlimited time. Present assignment, 1050 kc., 25 KW, unlimited time.

WBT—Station WBT, Inc., Charlotte, N. C.—Modification of license, 1080 kc., 50 KW, unlimited time. Present assignment, 1080 kc., 25 KW, unlimited time.

APPLICATIONS GRANTED

KFPM—Dave Ablowich, d/b as The New Furniture Co., Greenville, Tex.—Granted unlimited time privileges on days the Greenville High School football team plays, to December 1, 1933.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Granted special temporary authorization to operate from 1 to 3 p. m., EST, on Thursday, November 30, provided WOSU remains silent.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authorization to operate from 5:15 to 3:30 p. m., EST, on Sundays during remainder of the months of November and December, provided WSMK remains silent.

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Granted special temporary authorization to operate from 7:15 to 7:30 p. m., EST, on Sundays during the remainder of month of November and the month of December, provided Station KQV remains silent.

WJBW—Chas. C. Carlson, New Orleans, La.—Granted license covering move of transmitter and studio locally; 1200 kc., 100 watts, shares equally with WBBX.

WFIW—WFIW, Inc., Louisville, Ky.—Granted modification of C. P. approving exact location of transmitter at 4th and Broadway, Brown Hotel, Louisville; studio at same location.

WBBX—Samuel D. Reeks, New Orleans, La.—Granted extension of special authority to remain silent from November 15 to December 1, 1933.

WMBH—W. M. Robertson, Joplin, Mo.—Granted modification of special temporary authority to operate from 2:30 to 6 p. m., CST, on November 17 and 30, 1933, instead of from 3 to 6 p. m., as authorized on September 29th, due to change in football schedule.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authorization to operate from 8:15 to 9:30 p. m., EST, on Monday evenings on November 20 and 27; December 4, 11 and 18, 1933.

SET FOR HEARING

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—C. P. to change frequency from 1210 kc. to 1330 kc., increase power from 100 watts to 1 KW, install new equipment, and move transmitter locally.

APPLICATIONS DENIED

WJJD—WJJD, Inc., Mooseheart, Ill.—Denied request for special temporary authorization to operate each evening until 8:30 p. m., in accordance with consent of KSL, the dominant station on that frequency.

WJBW—Charles C. Carlson, New Orleans, La.—Denied authority to operate unlimited time on frequency of 1200 kc. pending decision on application requesting unlimited time.

MISCELLANEOUS

KWEA—Hello World Broadcasting Corp., Shreveport, La.—Application for consent to voluntary assignment of license to International Broadcasting Corp. designated for hearing because of protest filed November 6, 1933, by Ark-La-Tex Radio Corp., Shreveport. Pending hearing the International Broadcasting Corp. is permitted to continue the operation of Station KWEA in accordance with original grant made October 31, 1933, pursuant to Rule 46.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Denied petition to consolidate hearing on protest of KECA against granting of application of KFAC for increased hours of operation scheduled for hearing December 5, 1933, and application of Earle C. Anthony, Inc., for increase in daytime power from 1,000 watts to 2,500 watts.

The Commission, sitting en banc, will hear oral arguments on December 13, 1933, beginning at 10 a. m., in re Examiner's Report No. 512, in which the Examiner recommended that Don Lee Broadcasting System be permitted to erect a new radio broadcasting

station at Redlands, Calif., to operate on **780 kc.**, 500 watts, unlimited time, the facilities in terms of units of stations KTM and KELW.

Attorneys for interested parties will be granted 30 minutes each for argument.

APPLICATIONS DISMISSED

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

WFBR—Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license to increase power to 1 KW.

WNAX—House of Gurney, Inc., Yankton, S. Dak.—Modification of license to use old transmitter as main transmitter at night.

WDBO—Orlando Broadcasting Co., Orlando, Fla.—Modification of license to increase power to 1 KW (facilities of WRUF).

The following application, heretofore set for hearing, was denied because of applicants' failure to enter their appearance within the time allowed:

WPFB—W. E., F. E., and P. L. Barclift, Hattiesburg Broadcasting Co., Hattiesburg, Miss.—C. P. to move to Tuscaloosa, Ala.

CALL LETTERS CHANGED DURING WEEK OF NOVEMBER 6

WAVE—WFIW, Inc., Hopkinsville, Ky.—Call letters WFIW changed to WAVE.

APPLICATIONS RECEIVED

First Zone

WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Renewal of special experimental authorization to synchronize with WJZ on **760 kc.** when WTIC is operating on **1060 kc.** using $2\frac{1}{2}$ KW.

NEW—American-Republican, Inc., Waterbury, Conn.—Special experimental authorization to construct a new station to use **1520 kc.**, 1 KW power, unlimited time.

WOL—American Broadcasting Co., Washington, D. C.—License to cover construction permit granted 8-22-33 for changes in equipment. Resubmitted corrections made.

Second Zone

NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—Construction permit for new station, exact location to be determined, **620 kc.**, 250 watts, daytime.

NEW—Walter B. Stiles, Inc., Muskegon, Mich.—Construction permit for new station to use **1310 kc.**, 100 watts, unlimited time.

WSAJ—Grove City College, Grove City, Pa.—Modification of license to reduce specified hours of operation to omit 5 to 6 p. m. one day each week.

WRAW—Reading Broadcasting Co., Reading, Pa.—Modification of license to change hours from share WGAL to unlimited time (if and when application of WGAL to vacate **1310 kc.** frequency is granted).

WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of license to increase operating power of auxiliary transmitter from 100 watts to 500 watts.

Third Zone

WNRA—Kathryn Jones, Muscle Shoals City, Ala.—License to cover construction permit granted 6-2-33 and modification for new station to use **1420 kc.**, 100 watts, daytime.

NEW—William F. Chaplin, Pine Bluff, Ark.—Construction permit for new station, exact location to be determined, to use **1500 kc.**, 100 watts, daytime.

Fourth Zone

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to move transmitter locally.

KGBZ—Dr. George R. Miller, York, Nebr.—Special experimental authorization to use 1 KW power between 5 a. m. and 6 a. m. daily, except Sundays, from 11-15-33 to 3-31-34.

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—License to cover construction permit granted 10-21-32 (move station from Joliet, Ill., change frequency and hours to **1500 kc.**, specified hours).

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Modification of license for authority to use formerly licensed WE 1 KW transmitter as auxiliary transmitter.

Fifth Zone

NEW—The Wyoming Broadcasting Co. (R. E. Carroll, Owner), Sheridan, Wyo.—Construction permit for new station to use **1370 kc.**, 100 watts, specified hours. Amended to change name of applicant to Big Horn Broadcasting Co., change equipment, and to request unlimited hours.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit to change transmitter site locally, new equipment, and increase power from 1 KW to 1 KW night, $2\frac{1}{2}$ KW to local sunset. Resubmitted corrections made and requesting facilities KXA, Seattle, Wash.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Construction permit to move transmitter and studio to Cheyenne, Wyo., change frequency, power, and hours from **880 kc.**, 500 watts night, 1 KW to local sunset, share KPOF, to **780 kc.**, 1 KW, unlimited time.

APPLICATIONS RETURNED

NEW—J. S. Groves, Dallas, Tex.—Construction permit for new station to use **940 kc.**, 250 watts, unlimited time. (Request of applicant.)

NEW—James Williams, Brookhaven, Miss.—Construction permit for new station to use **1400 kc.**, $2\frac{1}{2}$ watts, limited time and daytime. (Rules 6, 120, hours, transmitter site, and jurat.)

NEW—James A. and R. W. Britton, Juneau, Alaska—Construction permit for new station to use **1210 kc.**, 100 watts, day. (No reply to letters.)

KFKA—The Mid-Western Radio Corp.—Greeley, Colo.—Construction permit to move outside city limits of Greeley. (No reply to letters.)

WSMB—WSMB, Inc., New Orleans, La.—License to cover construction permit granted 10-20-33. (Discrepancies in transmitter location.)

NEW—J. H. Squires, A. E. Cullum, Jr., Dallas, Tex.—Construction permit for new station to use **1200 kc.**, 100 watts, daytime, facilities KGKL, San Angelo, Tex. (Rules 5 and 49.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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AWAITING APPROVAL OF RADIO CODE

As this issue of NAB REPORTS goes to press President Roosevelt has before him for signature at Warm Springs, Ga., the code of fair competition for the broadcasting industry. A special bulletin has been prepared and will be mailed just as soon as word of approval is received.

DEBATE HANDBOOK SOON READY

"Broadcasting in the United States," a 200-page book presenting arguments in support of the system of broadcasting in the United States, will be available for distribution within a week.

The book is being published by the NAB in order to meet thousands of requests from debaters and debate coaches for material for use in connection with the debate on the question of whether the United States should adopt the British system of operation and control of broadcast facilities. The debate question was decided upon by the National University Extension Association, and many thousands of debates will be held during the winter months. Demands for material in support of the affirmative side soon depleted the NAB supply and the book now on the press is being published to meet new requests. The book will be distributed free to debaters and debate coaches upon request.

CODE ADMINISTRATION EXPLAINED

General Johnson, in a statement made this week with regard to Code Administration, said:

"After a code has been approved, there remains the problem of Code Administration. The responsibility to see that codes are administered and the public protected lies with the Administrator, but the aim of the NRA is to give to the Code Authorities the widest possible range of self-government subject to the ultimate responsibility of the Administrator."

Practically all codes, he said, "provide that the Code Authority thereof is to administer the code," and "it is the duty of the Deputy Administrator for that code to see that:

- a. Administrative provisions appropriate to the particular industry are included in each code.
- b. That the Code Authority is organized in such a way that it may promptly and efficiently administer the code.
- c. That the Code Authority does efficiently administer the code.
- d. That the Government moves promptly to administer the code where the Code Authority is unable to administer the code, or is abusing its authority."

General Johnson said "there are two aspects to Code Administration: one, Planning and Progress, and two, Compliance. It is fundamental," he declared, "within both the letter and intent of NIRA, that as much as is possible and appropriate of both aspects of Code Administration be effected by industry itself. This should be done through its Code Authority. A trade association may be, or may select, or may be used by a Code Authority, as provided in the code. It is the policy of NRA to build up and strengthen trade associations throughout all commerce and industry.

"It is equally fundamental, within both the letter and intent of NIRA, that the ultimate responsibility for efficient Code Administration lies with NRA. NRA will supervise Code Administration by Code Authorities. In addition it will directly administer the code itself, where an industry is unable to administer it, fails to administer it, or where there are certain functions of Code Administration which by their nature Government should perform directly.

"In an industry sufficiently organized to have agreed upon a code of fair competition, there usually will be no need for Government administration in the 'Planning and Progress' field. These functions industry is already performing for itself.

"But the field of administration for Compliance is an entirely new one. No industries were organized with this function in view. Until an authorized Code Authority is actually set up and functioning within an industry, NRA will have to perform such functions, but it is the policy to pass them on to Code Authorities as rapidly as they qualify to receive them."

In order to assist and advise both Deputy Administrators and existing Code Authorities on organization and procedure for compliance, a special Code Authority Organization Committee has been appointed in NRA. General Johnson has announced the appointment of Colonel Robert W. Lea, Assistant Administrator, as chairman of this new committee.

COPELAND BILL HEARINGS DECEMBER 7

Hearings on the Copeland Bill, proposing a revision of the Food and Drugs Act, are scheduled to begin on December 7 before the Senate Committee. Some 250 applications for opportunity to be heard have already been received. The bill is being sponsored by the Department of Agriculture and was drafted in large part by Assistant Secretary of Agriculture Tugwell.

The position of the NAB with respect to the measure is set forth in a resolution unanimously adopted at the White Sulphur Springs convention and which reads as follows:

"RESOLVED, That while the National Association of Broadcasters is eager to cooperate in protecting the public against exploitation through untruth or unscrupulous advertising, it believes that any legislation for this purpose must be reasonable and precise in definition, uniform in administration, and fair in application, and therefore this Association must record itself as definitely opposed to the enactment, unless on the basis of many and far-reaching changes therein, of the bills to re-write the Pure Food and Drug Law now pending in both Houses of the Federal Congress."

C. C. I. R. MEETINGS TO BEGIN SOON

Preparation for the third meeting of the C. C. I. R. (International Technical Consulting Committee on Radio Communications) at Lisbon in September, 1934, will probably begin shortly after the first of the year. The Federal Radio Commission will act as the coordinating agency in determining the United States policies, securing information from various interested agencies. The National Association of Broadcasters will assist in compiling data on problems concerning the broadcasting industry.

A number of subjects of much importance to the broadcasting industry will receive attention at the forthcoming meetings. Among them are studies of wave propagation curves, single-side band transmission, anti-fading antennas, directional antennas, frequency separation of broadcasting channels, synchronization of broadcasting transmitters, frequency allocations to various radio services, and methods of measurement of field intensities and noise.

The C. C. I. R. acts in an advisory capacity to the international radio conferences which are held at five-year intervals. The next conference will be held at Cairo in 1937.

STATION DEPRECIATION RATES STUDIED

E. M. Elkin, KDKA, Pittsburgh, Pa., chairman of the NAB Tax Committee, and Managing Director Loucks this week conferred with officials of the Internal Revenue Bureau, upon invitation of the latter, on the subject of depreciation rates of broadcast-

ing station equipment for income-tax purposes. It was decided that the Bureau would address a communication to the NAB requesting its cooperation in supplying factual information upon which the Bureau will promulgate an official bulletin setting forth the rates of depreciation which will be allowed for income-tax purposes. Upon receipt of the communication the NAB will call a meeting of all interested parties for the purpose of formulating a report to the Bureau.

REMAILING OF "AUDIENCE" OR "FAN MAIL"

During the past several weeks the NAB has received many inquiries with respect to the remailing of audience or fan mail. For this reason there is reproduced in this bulletin the announcement made on June 21, 1933, by Third Assistant Postmaster General Eilenberger following a series of conferences with the NAB:

"'Audience' or 'fan' mail, prepaid at the first-class rate of postage when originally sent to broadcasting stations may thereafter, if it has not been opened, be remailed to other points in bulk at the third- or fourth-class rate of postage, according to the weight of the packages, whether remailed to the headquarters or other stations of the radio-broadcasting systems, or to advertising agencies, or the sponsors or advertisers, irrespective of whether the letters are to be opened finally by the persons or concerns to whom they are so remailed in bulk.

"The same applies to letters prepaid at the first-class rate originally sent to feature writers in care of newspapers and remailed unopened in bulk by the latter to the addressees or their agents.

"If the letters should be opened and then offered for remailing in bulk they would be subject to postage at the first-class rate.

"It appears that some postmasters are accepting for remailing or forwarding, without requiring any additional postage, letters addressed to feature writers in care of the newspapers carrying their articles, when presented with the correct address of the feature writer endorsed on the individual letters. As such letters are addressed in care of the newspapers at the instance of the feature writers or the newspapers themselves, and there is no actual change of address of the addressee, the letters may not be remailed or forwarded without additional charge but are subject to postage anew at the first-class rate unless put up in bulk packages and mailed at the third- or fourth-class rate under the conditions set forth above.

KFAB CASE BEFORE THE SUPREME COURT

The Supreme Court of the United States has been asked to review the decision of the Supreme Court of Nebraska holding that a radio station is liable for defamatory remarks uttered in a political speech delivered over the station. The decision of the Nebraska court was rendered in the case brought by C. A. Sorensen against the KFAB Broadcasting Company, Lincoln, Nebr. It involves the construction of Section 18 of the Radio Act of 1927.

Following the decision of the Nebraska court, the NAB, through arrangement with the Lincoln station, retained counsel to secure a Supreme Court review of the important question involved in the case. It is expected that the Supreme Court will rule upon the petition for review within the next few weeks.

BUSINESS INDEX REPORTS LAGGING

The NAB Business Index, established last June, has won wide commendation from advertisers, advertising agencies, publications, stations, and governmental agencies.

Words of praise for this new NAB feature were added recently by Senator C. C. Dill of Washington, chairman of the Senate Interstate Commerce Committee, and by Paul West, managing director, Association of National Advertisers.

The compilation and analysis of the data supplied by stations requested to cooperate represents considerable time and expense at NAB headquarters. A small number of stations have been negligent in sending in returns for the month of October. This has made the work doubly difficult. If this important service is to be continued, stations must respond more promptly to the requests for information. It is planned to increase the number of reporting stations after the first of the new year.

SECTION PROCEEDINGS NOS. 31 AND 32

Many members of the NAB have been writing to headquarters requesting copies of No. 31 and No. 32 of the NAB REPORTS, which they state are missing from their files. For the information of all members attention is called to the fact that the proceedings of the

Commercial Section (Grand Rapids, Mich., June 27, 1933) were printed as No. 31 of the NAB REPORTS; and the proceedings of the Engineering Section (Chicago, June 26, 1933) were printed as No. 32 of the NAB REPORTS. These proceedings, it will be noticed, are punched to fit the binders and are paged in proper sequence. However, they do not bear the numbers 31 and 32 due to the fact that they were printed separately. They were mailed to all members slightly in advance of the regular order. It is suggested that those who keep a file of the NAB REPORTS write in No. 31 on the Commercial Proceedings and No. 32 on the Engineering Proceedings, and insert them in the proper place in the binders.

COMMISSION ADOPTS EMERGENCY REGULATIONS

As the outcome of a resolution submitted by Commissioner Harold A. Lafount on September 15, 1933, the Federal Radio Commission today adopted a recommendation made by the Engineering Division to expedite radio communication during catastrophes brought on by winds, floods, earthquakes, fires, etc.

The plan, as approved by the Commission, provides that local emergency committees be encouraged to organize and coordinate all forms of existing communication agencies to provide emergency communication and make full use of the provision of new Rule 23. That rule provides:

"The licensee of any radio transmitting station may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating with points other than those specified in the station license, provided (1) that at the beginning of such emergency use immediate notice be sent to the Federal Radio Commission and the inspector in charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put; and (2) that the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and the Commission and inspector in charge be notified immediately when such special use of the station is terminated. The Commission may at any time order the discontinuance of such service."

Where it is shown that a local emergency communication network is needed, the agency desiring to operate the network may request facilities in accordance with Rules 325 and 339 to 342, inclusive.

Rule 340 was amended to read as follows:

"Special emergency stations may be used only in an emergency when all forms of wire communication fail; except, however, they may also be used for testing purposes not to exceed two hours per week provided that, before the station is used for testing, it shall be ascertained that the frequency is clear and that no interference will result to other services."

Rule 341, which sets aside frequency 3190 kilocycles for use by special emergency stations, was amended to read as follows:

"The following frequencies are allocated for use by special emergency stations, and may be used only with the type of emission indicated:

2724 kc. }	Type A-3 emission only
2726 kc. }	
2728 kc. }	
3190 kc. }	Type A-1 emission only."

Rule 343 was deleted. It provided that emissions from special emergency stations shall be Type A-1 only.

Action by the Commission followed a conference of Government communication agencies, and other interested organizations, during which the matter was fully discussed and a divergence of opinion was crystallized, although the conference made no recommendations.

The conference was called by Dr. C. B. Jolliffe, Chief Engineer of the Federal Radio Commission. Attending the conference were representatives of the War and Navy Departments, American Red Cross, Aeronautical Radio Inc., National Association of Broadcasters, Treasury Department, Mackay Radio & Telegraph Company, American Telephone and Telegraph Company, RCA Communications, Inc., Airways Division, Department of Commerce, American Radio Relay League, and the U. S. Coast Guard.

WNBW DENIED RENEWAL LICENSE

Examiner George H. Hill was sustained by the Radio Commission this week in his Report No. 503 in which he recommended that the renewal of the license of broadcasting Station WNBW, Carbon-dale, Pa., be denied and also recommended the denial of the appli-

cation of G. F. Schiessler and M. E. Stephens, doing business as the Home Cut Glass & China Company, for involuntary assignment of the station's license. The Commission found that the applicants in both cases involved failed to show qualifications or ability "affording any promise or assurance for the reestablishment and operation of Station WNBW in such manner as to serve the public interest."

F. R. C. DENIES WBCM POWER INCREASE

The Radio Commission on Friday upheld Examiner Ralph L. Walker in his Report No. 514 by denying the application of Station WBCM, Bay City, Mich., power increase from 500 to 1,000 watts. It was found by the Commission that the proposed power increase would result in objectionable interference with other stations, and that there is no real need for the operation of the station with 1,000 watts even temporarily to study conditions because interference would result.

EXAMINER AGAINST KOIN POWER BOOST

Application was made to the Federal Radio Commission by Station KOIN, Portland, Ore., asking that its daytime operating power be increased from 1,000 to 2,500 watts. In Report No. 523 this week Ralph L. Walker (e), recommends that the application be denied.

The Examiner points out in his report that while the increase could be made without any objectionable interference with any existing station, both the State of Oregon and the Fifth Zone, in which the station is located, are over quota.

He further states that the city of Portland, with less than one-third of the total population of the State, is now assigned eight-tenths of the State's broadcasting facilities and "it would appear, therefore, that if additional facilities are to be assigned the State of Oregon, they should not be placed in Portland."

SUIT OVER KGIZ TRANSFER

Craig Siegfried and Max A. Kramer this week filed suit for an injunction against the Federal Radio Commission in the Supreme Court of the District of Columbia. It appears from the record that Station KGIZ, Grant City, Mo., applied to the Commission for voluntary assignment of its license to KGBX, Inc., Springfield, Mo., which was granted by the Commission. The applicants for the injunction protested the grant and the Commission set the case for argument before an Examiner, who recommended that the original action of the Commission be approved. The applicants are now trying to enjoin the Commission from deciding the case in accordance with the recommendations of the Examiner.

OPPOSES NEW CHEYENNE STATION

The Wyoming Broadcasting Company made application to the Federal Radio Commission for a construction permit for the erection of a new station at Cheyenne, Wyo., to use 780 kilocycles, full time, and 500 watts night and 1,000 watts daytime. In Report No. 524 this week George H. Hill (e), recommended that the application be denied. It was found by the Examiner that the legal and financial qualifications of the applicant are unsatisfactory. He found also that Cheyenne now receives fair radio service and that the granting of the application would possibly cause interference with existing stations.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Appleton Building Company, Milwaukee, Wis. (2-418)
- Brown-Forman Distillery Company, Louisville, Ky. (2-419)
- Burda Holding Corporation, New York City. (2-410)
- Dorval-Siscoe Gold Mines, Ltd., Toronto, Canada. (2-411)
- Dorval-Siscoe Gold Syndicate, Ltd., Toronto, Canada. (2-413)
- Gold Producers, Inc., Salt Lake City, Utah. (2-416)
- Mathieson Auto Boat Corporation, Highland Park, Mich. (2-414)
- Peterson Lumber Corporation, Pineville, Ky. (2-417)
- Reclamation District No. 1600, San Francisco, Calif. (2-415)
- Ste. Pierre Smirnoff Fils., Inc., New York City. (2-412)
- Brewery Development & Management Company, Boston, Mass. (2-423)
- Conar Gold & Silver Mining Company, San Francisco, Calif. (2-421)

- Eagle Mountain Mining Company, Goldfield, Nev. (2-429)
- Equity Fund, Inc., Seattle, Wash. (2-426)
- Greenbaum Sons Investment Co. and Percy Cowan, Chicago, Ill. (2-425)
- Gulf Beach Hotel, Inc., Panama City, Fla. (2-428)
- Metals Equities, Inc., Jersey City, N. J. (2-427)
- National Multiweaving Company, Washington, D. C. (2-420)
- Rahn Brewing Company, Inc., Tamaque, Pa. (2-422)
- Wyoming Petroleum Corporation, Las Vegas, Nev. (2-424)
- Alaska Pacific Salmon Company, Seattle, Wash. (2-435)
- Buffalo Mount Vernon Development Company, Buffalo, N. Y. (2-434)
- Commonwealth Bond Corporation Committee, New York City. (2-440)
- Corporate Securities Fund, Inc., Jersey City, N. J. (2-445)
- Estate Managers General Fund, Inc., Jersey City, N. J. (2-431)
- Hammond, Standish & Company, Detroit, Mich. (2-430)
- Hammond Distilleries, Inc., Hammond, Ind. (2-436)
- Insurance Exchange Building Company, San Francisco, Calif. (2-444)
- Kilmar Realty Company, Milwaukee, Wis. (2-438)
- Kilmar Realty Company, Milwaukee, Wis. (2-439)
- Pacific Empire Corporation, San Francisco, Calif. (2-442)
- Rozwick Corporation, Miami, Fla. (2-443)
- Unity Gold Corporation, St. Paul, Minn. (2-441)
- Venezuela Speculations, Inc., New York City. (2-432)
- Yuma Gold Fields, Inc., New York City. (2-433)
- Zeloid Products Corporation, Holyoke, Mass. (2-437)

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, November 27, 1933

NEW—Thomas R. McTammany and Wm. H. Bates, Jr., Modesto, Calif.—C. P., 740 kc., 250 watts, daytime.

Wednesday, November 29, 1933

Oral Argument Before Commission en banc

NEW—Juan Piza, San Juan, P. R.—C. P., 1290 kc., 500 watts, unlimited time.

APPLICATIONS GRANTED

- KBTM—W. J. Beard (Beard's Temple of Music), Paragould, Ark.—Granted C. P. to move transmitter to near Jonesboro, Ark., and studio to Jonesboro; also granted authority to install automatic frequency control at new location.
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted license covering increase in power from 5 KW to 25 KW, installing new equipment, changing hours from sharing equally with WAPI to simultaneous day and sharing night with WAPI; 1140 kc.
- WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special authorization for 90 days to use 1 KW night, 2½ KW day, using directional antenna experimentally.
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted extension to March 1, 1934, of special experimental authorization to operate on 1280 kc. with 500 watts, unlimited. (Normally licensed 1200 kc., 100 watts, unlimited.)
- WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted authority to remain silent on Thanksgiving Day, November 30, to give employees a holiday.
- WMBH—W. M. Robertson, Joplin, Mo.—Granted modification of special temporary authorization to operate from 3 to 6 p. m., CST, on November 23, instead of same hours on November 24, as granted on October 10. Also granted temporary authority to operate from 9:30 to 10:30 p. m., CST, on December 8, 1933, and to operate from 2:30 to 3:30 p. m., CST, on December 3, 10, 17, 24, and 31, 1933.
- WGCM—Grace Jones Stewart, d/b Great Southern Land Co., Mississippi City, Miss.—Granted special temporary authorization to operate from 2 to 4:30 p. m., CST, on November 30, 1933, and from 9:30 to 9:45 a. m., CST, on December 31, 1933.
- WSOC—WSOC, Inc., Charlotte, N. C.—Granted license covering move of station from Gastonia to Charlotte, N. C., and making changes in equipment; 1210 kc., 100 watts, unlimited.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of license extending commencement date to January 16, 1934, and completion date to June 16, 1934.

WSB—The Atlanta Journal Co., Atlanta, Ga.—Granted license for authority to use former main transmitter at its present location as an auxiliary; maximum rated power 5 KW.

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Granted C. P. to move station from Iroquois Hotel to Altamont Hotel, Tupper Lake.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authorization to operate from 9 p. m. to midnight, CST, on November 28, 1933.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authorization to operate from 10 p. m. to 1 a. m., CST, December 8, 1933.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authorization to operate from 10:30 to 11:30 a. m. and from 5 to 5:30 p. m., Thursday, November 30.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Granted renewal of license on temporary basis and designated application for hearing.

WCLS—WCLS, Inc., Joliet, Ill.—Granted modification of license to change specified hours to as follows: Monday, Tuesday, Wednesday, and Thursday, 9:30 a. m. to 1 p. m., 5 to 8 p. m.; Friday, 9:30 a. m. to 1 p. m., 5 to 10:30 p. m.; Saturday, 9:30 a. m. to 2 p. m., 5 to 8:30 p. m.; Sunday, 9 a. m. to 2 p. m., 5 to 8:30 p. m.

APPLICATION RECONSIDERED

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Reconsidered action of August 29, 1933, designating application for renewal of license for hearing; withdrew application from hearing docket and granted same and authorized issuance of regular license, expiring March 1, 1934. Application set for hearing because State Investment Co., of Chicago, applied for facilities of WIND. State Investment Co. defaulted application on November 10, 1933, having failed to file an appearance.

MISCELLANEOUS

NEW—Vegas Broadcasting Co., Las Vegas, Nev.—C. P. for new station, 1420 kc., 100 watts, daytime (facilities of KGIX). Application heretofore set for hearing was denied because applicants failed to enter appearance.

KGIX—Vegas Broadcasting Co., Las Vegas, Nev.—Application for involuntary assignment of license heretofore set for hearing was denied because applicants failed to enter appearance.

WCBS—WCBS, Inc., Springfield, Ill.—Granted C. P. to move transmitter locally in Springfield.

SET FOR HEARING

NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, "Christian & Whiston, Norco, Calif.—C. P. for new station, 1280 kc., 500 watts, unlimited time.

NEW—Voice of Southwestern Pennsylvania, Inc., Silver Haven, Pa.—C. P. for new station, 800 kc., 1 KW, limited hours of operation—sunset, Dallas (facilities of WNBO).

APPLICATIONS RECEIVED

First Zone

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Construction permit to move transmitter and studio from Iroquois Hotel, 126 Park St., to 41-43 Park St., Tupper Lake, N. Y.

NEW—Anna Unger, Brooklyn, N. Y.—Construction permit to erect a new station to be operated on 1400 kc., 500 watts, sharing time with WVFW, WBBC, and WLTH (facilities of WARD, Brooklyn, N. Y.).

Second Zone

WJBK—John F. Hopkins, Inc., Detroit, Mich.—Special experimental authorization to operate unlimited time to end of license period (1-1-34).

Third Zone

WSMB—WSMB, Inc., New Orleans, La.—License to cover construction permit granted 10-20-33 authorizing move of transmitter.

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit to extend required date of completion from 11-19-33 to 2-19-34.

WODX—W. G. Austin and W. O. Pape, Receivers, Mobile, Ala.—Consent to involuntary assignment of license of WODX from Mobile Broadcasting Corp. to W. G. Austin and W. O. Pape, Receivers.

Fourth Zone

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to make a change in the specified hours of operation.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction permit to change frequency to 1360 kc., increasing power to 1 KW and make changes in equipment (facilities of WGES) amended to request authority to move transmitter to a location to be determined.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Construction permit to consolidate Stations WIAS and KWCR, transmitter location to be determined, install new equipment, change frequency from 1420 kc. to 1430 kc., increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day, unlimited time.

WBAA—Purdue University, West Lafayette, Ind.—Modification of license to request additional specified hours and use 1 KW during specified hours in daytime (facilities of WKBF, Indianapolis, Ind.).

Fifth Zone

KUJ—KUJ, Inc., Walla Walla, Wash.—Extension of special experimental authorization to operate unlimited time to 7-1-34.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Authority to install automatic frequency control.

KWFV—Hilo Broadcasting Co., Ltd., Hilo, Hawaii—Modification of construction permit granted 6-30-33 to erect a new station, to change proposed transmitter and studio location from Haili Tract, Hilo, Hawaii, to Lot 6, Keaukaha St., South Hilo, Waiakea, T. H., install new equipment, and extend commencement and completion dates.

APPLICATIONS RETURNED

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of license to change frequency from 1370 kc. to 1230 kc., increase nighttime power from 100 watts to 250 watts, and change from sharing with KGFG to unlimited. (Filed on wrong application form.)

NEW—Floydada High School, Floydada, Tex.—Construction permit to erect a new station to be operated on 960 kc., 15 watts, daytime and limited. (Rules 121, 122, 6, 151, unsatisfactory equipment and location.)

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit granted 6-9-33 authorizing changes in equipment to make further changes in equipment and extend dates. (Incomplete and equipment.)

WWAE—Hammond Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change equipment, change frequency from 1200 to 1050 kc., increase power from 100 watts to 1 kilowatt, and hours of operation from shares with WFAM to unlimited. (Rules 6, 116, and transmitter site.)

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Construction permit to move transmitter and studio to 143 West Second St., Twin Falls, Idaho. (Filed on wrong form and undated.)

RULE 88 AMENDED

Rule 88 was amended by adding the following:
"and provided further that no daytime station or specified-hour station may broadcast any commercial or sponsored program during this period."

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

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THE CODE—A CHALLENGE

The purpose of the Broadcasters' Code is to aid in eliminating from the Broadcasting Industry destructive and unfair practices, to bring about higher wages, shorter working hours, better living conditions for employees, to place the industry upon a sounder basis and to enable it better to render a public service.

When President Roosevelt signed the National Industrial Recovery Act on June 16 he characterized the new law as "a challenge" to industry which, he said, has long sought the right to self regulation.

Always mindful of their obligation to the public, broadcasters willingly and generously extended their facilities in order that the American people might be fully informed of the progress of the President's recovery program. They have cooperated with the National Recovery Administration by reducing hours of work and by increasing wages in keeping with the spirit of the President's reemployment campaign. And now, by adopting the Code of Fair Competition for the Broadcasting Industry, approved today by President Roosevelt, they give further testimony of their complete support of the recovery program.

The Broadcasting Industry accepts the "challenge."

BROADCASTERS' CODE APPROVED

President Roosevelt on November 27 approved the Code of Fair Competition for the Broadcasting Industry and its provisions become applicable to every broadcasting station in the United States on December 11.

The signing of the Broadcasters' Code took place at Warm Springs, Ga., during the week-end visit there of General Hugh S. Johnson, National Recovery Administrator.

Official prints of the text of the Code will be available for distribution within the next few days. These will be punched for insertion in the NAB Handbook.

CODE AUTHORITY APPOINTED

At the time the President signed the Code, he appointed as members of the Broadcasters' Code Authority the following:

James W. Baldwin, former Secretary of the Federal Radio Commission; Isaac Z. Buckwalter, WGAL, Lancaster, Pa.; John Elmer, WCBM, Baltimore, Md.; James Kiernan, WLWL, New York, N. Y.; Alfred J. McCosker, WOR, Newark, N. J.; Edward M. Nockels, Secretary of the Chicago Federation of Labor; M. R. Runyon, Treasurer of the Columbia Broadcasting System; Frank M. Russell, Vice President of the National Broadcasting Company; John Shepard, III, President of the Yankee Network.

The Code provides that there shall be named three representatives of the Government in addition to the Code Authority. It is expected that these representatives will be named within the next few days.

The first meeting of the Code Authority will be held on Monday, December 4, at Washington, D. C.

A complete analysis of the wage and hours provisions of the Code as approved precedes a copy of the President's Executive Order in this report.

MAY ADOPT PERMANENT CODE

Under the rules of the NRA all stations (subject to the provisions of Article V, Paragraph 5) may immediately adopt the provisions

of the Broadcasters' Code. The entire industry, however, will be under the Code effective December 11.

Each provision in the Code has the full effect of law and violations are subject to the penalties contained in the National Industrial Recovery Act.

PROPOSED CODE IS REVISED

The Code of Fair Competition proposed by the NAB on August 29, copies of which were sent to all broadcasters, was subjected to extensive revision before it was given Presidential approval. While a number of these were insisted upon by the various divisions of the NRA, the most important resulted from objections by labor groups interposed at the public hearing held in Washington on September 27. Following the hearing conferences were held almost daily between representatives of the NRA, labor, and the NAB. Each provision in the Code, as finally revised, was the subject of extensive discussion, and in many instances the final wording was either the result of compromise or decision by the NRA after objection by one or the other of the groups participating in the conferences.

SEVERAL ISSUES UNSETTLED

Several important issues could not be decided and for that reason provisional clauses were inserted in the Code. It was held that the NAB, although it represented 283 stations and 83 per cent of the total volume of radio advertising, was not sufficiently representative of the broadcasting industry to take over administration of the Code. It was necessary, therefore, for the President of the United States to name a temporary Code Authority to administer the Code until such time as the NAB can sign as members at least 70 per cent of all stations. The NRA found, however, that the NAB does not impose inequitable restrictions upon membership and it is the hope of officials of the NRA that NAB membership will be increased within the next 90 days to a point where the industry can take over complete administration of its own Code.

NAB MUST INCREASE MEMBERSHIP

It is the policy of the NRA that existing trade associations, strengthen their position and regulate their own industries. At the same time it was made clear in an official statement by General Johnson last week that the Government will not hesitate to step in and administer the Code if the broadcasters fail to fall in line behind the NAB. The Code Authority appointed by the President is under an injunction to recommend a permanent Code Authority at a future date. This was done for the purpose of enabling the NAB to strengthen its membership under its new Constitution and By-Laws, which provide a system of dues based upon two-tenths of one per cent of net sales of broadcasting facilities.

SIGNATURES WILL BE REQUESTED

It is expected that the NRA will require the Code Authority to obtain the signatures of all stations to the Code in its approved form. The request will go forward just as soon as the Code Authority has had an opportunity to organize and get into action.

LICENSE QUESTION UNSETTLED

The question of extending station license terms to the full period granted by the Radio Act of 1927 was raised by the NAB early in the Code proceedings. Although expressing sympathy with the industry's position, officials of the NRA quickly pointed out that

since the Radio Act of 1927 lodged the licensing power with the Federal Radio Commission, the NRA was helpless to do anything about the licensing question. Notwithstanding that the report of James W. Baldwin, industrial advisor, which report was approved by the NRA Industrial Advisory Board, emphasizes that "as a definite part of the national program of recovery and increased stability and confidence, the broadcasters are clearly entitled to the full term of license provided by Congress in the Radio Act of 1927" and that he could not "recommend that the radio broadcasting industry be required to make additional fixed and permanent commitments unless it first can be given the full measure of protection provided by law," the Commission has not as yet extended the terms of broadcast station licenses. The NAB has consistently advocated three-year license terms as the best means for bringing stability into the industry.

LABOR PROVISIONS RESTRICTED

After it was considered that all conferences had been concluded, the NRA, over the protest of the NAB, inserted in Article V, Paragraph 5, a provision that "where on November 1, 1933, any broadcaster paid broadcast technicians wages in excess of the minimum herein provided for or worked such employees a lesser number of hours per week than herein permitted, such higher wages and such lesser number of hours shall be deemed to be and are hereby declared to be the minimum scale of wages and maximum number of hours with respect to such stations."

EQUITIES WILL GOVERN

It was argued by the NAB that the above provision would penalize the broadcaster, who in an endeavor to cooperate with the Administration, signed the blanket code, reduced hours of work to 40 and adjusted wages; and discriminate against him in favor of the broadcaster who did not sign the President's Reemployment Agreement. It was further argued that such a condition, if permitted to continue, would seriously affect competitive conditions between stations similarly situated. It was then agreed that the Administrator should have the power to make exceptions and upon the insistence of the NAB there was inserted in the Code the following provision:

"Where the operation of the provisions of this Code imposes an unusual or undue hardship upon any broadcaster or network such broadcaster or network may make application for relief to the Administrator or to his duly authorized agent, and the Administrator or his agent may, after such public notice and hearing as he may deem necessary, grant such exception to or modification of the provisions of this Code as may be required to effectuate the purpose of the National Industrial Recovery Act."

PERFORMERS DEMAND RECOGNITION

Disagreement arose over the inclusion of radio performers in the Code at the time of public hearing. Mrs. Annette R. Bushman, representing Allied Production Incorporated of New York, urged adoption of a provision in the Code setting minimum rates for actors and musicians. Her position was supported by Frank Gillmore, president of the Actors' Equity Association, who alleged that the industry was guilty of abuses concerning artists and their participation in rehearsals and auditions. His original proposal, which was modified later, provided that the minimum wage for broadcasting by actors in radio be \$25 for a sustaining hour or part thereof and \$50 for a commercial hour or part thereof. He demanded that for each broadcast two free rehearsals be given by actors of not more than three hours each and that half salaries be paid for additional rehearsals of not more than three hours. For broadcasting to make electrical transcriptions a minimum rate of \$150 was urged. He proposed that all auditions be paid at half of the minimum scale and that actors called to the studio be paid whether they go on the air or not.

This proposal met vigorous objection on the part of the NAB and after a number of lengthy conferences it was agreed that the whole subject should be made the subject of study by the Code Authority. As a result of these conferences Article VI, Section 3, was adopted.

ARTA WANTS \$225 FOR OPERATORS

Hoyt S. Haddock, president of the American Radio Telegraphists Association, Inc., demanded a 36-hour week for broadcast technicians with twice the normal rate for overtime. He urged the adoption of a pay schedule for all stations, large and small, ranging

from \$150 to \$225 per month. This proposal also met with objection and was later discarded when it was shown that this organization was not representative of operators employed in the broadcasting industry.

IBEW DEMANDS 40-HOUR WEEK

Thomas R. McLean, Radio Division, International Brotherhood of Electrical Workers, demanded \$40 pay for a 40-hour week for broadcast technicians at the hearing. He asserted that he represented by agreement 100 per cent of the stations in St. Louis, WCFL in Chicago, and WMCA, WAAT, and WHOM in Greater New York. He claimed to represent by membership: Chicago, 65 per cent; Fort Wayne, 100 per cent; Detroit, 90 per cent; Cleveland, 100 per cent; Akron, 100 per cent; Birmingham, 100 per cent; Jersey City, 100 per cent; Newark, 100 per cent; Kansas City, Kans., 100 per cent; Kansas City, Mo., 100 per cent. He purported to represent by signature stations in some 30 additional cities ranging from 75 to 100 per cent.

WAGE DIFFERENTIAL OPPOSED

McLean maintained that the 40-hour week and \$40 wage should be applicable to both large and small stations and opposed any lower classification for small stations on the grounds that they employ fewer men.

The NAB stood on its original proposal and demanded that stations be classified with respect to their economic position. The clash which began at the hearing continued throughout conferences which lasted for more than six weeks. Finally, there was agreement on the establishment of a 48-hour week for operators and control men and a classification of minimum wages ranging from \$20 to \$40 a week depending upon the class of the employer-station.

However, as a result of these lengthy negotiations, it was agreed that the Code Authority shall "investigate the hours of labor, wages, and working conditions of broadcast technicians and the relation thereof to general conditions within the industry, and within a period of ninety days from the effective date of this Code, shall report thereon to the Administrator."

WCFL MAKES DEMANDS

During the hearing and in subsequent conferences, Benjamin F. Goldstein, representing the Chicago Federation of Labor, insisted upon a 40-hour week for all employees except radio operators and control men. With respect to operators and control men, the substitute code offered by the Chicago Federation of Labor proposed a 48-hour week. While the substitute code maintained the station differential proposed in the NAB draft it fixed as a minimum for operators and control men \$40 a week for large stations and \$25 for smaller stations. The minimum weekly wage for announcers and program production employees was fixed at \$35 in large stations and \$20 in the smaller stations, based on a 40-hour week. He advocated similar increases over the rates proposed by the NAB.

WANTED RECORDS PROTECTED

Representing the leading phonograph record manufacturing companies, H. A. Huebner, attorney, New York, asked that the Code contain a provision making it an unfair trade practice and a violation of the Code for any broadcaster or network to broadcast records without the prior written consent of the manufacturer of such records. The NAB refused to agree to such a provision, arguing that if the phonograph record companies had any legal rights in the matter they should pursue such rights in the law courts and not ask the NRA to settle the issue for them.

WOULD CONTROL ALL ADVERTISING

The proposal of the American Home Economics Association that there be included in the Code a fair trade practice provision barring "the broadcasting of any false representation regarding goods and services or any representations which may by ambiguity or inference mislead the hearer regarding the value of such goods or services" was rejected after it had encountered vigorous objection from the NAB. It was argued by the NAB that inclusion of such a provision would place the broadcasting industry at a disadvantage unless all other advertising media were under a similar regulation. It was argued further that the manufacturer, rather than the media, was the responsible party if such advertising practices existed.

Chart showing LABOR and WAGE Provisions of Broadcasters' Code

MINIMUM WAGES	Clear Channel Station	High Power Regional Station	Clear Channel Part-time Station	Low Power Regional Station	Low Power Regional Part-time Station	Local Un-limited Station	Local Part Time Station
<i>Broadcast Operators and Control Men:</i>							
(a) If more than three operators and control men were regularly employed on July 1, 1933, the minimum weekly wage is.....	\$40.00	\$40.00	\$30.00	\$30.00	\$20.00	\$20.00	\$20.00
(b) If not more than three operators and control men were regularly employed on July 1, 1933, the minimum weekly wage is.....	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
(c) Apprentices.....	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00
<i>Announcers, and program production employees:</i>							
(a) If more than 10 employees were regularly employed on July 1, 1933, the minimum weekly wage is.....	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
(b) If not more than 10 employees were regularly employed on July 1, 1933, the minimum weekly wage is.....	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
<i>All other employees, except salesmen working on commission, shall receive a weekly wage of at least—</i>							
(a) In any city of over 500,000 population or in the immediate trade area of such city.....	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
(b) In any city of between 250,000 and 500,000 population or in the immediate trade area of such city.....	\$14.50	\$14.50	\$14.50	\$14.50	\$14.50	\$14.50	\$14.50
(c) In any city of between 2,500 and 250,000 population or in the immediate trade area of such city.....	\$14.00	\$14.00	\$14.00	\$14.00	\$14.00	\$14.00	\$14.00
(d) In any town or place of less than 2,500 population.....	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00
MAXIMUM HOURS							
Broadcast operators and control men.....	48 hours	48 hours	48 hours	48 hours	48 hours	48 hours	48 hours
<i>Employees in a managerial or executive capacity (including announcers, production men, and chief operators)</i>	There are no maximum hour provisions applicable to these classes.						
(a) If they receive more than \$35 per week							
(b) If they are employed in stations which on July 1, 1933, regularly employed not more than 10 persons, and receive more than \$25 per week.							
<i>Outside salesman.</i>							
<i>Employees on emergency maintenance and emergency repair work.....</i>	Must be paid at least one and one-half times the normal rate for hours worked in excess of 40, except in the case of broadcast operators and control men, who shall be paid at least one and one-half times the normal rate for hours worked in excess of 48.						
<i>All other employees (including announcers, production men and chief operators not in a managerial or executive capacity).....</i>	40 hours	40 hours	40 hours	40 hours	40 hours	40 hours	40 hours
<i>Persons employed on special event programs.....</i>	The maximum hours of work shall not exceed the number of hours above prescribed for their class of work averaged over any six-weeks' period.						

NOTE:

Article IV—Section 2 provides: "Employers agree not to reduce the compensation for employment now in excess of the minimum wages hereby agreed to (notwithstanding that the hours worked in such employment may be hereby reduced) and to increase the pay for such employment by an equitable readjustment of all pay schedules where a state law provides a higher minimum wage than is provided in this code, no person employed within that state shall be paid a wage below that required by such state law."

Article V—Section 5 provides: "Working conditions in any broadcasting station or network shall not be changed to frustrate the intent and purpose of this code. Where on November 1, 1933, any broadcaster paid broadcast technicians wages in excess of the minimum herein provided for or worked such employees a lesser number of hours per week than herein permitted, such higher wages and such lesser number of hours shall be deemed to be and are hereby declared to be the minimum scale of wages and maximum number of hours with respect to such stations."

See also Sections 1, 2, 3, 4, 6 and 7 of Article V.

**EXECUTIVE ORDER
CODE OF FAIR COMPETITION**

for the
RADIO BROADCASTING INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Radio Broadcasting Industry, and hearings having been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations, and adopt the findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

The White House, November 27, 1933.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

LETTER OF TRANSMITTAL

The President,
The White House.

November 27, 1933.

SIR: A proposed Code of Fair Competition for the Radio Broadcasting Industry was submitted to the Administrator on August 29, 1933, by the National Association of Broadcasters, Inc. The Association is an established trade association of long standing and is the only trade association in the Industry. It represents approximately forty-five (45%) per cent of the stations by numbers and over eighty-three (83%) per cent of the volume of business done within the Industry.

A Hearing was conducted in Washington, D. C., on September 27, 1933, and the Code was revised during the recess of this Hearing and is submitted in its present form for approval. Every person who requested an appearance was heard in accordance with statutory and regulatory requirements. Communications received from interested parties who had not requested to be heard were read into the record.

Radio Broadcasting in its present form is a comparatively new development. It embraces the complete operation of all stations or networks designed for broadcasting, including, in connection with such operations, the preparation and production of programs both sponsored and unsponsored for the purpose of providing entertainment, instruction and general service through the agency of radio broadcasting.

**ARTICLE III
Hours**

This Article provides that no employee shall be permitted to work in excess of 40 hours in any one week, except that such hourly limitations do not apply to employees in managerial or executive capacity who receive not less than \$35 per week in the larger stations, nor to the same class of employees who receive not less than \$25 per week in radio broadcasting stations in which, on July 1, 1933, not more than ten persons were regularly employed. Further, such hourly and daily limitations do not apply to employees on emergency maintenance or emergency repair work, but overtime is to be paid for hours worked in excess of the maximum. Broadcast technicians are permitted to work 48 hours per week. Regarding this class of employees there was a lack of reliable statistics covering the number of hours which they now work, and faced with this lack of statistics it was deemed necessary to allow a 48-hour week pending the report of the Code Authority on a study to be made within ninety (90) days. The hours of such employees now vary from a minimum of 36 hours to a maximum of over 80. Approval of a 48-hour week for the next ninety (90) days has been given by the Advisors to the Deputy.

Those stations which now operate on the basis of a lesser number of hours per week are limited to those hours and may not increase their working week for broadcast technicians to 48. Overtime is not permitted within the Industry except in the case of an emergency worker.

It is the first time within the Industry that there has been a

classification of workers, minimum rates of pay, or maximum number of hours of employment. The reduction in hours will require the reemployment of some 765 men, or an increase of 350 men over the total employed within the Industry for any previous period.

ARTICLE IV

Wages

Non-technical employees are guaranteed the wages provided in the President's Reemployment Agreement. The guaranteed wage for broadcast operators and control men varies in amount according to the Federal Radio Commission classification of the station by which they are employed, as follows:

(a) Clear channel or high-power regional stations, not less than \$40 per week;

(b) Clear channel part-time or low-power regional stations, not less than \$30 per week;

(c) Low-power part-time regional, local unlimited, or local part-time stations, not less than \$20 per week. Such employees in the past have been paid as little as \$9 per week in some of the small stations. Announcers and program production employees are to receive not less than \$20 per week, except in the very small stations, where they are to receive not less than \$15.

The employers agree not to reduce the compensation for employment now in excess of minimum wages, notwithstanding that the hours may be reduced, and to increase the pay for such employment by an equitable readjustment.

There is no discrimination between the sexes in rates of pay.

ARTICLE V

General Labor Provisions

No one under sixteen years of age is to be employed within the Industry, except as talent on programs and then for not more than three hours per day, and those hours to be such as will not interfere with school hours.

This Article embodies Paragraph (a) Section 7 of Title I of the National Industrial Recovery Act. It further provides that working conditions shall not be changed to frustrate the intent and purpose of this Code.

In the proposed Code there is constituted a named Code Authority of nine (9) comprising representatives of independent stations, the Special Advisor, the Industrial Advisor and the Labor Advisor on the Code, two representatives of the broadcasting networks and in addition not more than three members to be appointed by the Administrator. The members of the Code Authority, with long experience and training within the Industry, were named so that there might be no delay in instituting the investigations which are required of that body, and in making recommendations to the Administrator for a permanent form of organization for the administration of the Code.

Economic Effect

The provisions of the Code will require reemployment of 765 men and will increase existing payrolls and the buying power of this group at the estimated rate of \$1,328,000 per year. The total payrolls under the Code will be more than double those of 1929. More stations are now in operation and more individuals employed than there were in 1929. My information indicates that there will be no increase in rates charged for facilities, so the consumer should not be adversely affected. The Industry will be required to absorb the greater operating costs.

The Research and Planning Division reports that the Code is designed to improve conditions in the Radio Broadcasting Industry, and that they are satisfied with the Code as it stands.

Findings

The Administrator finds that:

(a) This Code complies in all respects with the pertinent phrases of Title I of the Act, including, without limitation, subsection (a) of Section 7, and subsection (b) of Section 10 thereof;

(b) The Committee which proposes the Code is truly representative of the Radio Broadcasting Industry, and the by-laws of the Association representing the divisions thereof provide no inequitable restrictions to membership;

(c) The Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

It is recommended, therefore, that this Code be approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

REPORT OF DEPUTY ADMINISTRATOR

November 14, 1933.

To the National Recovery Administrator.

General Statement

On August 29, 1933, there was submitted to the National Recovery Administrator a proposed Code for the Radio Broadcasting Industry.

Such proposed Code was signed and submitted by the National Association of Broadcasters, Inc., the membership of which is representative of all sections of the country and includes some 275 broadcasting stations. Statistics are not available to determine with accuracy the percentage of the total broadcasting business which is done by the members of the Association, but it is believed to be in excess of 83 per cent of the total volume of business done by the entire industry.

The Public Hearing

A Public Hearing was held and completed on September 27, 1933, in the Ball Room of the Raleigh Hotel, Washington, D. C. A list of witnesses is contained in the transcript of record of such Public Hearing.

Upon the Public Hearing the following sat with your Deputy as Advisors:

G. E. Renard, Consumer Advisor; Edward Nockles, Labor Advisor; L. M. C. Smith, Legal Advisor; James Baldwin, Industrial Advisor; Donald K. Wallace, Research and Planning Division; and John Shepard, III, Special Advisor.

All elements of the Industry were heard and the statistical position of the Industry was satisfactorily presented. Communications received from interested parties who had not requested to be heard were read into the record.

CONFERENCES AFTER THE HEARING

Following the Public Hearing, conferences were held with the representatives of all groups present, together with the Advisors. As a result of these conferences each and every matter was considered, involving employers, labor and the consumers, and with the unanimous approval of all parties was agreed upon.

THE CODE AS REVISED

For the first time in the history of this Industry, minimum wages and maximum number of hours of employment are provided for, together with a guaranteed minimum weekly wage. The immediate effect of these will be to increase existing payrolls at the estimated rate of \$1,328,000 per year. Compliance with the Code, plus voluntary plans for increasing the network employment, will increase by approximately 765 the number of persons regularly employed in the Industry. This will exceed by about 350 persons the total for any previous period. The total payrolls under the Code will be more than double those of 1929, the peak year in most industries, and will equal 93.2 per cent of the payrolls of 1931, the peak year in the Radio Broadcasting Industry, notwithstanding the salary cuts in the higher brackets.

My best information is that there will not be an increase in rates charged for facilities so that the consumers should not be adversely affected. The Industry will be required to absorb the greater operating costs.

BRIEF ANALYSIS OF THE PROVISIONS OF THE REVISED CODE

Hours

(a) Forty hours is established as the working week except as to employees in managerial or executive capacity, outside salesmen, employees on maintenance and emergency repair work, persons employed on special event programs of public interest, but in this case the hours averaged over a six weeks' period shall not exceed the maximum for their class, and broadcast technicians who are permitted to work 48 hours per week. Concerning the latter class of employees there was a total lack of reliable statistics covering the number of hours that such employees worked, and faced with this lack of statistics, your Deputy deemed it necessary to allow this 48-hour week pending the report of the Code Authority after a study to be made within ninety (90) days. The hours of such employees vary from a minimum of 36 hours per week to a maximum of over 80. Approval of a 48-hour work week for the next ninety (90) days has been given by the Advisors.

To preserve the gains made through any employers signing the President's Reemployment Agreement and reducing hours to 40 per week (before the approval of a substitution allowing 48 hours

per week for this class of employee), a clause has been inserted in the Code as follows:

"Working conditions in any broadcasting station or network shall not be changed to frustrate the intent and purpose of this Code. Where on November 1, 1933, any broadcaster paid broadcast technicians wages in excess of the minimum herein provided for or worked such employees a lesser number of hours per week than herein permitted, such higher wages and such lesser number of hours shall be deemed to be and are hereby declared to be the minimum scale of wages and maximum number of hours with respect to such stations."

Overtime is not permitted within the Industry except in the case of emergency maintenance and emergency repair men.

Wages

(b) Non-technical employees are guaranteed the wages provided in the President's Reemployment Agreement. The guaranteed wage for broadcast operators and control men varies in amount according to the Federal Radio Commission classifications of the station by which they are employed, as follows:

(a) Clear channel or high-power regional stations, not less than \$40 per week;

(b) Clear channel part-time or low-power regional stations, not less than \$30 per week;

(c) Low-power part-time regional local unlimited or local part-time stations, not less than \$20 per week.

Such employees in the past have been paid as little as \$9 per week in some small stations.

Announcers and program production employees are to receive \$20 per week, except that in small stations where not more than ten persons were regularly employed on July 1, 1933, the rate is \$15 per week. The employers agree not to reduce the compensation for employment now in excess of the minimum wages, notwithstanding that the hours may be reduced, and to increase the pay for such employment by an equitable readjustment.

No persons under sixteen years of age is to be employed within the Industry, except as talent on programs and then for not more than three hours per day, and those hours to be such as will not interfere with school hours.

In the proposed Code there is constituted a named Code Authority comprising representatives of independent stations, the Special Advisor, the Industrial Advisor, and the Labor Advisor on the Code, two representatives of the broadcasting networks, and three members to be appointed by the Administrator. The members of the Code Authority were named because of their experience and training in the Industry so that there might be no delay in instituting the investigations which are required of that body and in recommending to the Administrator a permanent form of organization for the administration of this Code.

To insure further that the Code Authority shall be truly representative of the entire Industry and all its component parts there is a provision that when any question directly or indirectly affecting any class of employees engaged in the Radio Broadcasting Industry is to be considered by the Code Authority, one representative of such class selected by the Administrator from nominations made by such class in such manner as may be prescribed by the Administrator shall sit with and become for such purposes a member of the Code Authority with a right to vote.

Open price schedules are provided for among the trade practices by requiring each broadcaster and network to publish and file with the Code Authority a schedule of all of its rates regularly and currently charged to advertisers for the use of broadcasting time, together with all discounts, rebates, refunds and commissions which shall be allowed to the users of such time.

* * * * *

The revised Code is adopted by the authorized representatives of the Association and by authorized representatives of employees, as appears from their adoption in writing appended hereto.

There are also appended hereto the reports on the Revised Code of the Industrial Advisory Board, Labor Advisory Board, Consumers' Advisory Board, Research and Planning Division, and Legal Division. Your Deputy finds that:

(a) The Code as revised complies in all respects with the pertinent provisions of Title I of the Act, including, without limitations, subsection (a) of Section 7 and subsection (b) of Section 10 thereof; and that

(b) The National Association of Broadcasters, Inc., imposes no inequitable restrictions on admissions to membership therein and is truly representative of the Radio Broadcasting Industry; and that

(c) The Code is not designed to eliminate or oppress small enter-

prises and will not operate to discriminate against them and will tend to effectuate the policy of Title I of the National Industrial Recovery Act.

Accordingly, I hereby recommend the approval of the Code of Fair Competition for the Radio Broadcasting Industry.

Respectfully submitted,

SOL A. ROSENBLATT,
Deputy Administrator.

INDUSTRIAL ADVISOR'S REPORT

INDUSTRY: Radio Broadcasting

ADVISOR: James W. Baldwin

DEPUTY ADMINISTRATOR: Sol A. Rosenblatt

HEARING HELD: September 27, 1933

COMMENTS ON HEARING:

The Industry was represented at the hearing by the National Association of Broadcasters, the only Trade Organization in the Industry. Its membership today numbers 275 stations and embraces all classes of broadcasting stations licensed by the Government. These member stations do approximately 83 per cent of all the broadcasting business. Further, its membership is representative of all sections of the country.

The statistical position of the Industry is reflected in a paper submitted to the National Recovery Administration by the National Association of Broadcasters and titled "The Economics of American Broadcasting." This paper is based upon data contained in—

Commercial Radio Advertising—Senate Document 137.

A Decade of Radio Advertising—Herman S. Hettinger.

Annual Reports of the Federal Radio Commission.

The Work of the Federal Radio Commission—Brookings Institute.

Current information from network companies and individual stations.

The data supplied in respect of wages, hours and employment are based upon information supplied by the two national network companies and by a sample of 154 individual stations from whom information was collected as of the week ended July 29, 1933. These stations comprise 25.5 per cent of the entire number of stations in the country. Of the total questionnaires, 54.5 per cent came from members of the National Association of Broadcasters and 45.5 per cent from non-member stations. The data thus supplied are not satisfactory in that they fail to show accurately the number of hours worked in the industry.

COMMENTS ON CODE:

The labor provisions contained in the Code are in themselves satisfactory. (See "Other Comments.") The immediate effect of these will be to increase existing payrolls at the estimated rate of \$1,328,000 per year.

RADIO OPERATORS AND CONTROL MEN. One point which caused considerable controversy concerned the hours of labor for radio operators and control men (Article III, Paragraph 2, sub-paragraph d). The question was whether these men should work 40 hours per week or 48 hours per week. These men attend the transmitter and control panels. Persons desiring to operate transmitters must prove their qualifications for such work by written examinations conducted by the Federal Radio Commission and are licensed by the Government as are navigators of vessels. The general practice in the Industry is to hire only licensed operators for attending both the transmitter and the control panels.

The broadcast day has been defined by the Federal Radio Commission to mean that period of time between 6 a. m. and 12 midnight (Rule 87). In a great many cases the practice, prior to the President's Reemployment Agreement, has been to allow operators to work as many as seventy hours and more per week.

The following factors are considered as justifying the provision in this Code for 48 hours per week, pending investigation by the Code Authority and report thereon to the Administration (Article VI, Paragraph 4), of the hours of labor, wages, and working conditions of broadcast technicians and the relation thereof to general conditions within the Industry:

1. The President's Reemployment Agreement already has resulted in a substantial reduction in the number of hours worked.
2. Reliable information that the work is neither hazardous nor fatiguing and that working conditions are excellent.
3. The existence of contracts between Union operators and station owners calling for a 48-hour week.

4. The absence of any general unemployment among persons licensed to operate broadcast stations. Official advices from the Federal Radio Commission, dated September 18, 1933, show there are 7,103 men licensed to operate broadcasting stations; that 4,730 of these hold licenses valid for the operation of commercial ship, land and experimental stations of which there are 4,559. Statistics furnished by the National Association of Broadcasters show 2,100 men are employed within the Broadcasting Industry as operators and control men. This would leave 5,003 men for employment by 3,960 licensed stations. Many of these stations, of course, must employ more than one operator. For example, a first-class ship license, of which there are about 250, carries an obligation to carry two operators. Allowing 2,100 as employed by the Broadcasting Industry, 500 by ships carrying first-class licenses and only one operator for the remaining 3,710 stations, the difference would be only 793. Further, the demands of the Department of Commerce on this class of operators amounts to about 450 which leaves but 343 men for which to account.

MUSICIANS. The Code does not fix hours and wages for musicians. This is because the representative of the American Federation of Musicians regarded the conditions in different parts of the country to be at such a variance as to make it virtually impossible to treat the subject without injury to existing agreements. At his request, and agreeably to the Industry, the Code has been made to provide (Article V, Paragraph 7):

Nothing herein contained shall be construed to apply to employees whose rates of wages, hours and/or weekly full time wages are established by labor agreement, understandings or practices now in force, where such minimum rates of pay are higher and the maximum number of hours per week are lower than those set forth herein above.

RADIO ARTISTS AND PERFORMERS. At the public hearing and in subsequent conferences strong representations were made on behalf of radio artists and performers. Chief among these were those made by the representative of the Actors Equity Association. This representative urged the adoption of provisions which, among other things, would, (a) establish minimum fees for each performance, (b) provide different fees for different classes of stations, (c) prevent a performer from doubling, (d) fix fees for "extras," (e) prevent the participation by a studio employee in, for example, a "mob hurrah," (f) prevent free auditions, (g) regulate rehearsals, (h) prevent voluntary service, etc.

The best information available indicates that the employment of professional artists and performers, within the broadcasting Industry, is confined to a few large stations, and companies engaged in network broadcasting. Further, it is not established that the Actors Equity Association represents any fair proportion of those artists and performers employed in this Industry. Again, the Association failed to support a single claim of abuse. All of their complaints were very general in character, and unsupported by facts.

There is not available any qualitative data upon which a final decision in these matters can be made. Moreover, it will require considerable time to collect such data. For these reasons the Code has been made to provide (Article VI, Paragraph 3) that the Code Authority shall investigate the hours of labor and the wages of radio artists and performers and make a report thereon to the Administrator.

PHONOGRAPH RECORDS. A representative of the American-Brunswick Record Corporation proposed that the Code contain the following provision:

"It shall be an unfair practice and a violation of this Code for any broadcaster or network to broadcast records without the prior written consent of the manufacturer of such records."

A like request was made by the RCA-Victor Company. A full discussion of this question, like others involved herein, would require more space than appears to be justified. I consider it sufficient to point out here, (1) that this matter involves important questions of law; (2) that if injury is done any interested party, he has a remedy in a court of law, and (3) by admission of the American-Brunswick representative, they seek to have the National Recovery Administration furnish a kind of relief "which would be highly difficult to accomplish in the courts of law, if it could be done" (R. 158, 159).

ADVERTISING OF DRUGS AND MEDICINES. The Executive Secretary of the American Home Economics Association proposed that, "No broadcaster or network shall knowingly permit the broadcasting of any false representations regarding goods or services or any representations which may by ambiguity or inference mislead the hearer regarding the value of such goods or services."

This subject, as it relates to all advertising media, has received extensive study by the Department of Agriculture. Moreover, as a result of this study, a bill has been introduced for consideration by the Congress. The Industry insists, and I think their claims cannot be disputed, that this matter is one which cannot be adequately treated in any code so as to apply the same principles to all the different advertising media and that regulation, if found desirable, must be statutory in character.

Compliance with the Code, plus voluntary plans for increased network employment will increase by approximately 765 the number of persons regularly employed in the Industry. This would exceed by about 350 persons, or more than 3 per cent, the total for any previous period. It is estimated that total payrolls under the Code will be more than double those of 1929, the peak year in most industries and will equal 93.2 per cent of the payrolls in 1931, a peak year for the Radio Broadcasting Industry, notwithstanding the salary cuts in the higher brackets.

The effects of the operation of the Code will be beneficial to labor. My best information is that there will not be an increase in rates charged for facilities, so that the consumer should not be adversely affected. The Industry will be required to absorb greater operating costs. Compliance with the trade practices provisions should be beneficial to both the radio audiences and the Industry.

The importance of Article VIII, Paragraph 2, of this Code arises out of the fact that this Industry exists by virtue of licenses issued by the Federal Government pursuant to provisions contained in the Radio Act of 1927 (Title 47, Part 5, U. S. C.). The obligations and responsibilities imposed upon the Industry by that Act, and by the rules and regulations of the Federal Radio Commission made pursuant thereto, make it absolutely necessary to avoid any conflict therewith.

OTHER COMMENTS:

This is a Federally licensed Industry, subject to rigid obligations to serve the public interest. It should be pointed out that each of the 588 broadcasting stations must seek a renewal of its license to operate every six months; that in practice a great many owners of stations, at renewal periods, are faced with the necessity of prosecuting their applications against some one who seeks to take their radio facilities away from them. Aften-times such applications are frivolous in character. Nevertheless, the licensee, in such cases, is compelled to engage technical and legal aid in order that he may prove his case at a formal hearing which is conducted by the Federal Radio Commission. Frequently, this is so where the Federal Radio Commission, over a period of several years, has found that the station was operated in the public interest.

The cost of these proceedings is very great. It requires station owners, through no fault of theirs, to spend substantial sums for the services of expert radio engineers and lawyers, which otherwise could be used to engage a greater number of employees with benefit to programs rendered.

The Radio Act of 1927 provides for license periods not exceeding three years (Sec. 9). While the Industry was being formed, there could be no question as to the wisdom of limiting license periods to short terms. Today, however, the state of the art, and the power of the Government to revoke licenses for violation of or failure to observe any of the restrictions and conditions of the Radio Act of 1927 or of any regulation of the licensing authority authorized by that Act or by a Treaty ratified by the United States, etc. (Sec. 14), make short term licenses unnecessary. In view of the commitment now being required of every broadcaster under the terms of the National Recovery Act, it is a manifest injustice that this Industry should be compelled to measure the existence of every one of its component parts in terms of not more than six months. As a definite part of the national program of recovery and increased stability and confidence, the Broadcasters are clearly entitled to the full term of license provided by Congress in the Radio Act of 1927. I cannot recommend that the Radio Broadcasting Industry be required to make additional fixed and permanent commitments unless it first can be given the full measure of protection provided by law.

The responsibility for a decision on this point rests with the Federal Radio Commission. However, we are faced with the situation where one branch of the Government (The Federal Radio Commission) is licensing and regulating an industry and another branch of the Government (The National Recovery Administration) is making decisions of the greatest importance to that Industry's economic existence. It seems only proper, therefore, to suggest that there should be the closest kind of cooperation between these two agencies. I urge the Recovery Administration to give serious consideration to this phase of the question and to make a

proper recommendation thereon to the Federal Radio Commission.

Except for this point, which is not within the jurisdiction of the National Recovery Administration, I consider the Code, a copy of which is hereto attached, to be fair to both industry and labor and recommend its approval.

JAMES W. BALDWIN,
Industrial Advisor.

SUPPLEMENTAL COMMENT ON CODE

I have examined the draft of the Code of Fair Competition for the Radio Broadcasting Industry, dated November 18, 1933, and stand upon the conclusions and recommendations contained in my report of November 6, 1933.

(Signed) JAMES W. BALDWIN,
Industrial Advisor.

Nov. 21, 1933.

INDUSTRIAL BOARD'S APPROVAL

November 21, 1933.

To: Deputy Administrator S. A. Rosenblatt.
From: E. R. Stettinius, Jr.

Mr. James W. Baldwin, Industrial Advisor, has approved the final copy (dated November 18, 1933) of the Code for the Radio Broadcasting Industry, and the Industrial Advisory Board hereby confirms this approval.

E. R. STETTINIUS, JR.,
*Washington Representative,
Industrial Advisory Board.*

TRT:OE

CONSUMERS' ADVISOR'S REPORT

November 18, 1933.

Memorandum To: Sol Rosenblatt, Deputy Administrator.

From: Consumers' Advisory Board.

Subject: Approval of Code for the Radio Broadcasting Industry.

The Consumers' Advisory Board advises approval of the above Code, revised as of November 16, 1933.

In view of the widespread public interest in the Radio Broadcasting Industry this Board respectfully recommends the appointment of a consumer representative on the Code Authority, and is prepared to suggest a qualified individual for such appointment if requested by the Administrator.

GEORGE B. HADDOCK,
Consumers' Advisory Board.

MI.

LABOR BOARD'S APPROVAL

November 18, 1933.

To: Deputy Administrator Rosenblatt.

From: Labor Advisory Board.

Subject: Code of Fair Competition for the Radio Broadcasting Industry. Fourth Revision—November 17, 1933.

We approve of the labor provisions of this Code as revised November 17, 1933.

LEO WOLMAN, *Chairman,
Labor Advisory Board.*

REPORT OF LEGAL DIVISION

N. R. A. Legal Division.

Monday, November 20, 1933.

To: Sol A. Rosenblatt.

From: Legal Division.

Subject: Code of Fair Competition for the Radio Broadcasting Industry.

The final draft, dated November 18, 1933, of the Code of Fair Competition for the Radio Broadcasting Industry has been examined and passed by the Legal Division, subject to the following recommendations:

1. That section 6 of Article VI, third line be amended to conform to Office Order No. 34.

2. Section 5 of Article VI is capable of the interpretation of permitting the Code Authority to handle labor disputes. This should be borne in mind in the instructions to the Code Authority.

3. Article VII, section 1 (a). This permits five more days than is permitted by policy memorandum in respect to open pricing.

4. Article VI, sections 2 and 3. This does not define the elements of cost in accordance with the policy memorandum.

L. M. C. SMITH,
*Legal Division.
Assistant Counsel.*

LMCS:1cb.

RESEARCH AND PLANNING REPORT

November 11, 1933.

From: Donald K. Wallace, Research and Planning Division,
To: Sol A. Rosenblatt, Deputy Administrator,
Subject: Radio Broadcasting Industry.

Owing to the fact that the radio broadcasting industry is comparatively young, and to the fact that it has expanded rapidly in the past five or six years, an attempt to compare the current activities and economic conditions of the industry with those of any preceding year would tend to give misleading results.

For example, in the average industry, the employment peak occurred in 1929, and it is the desire of the Administration to reabsorb wage earners to the extent of putting employment back to the 1929 level. In the case of the Radio Broadcasting Industry, however, more stations are in operation now, and more individuals employed, than there were in 1929. Therefore, that year cannot be used as a barometer.

In so far as the Code is designed to improve conditions in the Radio Broadcasting Industry, our division is satisfied with it as it stands modified, amended, or changed by the Deputy Administrator. Respectfully submitted,

DONALD K. WALLACE,
Division of Research and Planning

SPECIAL ADVISOR'S REPORT

WESTERN UNION

1933 Nov 2 PM 3 27.

WU97 DL-WUX Boston, Mass., 2 309P.
Sol Rosenblatt, Deputy Administrator NRA,
Department of Commerce Bldg.

Have been carefully over third revision of Broadcasting Code and believe it to be fair to both industry and labor stop It therefore has my approval as Special Advisor.

JOHN SHEPARD THIRD.
2931

McCOSKER SIGNS FOR N. A. B.

ADOPTION OF THE REVISED CODE OF FAIR COMPETITION FOR THE

RADIO BROADCASTING INDUSTRY

The undersigned does hereby adopt the Code for the Radio Broadcasting Industry as finally revised.

NATIONAL ASSOCIATION OF BROADCASTERS, INC.,
By its President duly authorized to adopt such code:

ALFRED J. McCOSKER,
President.

November 15, 1933.

WEBER SIGNS FOR A. F. OF M.

November 18, 1933.

The undersigned hereby approves and adopts the foregoing Code of Fair Competition for the Radio Broadcasting Industry.

JOSEPH W. WEBER, *President,*
American Federation of Musicians.

ELLIOTT SIGNS FOR IATSE

November 18, 1933.

The undersigned hereby approves and adopts the foregoing Code of Fair Competition for the Radio Broadcasting Industry.

WILLIAM C. ELLIOTT, *President,*
*International Alliance of Theatrical Stage
Employees and Moving Picture Machine
Operators of the United States and Canada.*

TRACY SIGNS FOR IBEW

November 18, 1933.

The undersigned hereby approves and adopts the foregoing Code of Fair Competition for the Radio Broadcasting Industry.

DAN W. TRACY, *President,*
International Brotherhood of Electrical Workers.

CODE OF FAIR COMPETITION

for the

RADIO BROADCASTING INDUSTRY

ARTICLE I

Purposes

To effectuate the policy of Title I of the National Industrial Recovery Act, the following provisions are submitted as a Code of Fair Competition for the Radio Broadcasting Industry, and upon approval by the President shall be the standard of fair competition for such Industry and shall be binding on every member thereof.

ARTICLE II

Definitions

1. *Radio Broadcasting*, as used herein, means the transmission through space by means of any radio frequency of signals intended to be received, whether audibly or visually, directly by the public.

2. *Radio Broadcasting Industry*, as used herein, embraces the complete operations of all broadcasters, or networks designed for broadcasting as above defined, including, in connection with such operations, the preparation and production of programs, both sponsored and unsponsored, for the purpose of providing entertainment, instruction and general service through the agency of radio broadcasting.

3. *Broadcaster*, as used herein, means any individual, partnership, corporation, association or other form of enterprise engaged in the radio broadcasting industry as above defined.

4. *Network*, as used herein, means any individual, partnership, corporation, association, or other form of enterprise, in the business of regularly supplying, by wire or wireless, programs for broadcasting, simultaneously to two or more radio broadcasting stations.

5. *Employee*, as used herein, means any person engaged in the industry and employed by a broadcaster or network at a regular hourly, daily, weekly, or monthly salary or wage, as distinguished from an independent contractor or a professional person who is paid by the job or performance.

6. *Employer*, as used herein, means any broadcaster or network engaged in the industry.

7. *Broadcast Technician*, as used herein, means any person employed for the operation or maintenance of any transmitting, control or input equipment used in radio broadcasting.

8. *Act* and *Administrator*, as used herein, mean respectively Title I of the National Industrial Recovery Act and the Administrator for Industrial Recovery.

ARTICLE III

Hours

1. No employee shall be permitted to work in excess of forty hours in any one week, except those included in the classes enumerated in paragraph number two hereof.

2. The maximum hours fixed in the foregoing paragraph number one shall not apply to:

(a) Employees in a managerial or executive capacity (including announcers, production men and chief operators) who receive more than thirty-five dollars per week; employees in a managerial or executive capacity (including announcers, production men and chief operators) who receive more than twenty-five dollars per week in radio broadcasting stations in which on July 1, 1933, not more than ten persons were regularly employed.

(b) Outside salesmen.

(c) Employees on emergency maintenance and emergency repair work, but at least one and one-half times the normal rate shall be paid such employees for hours worked in excess of the maximum hours provided in Section 1 of this article.

(d) *Broadcast Technicians*, with respect to whom the maximum hours of work shall not exceed forty-eight hours per week.

(e) Persons employed on special event programs of public interest, with respect to whom the maximum hours of work shall not exceed the number of hours herein prescribed for their class of work averaged over any six weeks' period.

ARTICLE IV

Wages

1. No employee, except those enumerated in paragraphs (a), (b) and (c) hereof shall be paid at less than the weekly rate of

fifteen dollars per week in any city of over 500,000 population or in the immediate retail trade area of such city; or at less than the rate of fourteen dollars and fifty cents per week in any city of between 250,000 and 500,000 population or in the immediate retail trade area of such city; or at less than the rate of fourteen dollars per week in any city of between 2,500 and 250,000 population or in the immediate retail trade area of such city; or at less than the rate of twelve dollars per week in any town or place of less than 2,500 population. Population for the purpose of this Code shall be determined by the 1930 Federal Census.

(a) Broadcast operators and control men shall be paid at a rate of not less than forty dollars per week when they are employed at any radio broadcasting station classified by the Federal Radio Commission as a clear channel or high-power regional station; or at a rate of not less than thirty dollars per week when they are employed at any broadcasting station classified by the Federal Radio Commission as a clear channel part-time or low-power regional station, unless such station on July 1, 1933, regularly employed not more than three broadcast operators and control men, in which case the rate of pay shall be not less than twenty dollars per week; and at a rate of not less than twenty dollars per week at any broadcasting station classified by the Federal Radio Commission as a low-power part-time regional, local unlimited, or local part-time station. Employers shall be entitled to employ as apprentices persons learning the technique of radio broadcasting control and transmission. Such apprenticeship within the industry shall not exceed a cumulative period of twelve months. The number of persons so employed, if more than one, shall not exceed five per cent of the total number of regular employees of each employer. The rate of pay of apprentices shall be not less than twelve dollars per week.

(b) Announcers and program production employees shall be paid at a rate of not less than \$20 per week, except that where a broadcaster regularly employed not more than ten persons on July 1, 1933, such announcers and program production employees may be paid not less than \$15 per week.

(c) The minimum rate of pay herein provided shall not apply to outside salesmen working on commission only.

2. Employers agree not to reduce the compensation for employment now in excess of the minimum wages hereby agreed to (notwithstanding that the hours worked in such employment may be hereby reduced) and to increase the pay for such employment by an equitable readjustment of all pay schedules. Where a State law provides a higher minimum wage than is provided in this Code, no person employed within that State shall be paid a wage below that required by such State law.

ARTICLE V

General Labor Provisions

1. After the effective date of this Code, employers will not employ any person under sixteen years of age, except that persons under sixteen may be used as talent on programs for not more than three hours per day, and those hours to be such as will not interfere with their schooling. Provided, however, that where a State law provides a higher minimum age, such State law shall be controlling.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization, or in other concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

3. No employee and no one seeking employment shall be required as a condition of employment to join any company union, or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

4. Employers shall comply with maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

5. Working conditions in any broadcasting station or network shall not be changed to frustrate the intent and purpose of this Code. Where on November 1, 1933, any broadcaster paid broadcast technicians wages in excess of the minimum herein provided for or worked such employees a lesser number of hours per week than herein permitted, such higher wages and such lesser number of hours shall be deemed to be and are hereby declared to be the minimum scale of wages and maximum number of hours with respect to such stations.

6. Nothing herein contained shall be construed to apply to employees whose rates of wages, hours, and/or weekly full time wages are established by labor agreement, understandings or prac-

tices now in force, where such minimum rates of pay are higher and the maximum number of hours per week are lower than those set forth herein above.

7. All employers shall post complete copies of this Code in conspicuous places accessible to employees.

ARTICLE VI

Administration

To further effectuate the policies of the Act, a Code Authority is hereby constituted to cooperate with the Administrator in the administration of this Code.

1. The Code Authority shall consist of James W. Baldwin, Isaac Z. Buckwalter, John Elmer, James Kiernan, Alfred J. McCosker, Edward N. Nockels, M. R. Runyon, Frank M. Russell, John Shepard, III, and in addition thereto there may be three members without vote to be appointed by the Administrator, who, together with the Administrator, shall be given notice of and may sit at all meetings of the Code Authority.

2. In order that the Code Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Administrator may provide such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Code Authority.

3. The Code Authority shall investigate the hours of labor and the wages of radio artists and performers (other than musicians), and upon the completion of its investigation shall report thereon to the Administrator.

4. The Code Authority shall investigate the hours of labor, wages, and working conditions of broadcast technicians and the relation thereof to general conditions within the industry, and within a period of ninety days from the effective date of this Code, shall report thereon to the Administrator.

5. As and when any question directly or indirectly affecting any class of employees engaged in the Radio Broadcasting Industry is to be considered by the Code Authority, one representative of such class, selected by the Administrator from nominations made by such class in such manner as may be prescribed by the Administrator, shall sit with and become for such purposes a member of the Code Authority with a right to vote.

6. In addition to information required to be submitted to the Code Authority there shall be furnished such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

7. The Code Authority shall recommend to the Administrator a permanent form of organization for the administration of this Code.

8. Members of the broadcasting industry shall be entitled to participate in and share the benefits of the activities of the Code Authority and to participate in the selection of the members thereof by assenting to and complying with the requirements of this Code and sustaining their reasonable share of the expenses of its administration. Such reasonable share of the expenses of administration shall be determined by the Code Authority, subject to review by the Administrator, on the basis of volume of business and/or such other factors as may be deemed equitable.

9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority exercising reasonable diligence in the conduct of his duties hereunder or be liable to anyone for any action or omission to act under the Code, except for his own willful misfeasance or non-feasance.

10. The Code Authority shall have the following powers and duties in addition to those elsewhere provided in this Code, subject to the right of the Administrator, on review, to disapprove or modify any action taken by the Code Authority.

(a) To adopt by-laws and rules and regulations for its procedure and for the administration and enforcement of the Code, in accordance with the powers herein granted, and to submit the same to the Administrator for his approval together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effect the purposes of the Act.

(b) To obtain from members of the industry for use of the Code Authority, for the Administrator in the administration and enforcement of the Code, and for the information of the President, reports based on such periods as may be determined by the Code Authority as soon as the necessary readjustment within the industry can

be made and to give assistance to members of the industry in improving methods, or in prescribing a uniform system, of accounting and reporting. All individual reports shall be kept confidential as to the members of the industry and only general summaries thereof may be published.

(c) To receive complaints of violations of this Code, make investigations thereof, provide hearings thereon and adjust such complaints, and bring to the attention of the Administrator for prosecution, recommendations, and information relative to unadjusted violations in no event shall the Code Authority proceed to prosecute without notice to and approval by the Administrator.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To coordinate the administration of this Code with such other codes, if any, as may be related to the industry, or any subdivision thereof, and to delegate to any other administrative authority, with the approval of the Administrator, such powers as will promote joint and harmonious action upon matters of common interest.

(f) To secure an equitable and proportionate payment of the expenses of maintaining the Code Authority and its activities from members of the Industry.

(g) To cooperate with the Administrator in regulating the use of the N. R. A. Code Insignia solely by those employers who have assented to, and are complying with this Code.

(h) Where the operations of the provisions of this Code impose an unusual or undue hardship upon any broadcaster or network such broadcaster or network may make application for relief to the Administrator or to his duly authorized agent, and the Administrator or his agent may, after such public notice and hearing as he may deem necessary, grant such exception to or modification of the provisions of this Code as may be required to effectuate the purpose of the National Industrial Recovery Act.

(i) To initiate, consider and make recommendations for the modification or amendment of this Code.

11. An appeal from any action by the Code Authority affecting the rights of any employer or employee in the Industry may be taken to the Administrator.

ARTICLE VII

Trade Practices

1. Rates, Commissions and Discounts.

(a) Each broadcaster and network shall forthwith publish and file with the Code Authority a schedule of all its rates regularly and currently charged to advertisers for the use of broadcasting time, together with all discounts, rebates, refunds and commissions which shall be allowed to the users of such time or to their recognized agents, such schedule to be known as the Rate Card. No Rate Card or rate charged thereunder shall be modified until fifteen days after the filing with the Code Authority of the Rate Card with the proposed modifications. Charges for the use of broadcasting time, and discounts, rebates, refunds and commissions allowed to the users of such time or their recognized agents shall be in exact accordance with such Rate Card except that under conditions not specifically covered by the Rate Card, charges for the use of broadcasting time may be at special rates provided a full written statement of such special rates and conditions is filed immediately with the Code Authority, which authority shall be authorized to publish such statement in full. In no event shall modifications of the Rate Card, special rates or special conditions violate any of the terms of this Code.

(b) Any attempt to evade the provisions of this Code through the offer or payment of excessive or unearned commissions, discounts, rebates, refunds, gratuities, or free time (other than legitimate program announcements) and any business done on a cost per-inquiry, contingent, or percentage basis shall be deemed unfair trade practice within the meaning of the Code.

2. Special Services and Facilities.

(a) No broadcaster or network shall supply for commercial programs special technical facilities, including outside pickups or wire lines, at less than the actual cost to it of such special services or facilities unless a full written report is filed immediately with the Code Authority, and in no event shall such facilities be supplied below cost for the purpose of evading the provisions of this Code.

3. Sales of Talent. Literary and Musical Rights. Recordings, etc.

(a) No broadcaster or network shall sell or furnish for commercial programs, talent or special recordings, or literary or musical rights of any sort, not provided for in the Rate Card, at less than the actual cost to the broadcaster or network of such talent or special recordings, or literary or musical rights, unless a full written statement of such sale below cost is filed immediately with the Code Authority, and in no event shall such sale below cost be for the purpose of evading the provisions of this Code.

4. General Provisions.

(a) This Code shall apply to all contracts made on or after the date on which this Code becomes effective and after that date shall apply to all renewals or extensions made of contracts made prior thereto unless there is vested in a party other than the broadcaster or network a right to renew or extend the then-existing contract.

(b) No broadcaster or network shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing, or quality of service.

(c) No broadcaster or network shall claim for its service a character, scope or quality which cannot be substantiated, nor shall it claim as regular characteristics of its service features which it knows to be purely temporary or accidental.

(d) No broadcaster or network shall accept or knowingly permit any performer, singer, musician, or orchestra leader regularly employed by such broadcaster or network to accept any money, gift, bonus, refund, rebate royalty service, favor or any other thing or act of value from any music publisher, composer, author, copyright owner or the agents or assignees of any such persons for performing or having performed any musical or other composition for any broadcaster or network when the purpose is to induce such persons to sing, play, or perform, or to have sung, played, or performed any such works.

(e) No broadcaster or network shall knowingly permit the broadcasting of any advertisement of, or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

(f) Where a station or network is broadcasting a sustaining program utilizing the services of any band or orchestra, it shall be deemed an unfair practice under this Code to make any commercial announcement advertising any commodity either before, during or after the program the effect of which is to create falsely the impression that the music is furnished or paid for by any persons or firm other than the actual employer of such band or orchestra.

(g) It shall be considered an unfair trade practice under this Code for any station or network to destroy fair competition among bands or orchestras by causing booking offices, artist bureaus or agents to demand that any hotel, night club, restaurant or similar establishment employ any specific band or orchestra.

(h) It shall be considered an unfair trade practice under this Code for any broadcaster to broadcast without being duly authorized by the United States Government.

(i) No broadcaster or network shall use any subterfuge to frustrate the spirit and intent of this Code, and the violation of any of the provisions of this Article VII of this Code shall be deemed an unfair trade practice.

ARTICLE VIII

Modification

1. The President of the United States may, from time to time, cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act.

2. Nothing in this Code, however, shall be construed as authorizing or consenting to the imposition of any requirement which is in conflict with the Radio Act of 1927, as amended, or the rules and regulations promulgated thereunder.

ARTICLE IX

Monopolies, etc.

No provision of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress or discriminate against small enterprises.

ARTICLE X

Effective Date

This Code shall become effective on the second Monday after its approval by the President.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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Vol. 1 - - No. 47
DEC. 2, 1933

CODE AUTHORITY MEETS DECEMBER 11

The Code Authority will hold its first meeting December 11, at the Mayflower Hotel, in Washington. Notices of the meeting were sent out by the Managing Director. The meeting is called for purposes of organization and the transaction of such business as may be presented for action.

WMBR MOVE RECOMMENDED

Application was made to the Radio Commission to assign the license of Station WMBR from F. J. Reynolds to F. J. Reynolds, Inc., and to move the station from Tampa to Jacksonville, Fla. In his Report No. 526 this week Ralph L. Walker, e., recommended that these applications be granted.

In his report the Examiner found that the granting of the authority to move the station as requested will permit it to serve a larger number of people in a locality which has limited radio service and to improve its programs. He found also that the proposed assignee is qualified to operate the station, and the assignment of license reports no change in control, management, or manner of operation of the station.

RECOMMENDS INCREASED TIME FOR WGNV

Station WGNV, Chester, N. Y., operating on a frequency of 1210 kilocycles with specified hours, applied to the Commission for time sharing equally with Stations WJBI, WFAS, and WGBB. In his Report No. 525 this week George H. Hill, e., recommended that the application be granted.

The Examiner found that the granting of the application "will not result in interference with any existing service" and "that there is a need for the service requested." He further found that the applicant is qualified in all ways to use "the additional hours of operation in the public interest."

KFOR GRANTED LICENSE RENEWAL

The Radio Commission on Friday upheld Examiner Ralph L. Walker in his Report No. 513 by denying Raymond M. Brannon a construction permit for a new broadcasting station to be erected at Fremont, Nebr., to use 1500 kilocycles, and granted Station KFOR, Lincoln, Nebr., a license renewal.

In this decision the Commission found that Mr. Brannon "has not shown that he has adequate capital or financial ability to establish and operate the proposed station in such manner as to serve the public interest." It was further found that there is not sufficient need for broadcasting service in the area he proposed to cover. The Commission found that the renewal of the license of Station KFOR would serve the public interest.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Alamo Petroleum Corporation, Jersey City, N. J. (2-450)
- Camden Rail & Harbor Terminal Corporation, Camden, N. J. (2-447)
- Commonwealth Apartments, Inc., Cedar Rapids, Iowa. (2-452)
- Commonwealth Apartments, Inc., Cedar Rapids, Iowa. (2-453)
- General Banknote Engineering Co., Inc., New Rochelle, N. Y. (2-448)
- Stanton C. Peelle and Others, Washington, D. C. (2-451)
- Southern Breweries, Inc., Norfolk, Va. (2-454)
- Sugar Pine Lumber Company, Pinedale, Calif. (2-449)
- Texas Consumers Water Company, Fort Worth, Tex. (2-446)

KANSAS BILL KILLED

The Emergency Sales Tax Act of 1933, Senate Bill No. 164-X, introduced last month at the Special Session of the Kansas Legislature, after having been reported favorably on November 23rd, was

on November 24th stricken from the calendar. This bill was the one which would have taxed sales of service in radiocasting at five per cent.

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, December 4, 1933

- NEW—Herbert H. Fette, Meriden, Minn.—C. P., 1310 kc., 100 watts, daytime (facilities of KGDE).
- KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal, 1200 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, December 5, 1933

- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license, 1300 kc., 1 KW, unlimited time. Present assignment, 1300 kc., 1 KW, shares with KGEF.

Wednesday, December 6, 1933

Oral Argument Before Commission en banc

- KFPY—Symonds Broadcasting Co., Spokane, Wash.—Modification of license, 890 kc., 1 KW, unlimited time. Present assignment, 1340 kc., 1 KW, unlimited time.
- KSEI—Radio Service Corporation, Pocatello, Idaho—Modification of license, 890 kc., 250 watts, unlimited time. Present assignment, 900 kc., 250 watts, unlimited time.
- KSEI—Radio Service Corporation, Pocatello, Idaho—Modification of C. P., 890 kc., 250 watts, 500 watts LS, unlimited time. Present assignment under C. P., 900 kc., 250 watts, 500 watts LS, unlimited time.
- NEW—Chas. W. Phelan, tr. as Casco Bay Broadcasting Co., Portland, Me.—C. P., 1340 kc., 500 watts, unlimited time.
- NEW—Portland Maine Publishing Co., Portland, Me.—C. P., 1340 kc., 500 watts, unlimited time.
- WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—C. P., 1340 kc., 1 KW, specified hours. Present assignment, 1370 kc., 100 watts, specified hours.
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification C. P., 1340 kc., 500 watts, unlimited time. Present assignment under C. P. (on experimental basis), 1430 kc., 500 watts, unlimited time.
- WRDO—WRDO, Inc., Augusta, Me.—C. P. to move station to Portland, Me.; 1370 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

- WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Granted extension to February 1, 1934, of special experimental authority to operate synchronously with WJZ on 760 kc., with 2½ KW, when WTIC is operating on 1060 kc.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate from 11 a. m. to 1 p. m., EST, November 30, 1933.

Second Zone

- WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted authority to operate auxiliary transmitter at present location from December 15 to January 15, while moving main transmitter.

Third Zone

- WACO—Central Texas Broadcasting Co., Waco, Tex.—Granted authority to operate from 2 to 5 p. m. on December 2, 1933, to broadcast football game.

Fourth Zone

- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted extension of authority to use auxiliary transmitter to December 15, while erecting a new radiator.

- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted license covering local move of transmitter; 560 kc., 1 KW, unlimited time.
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, on Thursday, November 30, provided KFDY remains silent.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, on December 1, 8, 10, 13, 15, 18, 21, 22, and 29, 1933.
- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate from 8 p. m. to 12 midnight, CST, on Friday, December 1, 1933.

Fifth Zone

None.

MISCELLANEOUS

- WDBJ—Times World Corp., Roanoke, Va.—Suspended grant made October 27, 1933, increasing night power from 250 to 500 watts, and set for hearing application for modification of license because of protest of Havens & Martin, Inc. (WMBG), Richmond, Va., filed November 9, 1933.

APPLICATIONS RECEIVED

First Zone

- NEW—The Northern Corporation, Chelsea, Mass.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, and unlimited time (facilities WLOE, Boston, Mass.).
- WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Special experimental authority to operate simultaneously with KTHS on 1060 kc. with power of 10 kilowatts until local sunset at Hot Springs, at which time KTHS will suspend operation until 8 p. m., CST, and WBAL will continue operation on 1060 kc. each day until 9 p. m., EST, at which time WBAL will synchronize with WJZ on 760 kc., 2½ KW power until suspension of broadcasting for that day.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Special experimental authority to operate simultaneously with KRLD (unlimited) on 1040 kc.
- WBNX—The Standard Cahill Co., Inc., New York, N. Y.—Construction permit to make changes in equipment and move main studio from 101 Park Ave. to 260 East 161st St., New York, N. Y.

Second Zone

- WLIT—Lit Brothers Broadcasting System, Inc., Philadelphia, Pa.—Special experimental authority to increase power from 500 watts to 1 KW.
- WFI—WFI Broadcasting Co., Philadelphia, Pa.—Special experimental authority to increase power from 500 watts to 1 KW.

Third Zone

- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Special experimental authority to operate simultaneously with WBAL on 1060 kc. with power of 10 KW until local sunset, at which time KTHS will suspend operation until 8 p. m., CST, when it will resume operation on the same frequency (1060 kc.) for the remainder of the broadcast day.
- WMC—WMC, Inc., Memphis, Tenn.—Construction permit to install new equipment, move main studio from 139 South Main St., Memphis, Tenn., to U. S. Highway No. 51, Franks-town, Miss., and increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Special experimental authority to operate simultaneously with WTIC (unlimited) on 1040 kc.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Modification of construction permit granted 2-24-33 to move, install new equipment, power 100 watts, to extend date of completion from 11-1-33 to 12-1-33.
- WKBC—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birmingham, Ala.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.
- NEW—The Texas Frontier Broadcasting Co., P. R. Halleron, Vic Gallagher, Marfa, Tex.—Construction permit to erect a new station to operate on 1210 kc., 100 watts, unlimited time.

Fourth Zone

- WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—Modification of license to make a change in the specified hours of operation.
- KGBZ—Dr. Geo. R. Miller, York, Nebr.—Consent to voluntary assignment of license to KGBZ Broadcasting Co. (a corporation).
- WKBV—Wm. O. Knox, tr. as Knox Battery and Electric Co., Richmond, Ind.—License to cover construction permit granted 8-15-33 to make changes in equipment and move station from Connersville, Ind., to Richmond, Ind.

Fifth Zone

None.

APPLICATIONS RETURNED

- WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to increase power from 1 KW night, 2½ KW day, to 2½ KW night, 5 KW day, on experimental basis (request of applicant).
- WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to increase power from 1 KW night, 2½ KW day, to 2½ KW night, 5 KW day (request of applicant).

CALL LETTERS CHANGED DURING WEEK OF NOVEMBER 20

- KOCW—Chickasha, Okla.—Changed to KTUL.
- WSYR-WMAC—Syracuse, N. Y.—Changed to WSYR-WSYU.

CALL BOOK SUPPLEMENT, NOVEMBER 1, 1933

Freq.	Call Letters	Studio Location	Alterations and Corrections
600 kc.	WICC	Bridgeport, Conn.	Quota units, 0.49.
600 kc.	WCAC	Storrs, Conn.	Quota units, 0.01.
780 kc.	WMC	Memphis, Tenn.	Licensee, WMC, Inc.
890 kc.	WILL	Urbana, Ill.	Power 1 KW-LS, quota units 0.25.
930 kc.	WDBJ	Roanoke, Va.	Power 500 w., quota units 0.6.
930 kc.	KROW	Oakland, Calif.	C. P. T-Oakland.
930 kc.	WIBG	Glenside, Pa.	Power 100 w., frequency 970 kc.
1020 kc.	KYW	Chicago, Ill.	C. P. T-Whitemarsh Twp., Pa.; studio, Philadelphia, Pa.
1020 kc.	WRAX	Philadelphia, Pa.	C. P. power 250 w., 500 w. LS, frequency 920 kc., S-WPEN, quota units 0.25.
1200 kc.	KSUN	Lowell, Ariz.	C. P. covered by license.
1200 kc.	WKJC	Lancaster, Pa.	Call letters WCOD changed to WKBO.
1200 kc.	WCOD	Harrisburg, Pa.	Call letters changed to WKBO.
1210 kc.	KWEA	Shreveport, La.	C. P. covered by license. Licensee, International Broadcasting Corp.
1210 kc.	WKFI	Greenville, Miss.	C. P. to move T and studio to Greenwood. Strike out all particulars.
1210 kc.	WLCI	Ithaca, N. Y.	Quota units, 0.86.
1250 kc.	WRHM	Minneapolis, Minn.	Quota units, 0.07.
1250 kc.	WCAL	Northfield, Minn.	C. P. power 100 w.-LS.
1310 kc.	WLBC	Muncie, Ind.	C. P. T-Algiers, La.
1320 kc.	WSMB	New Orleans, La.	Quota units, 0.13.
1370 kc.	WIBM	Jackson, Mich.	Call letters WFOX changed to WVFW.
1400 kc.	WARD	Brooklyn, N. Y.	Call letters changed to WVFW.
1400 kc.	WFOX	Brooklyn, N. Y.	Call letters WFOX changed to WVFW.
1400 kc.	WLTH	Brooklyn, N. Y.	Call letters WFOX changed to WVFW.
1400 kc.	WBBC	Brooklyn, N. Y.	Call letters WFOX changed to WVFW.
1420 kc.	KGIW	Trinidad, Colo.	T and studio, Alamosa.
1420 kc.	WNRA	Florence, Ala.	T and studio, Muscle Shoals City.
1500 kc.	WPEN	Philadelphia, Pa.	C. P. power 250 w., 500 w. LS, frequency 920 kc., S-WRAX, quota units 0.25.
1500 kc.	WKEU	LaGrange, Ga.	Licensee, Radio Station WKEU.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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HEARINGS ON TUGWELL BILL CONCLUDED

Hearings on the so-called Tugwell bill (S. 1194) to revise and extend the laws governing the manufacture and sale of foods and drugs were begun Thursday, December 7, and concluded on Friday, December 8. The hearing was held before a sub-committee of the Committee on Commerce headed by Senator Royal S. Copeland of New York and including Senators McNary of Oregon and Caraway of Arkansas.

The first day was used primarily in the taking of testimony in support of the bill. Walter G. Campbell, director of regulatory work of the Department of Agriculture, was the chief witness for the Government. He was preceded by Secretary of Agriculture Wallace.

Mr. Campbell claimed that the new law was necessary because the existing statute was ineffective insofar as it relates to many products which reached the markets since the enactment of the 1906 law; that the old law did not cover statements or representations made about an article; and that it was essential that there be a prohibition against false and misleading statements made in the form of advertising. Chief among the supporters of the measure were Professors Emerson of Columbia University; Henderson of Yale; Freeman of Johns Hopkins; and representatives of the American Federation of Labor and the American Home Economics Association.

James W. Baldwin appeared for the Legislative Committee of the NAB and presented a brief pointing out specific objections to the bill in line with the resolution adopted by the NAB at its White Sulphur Springs convention. The portion of the brief relating to specific objections in the bill is as follows:

"1. The definition of 'advertisement' on page 3, lines 15-17, is so broad as to include 'all representations of fact or opinion disseminated in any manner or by any means.'

"Such a definition of advertising appears absolutely unworkable. An expression of 'fact or opinion disseminated in any manner' covers practically every spoken, written or printed word. With such a definition, the prohibitions contained in Section 17, sub-sections (3) and (4) (page 23, lines 15-21) would apply even to the simplest oral statement.

"Such a definition of advertising, if established by Congressional enactment, would go far beyond the scope of the pending legislation. It would, in effect, place formidable barriers around the right of free speech. Within the field specifically covered by these bills, it would render any statement dangerous, unless such statement were based on an intimate and complete knowledge of scientific data.

"Under so extraordinarily broad a definition of advertising, and with the prohibitory provisions of this bill, there is hardly an advertisement of any food product, drug or cosmetic appearing in our newspapers or magazines, or broadcast from our radio stations, which is not at least open to attack. If such a definition is permitted to stand, there is scarcely a legitimate advertiser in this entire field who can feel himself reasonably secure from legal action, particularly since such action may and doubtless will be instigated in large measure by his competitors.

"2. Section 9 (from page 12, line 20, through page 14, line 18) declares, in substance, that any advertisement of a food, drug, or cosmetic 'shall be deemed to be false if in any particular it is untrue, or by ambiguity or inference creates a misleading impression.'

"The broadcasters have no desire to enter into the argument concerning self-medication, with which this section is extensively concerned. They do, however, desire to point out three things:

"(a) The phrase 'if in any particular it is untrue' involves the setting up of an absolute standard of truth which, in the ordinary affairs of human life, is utterly unattainable. One may, in this connection, aptly quote Pilate's 'What is Truth?' There is no piece of advertising copy in existence, no newspaper report, no

public document, which could wholly meet such a requirement as this. Of course it will be urged that this phrase is not to be taken too literally, but a law that cannot be taken literally is a dangerous and bad law.

"(b) The phrase 'by ambiguity or inference creates a misleading impression' is just as dangerous as the phrase commented on in the preceding paragraph. How is the 'impression' created by any given piece of advertising copy to be determined? What is meant by 'misleading'? Even the most accurate and careful statement of facts, whether contained in an advertisement or in any other form of communication to the public, is subject to misinterpretation. A court has trouble enough in determining the correctness of a statement of facts; no one can even guess what would happen if it were called upon to determine legally the 'impressions' created by 'inference.' Such a provision is a direct blow at all legitimate advertising. It would, if applied literally, threaten virtually every piece of advertising copy in the food, drug and cosmetic field. If not applied literally, it would create a complete chaos of uncertainty.

"(c) The provision that an advertisement of a drug shall be deemed to be false 'if it includes the name of any disease for which the drug is not a specific cure but is a palliative' involves what appears to the layman to be a perfectly hopeless confusion of opinion. The 'cure' of today is the 'palliative' of tomorrow. Most people believe, for example, that aspirin 'cures' headaches because it frequently stops them, but the headache itself may be merely the symptom of an ailment which the drug cannot affect. The use of such words as 'cure' and 'palliative' in legislation is certain to create endless confusion, because the words themselves are of such variable meaning.

"3. Section 15 (from page 19, line 1, through page 20, line 11) directs each United States attorney 'to cause appropriate proceedings to be instituted in the proper courts of the United States.' This throws the initial determination of what constitutes unlawful advertising into a multiplicity of courts of presumably equal authority, resulting inevitably in hopeless confusion. An advertisement might and doubtless would be held truthful, and hence legal, in one court, and untruthful, and hence illegal, in another of like authority. It seems utterly impossible to avoid disastrous confusion unless the determination of what is and what is not permissible under the law is handled by a single judicial tribunal. This applies particularly to advertising which is interstate in character, and therefore is of special significance to the broadcaster.

"4. Section 19 (page 26, lines 11-25) gives to the district courts of the United States power to restrain by injunction the 'repetitious dissemination by radio broadcasting * * * of false advertising.' Here again, as in Section 15, confusion is inevitable as a result of action by a multiplicity of courts. An advertisement may be found to be illegal in one court, legal in another, and summarily shut off by injunction in a third where the case has never actually been heard at all. Even the successful defense in court of an advertising statement will not afford full protection, because some other court may rule differently, thereby furnishing the basis for injunctions throughout the country. Unless there is set up a single tribunal with full authority for the entire nation, subject only to the usual rights of appeal, this provision regarding injunctions is bound to give rise to vast confusion and manifold injustices.

"It will be noted that the foregoing four specific criticisms of the bill fall into two groups. One (Points 1 and 2) concerns what seems to be the impossibility of defining accurately enough for legal purposes what is meant by 'truth' in advertising. It may be said that the broadcasters regard this defect in the proposed bill as fundamental, and that they can see no practicable way of extending the scope of such a bill beyond the deliberate misstatement of specific facts. Manifestly, an advertisement should not be permitted to state that the ingredients of a certain drug are

so-and-so, when the manufacturer knows that in fact they are something else. When, however, legislation seeks to control the expression of opinion, or to set up a standard of absolute truth that is quite beyond the reach of the human mind, it is making the violation of its provisions inevitable and universal. A strict interpretation of the bill as it stands would destroy the entire advertising business of the United States; a liberal (i.e., lax) interpretation would lead to hopeless confusion.

"The second group of criticisms (Points 3 and 4) concerns the proposed administration of the bill. The primary object of any such legislation should be the protection of the public by making clear to advertisers what they may and may not legally do. The method of administration here set up appears completely to defeat this purpose.

"Although reference has here been made to specific sections of the proposed bill, the objections raised to these sections apply likewise, though less directly, to other features of it, and therefore it is on the broad, general grounds herein outlined that the Broadcasting Industry has recorded itself as protesting against the enactment of the legislation unless on the basis of many and far-reaching changes therein."

John Benson, president of the A. A. A. A., appeared in opposition to the bill arguing that advertising was salesmanship in print and that a continuance of a reasonable amount of puffing should be permitted.

Among those opposing the bill were Dr. J. H. Beal of Florida, chairman of a committee of drug trade officials and representatives of Squibb Drug Co., the confectioners, proprietaries, retail druggists, New York Board of Trade, Association of National Advertisers, Associated Manufacturers of Cosmetics, National Editorial Association, U. S. Medicine Manufacturers, Drug Institute of America and the National Cannery Association.

The argument in favor of the bill was closed by Professor David A. Cavers of Duke University who assisted Professor Tugwell in the drafting of the bill.

After repeated attacks upon the bill that it was inconsistent with the spirit of the NRA, a representative of the Consumers Board and a representative of the Department of Labor appeared to refute such statements.

A large number of amendments were submitted and these will receive consideration of the sub-committee before reporting the measure to the full committee. It is expected that the full committee will report the measure in amended form to the Senate early in January.

NRA RADIO CODE EFFECTIVE MONDAY

The Code of Fair Competition for the Broadcasting Industry becomes operative on Monday, December 11, and the operations of all stations throughout the country become subject to its provisions.

Official prints of the code became available on Thursday and copies were sent to all stations. In addition, NAB members will be sent a copy of the National Industrial Recovery Act and a copy of the code suitably punched for insertion in the NAB Handbook. It is expected that the Code Authority will issue its general rulings in printed form and that these likewise will be punched in a similar manner.

The Code Authority appointed by President Roosevelt to administer the code until such time as the industry places itself in a position to regulate itself by broadening the membership of the NAB, will hold its first official meeting on December 11 in Washington. The first order of business will be the election of a chairman, vice chairman and a director to carry on the administrative work in connection with the code. Attention also will be given to the investigations which the Code Authority is required to undertake under the code.

Just as soon as the Code Authority is organized it will consider petitions for exceptions which have already been filed.

SUPREME COURT REFUSES KFAB REVIEW

The Supreme Court of the United States on Monday, December 4, refused to review the KFAB libel case. The refusal was based on jurisdictional grounds. The case involved the liability of a broadcasting station for defamatory matter uttered in the course of an address delivered on behalf of a duly qualified candidate for public office. The Supreme Court of Nebraska held that Station KFAB, Lincoln, Nebr., was liable for utterances made by a

speaker in the course of a political address, reversing the lower court which had held the station not liable. The station had alleged that it was not liable because Section 18 of the Radio Act of 1927 expressly prohibited censorship of political speeches. The refusal of the Supreme Court of the United States to review the Nebraska Supreme Court's decision leaves the latter decision as the law within the state of Nebraska.

The Supreme Court of the United States announced its refusal to review the case without a written opinion.

ROPER COMMITTEE FINISHES TASK

The Interdepartmental Committee on Communications under the chairmanship of Secretary of Commerce Roper has completed its study and will transmit its report to the President within the next few days. The report was in the hands of the chairman on Friday, December 8.

The recommendations contained in the report have not been made public and it is not known at this time whether or not the President will utilize the report in making recommendations to the Congress.

Whether the President will ask the Congress for legislation relating to radio, telephones, telegraphs and cables is not known although it is reliably reported at this time that the President has not given serious consideration to such a request.

NEW DUES SCHEDULE JANUARY 1

The new schedule of NAB dues, adopted at the White Sulphur Springs convention of the Association, becomes effective on January 1, 1934. The new By-Law No. 1, as adopted by the Association, reads as follows:

"(a) After January 1, 1934, the monthly dues of the members of this Association shall be at the rate of two-tenths of one per cent of net sales of broadcasting facilities during the last previous month; provided, however, that no member shall pay less than \$2.50 per month. Dues shall be payable on or before the fifteenth of each month and shall be accompanied by a certified statement of the net sales of broadcasting facilities during the preceding month.

"(b) The annual dues of members of this Association who do not own or operate radio broadcasting stations shall be at the rate of two hundred and fifty dollars per year, payable quarterly in advance."

The above By-Law was drafted in accordance with the resolution adopted at the St. Louis Convention and was adopted after discussion during the White Sulphur Springs meeting.

In line with the new provision the Managing Director will send to each member a form of statement to be filled in by the member instead of a bill as has been the practice. January dues will be based upon December business.

The practice of basing dues upon volume of business has been followed by many successful trade organizations and now finds support in the standard provision required in all NRA codes. Article VI, Section 8 of Code of Fair Competition for the Broadcasting Industry, which is a standard form of provision insisted upon by the NRA, sanctions the method of assessing dues adopted by the NAB.

DEPRECIATION RATES FOR TAX PURPOSES

Following the recent conference between officials of the Internal Revenue Bureau and E. M. Elkin, chairman of the NAB Tax Committee, and Managing Director Loucks, Deputy Commissioner Charles T. Russell of the Bureau has requested from the NAB certain data and information to assist it in determining rates of depreciation allowable for income tax purposes upon buildings and equipment of radio broadcasting stations.

The NAB has agreed to assist the Bureau in collecting this information and the NAB Tax Committee will hold a meeting for this purpose at an early date. The meeting will be open to all members who will furnish helpful information.

In the Bureau's communication to the NAB the following data is requested:

"1. A statement showing the various groups or classes of equipment which have approximately the same length of serviceable life, and the relative amount or the percentage that the cost bears to the total cost of equipment in use in the 'average' station.

Such facts as have been presented this office indicate that this equipment may be divided into four groups, viz., studio apparatus, speech in-put, transmitter equipment, and antenna equipment not including towers, but if in your opinion a different grouping is advisable, or if subdivisions should be made of any of these groups, your opinions on these questions will be appreciated.

"2. If, in your opinion, the serviceable life of the buildings occupied as radio broadcasting stations will be either greater or less than the life of buildings of the same types of construction in other industries, such facts as will establish the correctness of that opinion should be presented, keeping in mind, however, the fact that unusual conditions which affect individual stations cannot be given consideration in the proposed general basis unless such unusual conditions are shown to apply to buildings of radio broadcasting stations in general, and also keeping in mind the question of whether discontinuance of the use of a building for broadcasting purposes will result in a total loss of the investment in the building or whether such an 'average' building may be used for other purposes.

"3. The estimated *physical* life of each class of equipment should be shown, entirely aside from any consideration that may be given its length of life as the result of normal progress of the art.

"4. Such facts and data as can be secured, regarding the probability of future improvements in equipment that will require the replacement of items now in use, should also be furnished, again bearing in mind that the replacement of the equipment now in use prior to the end of its physical life because of future improvements cannot be assumed merely because it is probable that such improvements will occur, and that before any very great weight can be given this factor, it will be necessary that fairly definite evidence be furnished that such improvements will occur; it being considered that the history of the industry during the last few years should be fairly indicative of the future.

"5. The rates of depreciation allowable will obviously depend to a great extent upon the method of accounting followed regarding the costs of small replacements, and the character of such replacements charged to capital account and to expense, respectively. Consideration must also be given the question of whether losses are to be allowed on items, the cost of which has been charged to capital account and which are discarded prior to the end of their estimated serviceable life, or whether the cost of these items is to be recovered entirely through the rates of depreciation allowed."

The Bureau now has under consideration a number of individual cases, decision in which is being withheld pending a decision on the question of allowable rates. It is urged that the information be compiled at the earliest possible date. It is suggested by the Bureau that the actual history of several stations that have been in operation for several years would be helpful in considering the question, the date to include (a) the original cost of each class of depreciable assets and the year installed; (b) the cost of each subsequent year's additions; (c) the cost of items retired each year (which were previously charged to capital account) and the year in which the discarded items were originally installed; (d) the rates and amounts of depreciation allowed for income tax purposes in each prior year; (e) the amount taken each year as expense deductions as the cost of maintenance, repair and replacements, and (f) the amounts, if any, which have been allowed in each prior year as losses on discarded items.

The Bureau, upon conclusion of its consideration of the question of allowable rates, intends to publish an official bulletin on the subject.

F. R. C. CONSIDERS LIQUOR QUESTION

The Federal Radio Commission has referred to its Legal Division the question of the legality of liquor advertising by radio. The Commission's attorneys have been in communication with the Department of Justice and the Post Office Department and it is expected that a report on the subject will be forthcoming at a future date. In the meantime the Commission is withholding any official expression on the subject.

Section 5 of the act of Mar. 3, 1917 (39 Stat. 1069), as amended by the act of Mar. 4, 1917 (39 Stat. 1202), and by section 1407 of the act of Feb. 24, 1919 (40 Stat. 1151), and by section 17 of title II of the act of Oct. 28, 1919 (41 Stat. 313), (18 U.S.C. 341 and 18 U.S.C. Supp. VI 341), and by section 1110 of the act of Oct. 3, 1917 (40 Stat. 329) (18 U.S.C. 342), and by section 3 (c) of the act of Mar. 22, 1933 (48 Stat. 17) (27 U.S.C. 64 b), provides among other things that advertisements of or solicitations

of orders for intoxicating liquors shall not be mailed to any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory unlawful to advertise or solicit orders for such liquors.

The following States and Territories are affected by the said act, effective upon the repeal of the Eighteenth amendment on Dec. 5, 1933:

States and Territories the laws of which prohibit both the advertising of and solicitation of orders for intoxicating liquors: Alabama, Alaska, District of Columbia, Florida, Georgia, Hawaii, Idaho, Maine, Michigan, Mississippi, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Puerto Rico, South Carolina, Texas, Virgin Islands, Virginia, and West Virginia.

States the laws of which prohibit advertising but do not refer to solicitation of orders: Missouri, South Dakota and Utah.

States which prohibit solicitation of orders: Arkansas, Minnesota, New Hampshire, Tennessee, and Vermont.

The following States are affected as indicated:

Connecticut: Prohibits solicitation of orders in towns which forbid sale of liquor under local option clause of Liquor Control Act.

Delaware: Prohibits advertising except in newspapers or other periodical publications or by radio.

Indiana: Permits solicitation of orders by holders of permits issued by State Excise Department.

The following States have statutes which provide for local option: Maryland, New Mexico, and Washington.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Protective Committee for holders of bonds of Atlantic City and Atlantic County, N. J., New York City (2-455).

Same (2-456).

Greenebaum Sons Investment Company and Percy Cowan, Chicago, Ill. (2-458).

Oak Ridge Fur Farms Company, Inc., Dover, Del. (2-457).

Protective Committee for Valspar Corporation, New York City (2-459).

American Participations, Inc., Springfield, Mo. (2-464).

Asphalt Vault Company of America, Baltimore, Md. (2-466).

Paul A. Flickinger and others, Reading, Pa. (2-462).

Continental Sugar Company Bondholders' Protective Committee, New York City (2-465).

Bondholders Committee for Metropolitan District Finance Company, Chicago, Ill. (2-463).

Greenebaum Sons' Investment Company and Percy Cowan, Reorganization Managers, Chicago, Ill. (2-468).

Premier Brewing Company, Middletown, Ohio (2-467).

Producers Development Syndicate, Shelby, Mont. (2-461).

Thomas A. Tunney and others, New York City (2-460).

MISSOURI TAX BILL KILLED

The proposed sales tax of one-fourth of one per cent on "radio casting," which was introduced in the Missouri Legislature by the House Ways and Means Committee, as reported on November 18, 1933, in No. 44 of the NAB Reports, was killed in the House on November 28, 1933.

COORDINATOR REQUESTS ASSISTANCE

The Federal Coordinator of Transportation has requested all broadcasting stations to aid in solving the Government's transportation problem by filling in a "Passenger Ballot," copies of which were sent to every station. The Federal Coordinator of Transportation has requested the NAB to assist in this undertaking by urging that all NAB members give prompt attention to the ballot. Members are urged therefore to fill out the ballots and return them to Coordinator Joseph B. Eastman, Federal Coordinator of Transportation, Washington, D. C. The study is being conducted under the authority of a law passed by Congress at its last session.

WBBM APPEALS WGN GRANT

Station WBBM, Chicago, this week filed an appeal in the Court of Appeals of the District of Columbia against the decision of the Federal Radio Commission in granting WGN, Chicago, a power increase to 50,000 watts. WBBM claims that the increased power increases economic competition in the Chicago area.

RECOMMENDS AGAINST KMLB APPLICATION

Station KMLB, Monroe, La., applied to the Radio Commission for permission to change the transmitter location, to increase its power from 100 to 250 watts and change its time from unlimited time to specified hours. In Report No. 528 this week George H. Hill (e) recommended that the application be denied.

The Examiner found that the granting of this application would result in interference at night with station WOW. He also found that "there is no showing that the increase of power and the reduction of hours of operation requested would serve the public interest."

OPPOSES SIMULTANEOUS OPERATION

Stations WOKO, Albany, N. Y., WHEC, Rochester, N. Y., WCAH, Columbus, Ohio, and WHP, Harrisburg, Pa., all applied to the Radio Commission for authority to operate simultaneously, day and night, on 1430 kilocycles. Also Station WCAH requested an increase in daytime power from 500 to 1,000 watts. Station WFEA, Manchester, N. H., was constructed under experimental terms issued by the Commission and sought authority to operate on a regular basis on 1430 kilocycles.

In Report No. 527, this week Ralph L. Walker (e) recommended that the applications of Stations WOKO, WHEC, and WCAH be denied; that the application of WHP be granted for unlimited time, except the hours specified in the license of Station WBAK. He also recommended that the application of Station WFEA for license be granted.

WBT AND WHAS GET POWER INCREASES

Stations WBT, Charlotte, N. C., and WHAS, Louisville, Ky., had their power increased from 25,000 to 50,000 watts by a decision of the Radio Commission handed down on Friday. Hearings in both of these cases were heard before the full membership of the Commission on November 22. WBT operates on a frequency of 1080 kilocycles, while WHAS is on 820 kilocycles.

It was found by the Commission in its WBT decision "that the applicant is qualified and able to operate Station WBT with 50 kilowatts power in such manner as to serve public interest," and also "that the operation of Station WBT with 50 kilowatts power will result in a more efficient use of the frequency of 1080 kilocycles."

In connection with its decision in the case of WHAS, the Commission found that this station also would be able to operate in a more efficient manner with 50,000 watts and that "no appreciable increase in interference may reasonably be expected to develop from the operation of Station WHAS with 50 kilowatts power."

WIRED RADIO BRINGS SUIT

Wired Radio, Inc., is reported to have brought suit for infringement of patents against WFBE, Inc., Cincinnati, Ohio. The suit was filed September 26, 1933, in the United States Court of the Southern District of Ohio, and alleges infringement of certain patents covering crystal control circuits.

UNLICENSED STATIONS PROSECUTED

The Commission this week announced that convictions have been obtained in several cases in the Federal courts of Texas involving the operation of broadcasting stations without benefit of licenses from the Federal Radio Commission.

Curry Jackson, of Abilene, Tex., was sentenced to ten days in prison for operating without a station license and for operating without an operator's license. Fred Bitterman and Albert Cox

were convicted on similar charges at Waco, Tex. It is reported that a number of the remaining unlicensed stations in Texas have ceased operation.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Thursday, December 14, 1933

WBBX—Coliseum Place Baptist Church, New Orleans, La.—Involuntary assignment of license, 1200 kc., 100 watts, share with WJBW.

WBBX—Samuel D. Reeks, New Orleans, La.—C. P., 1200 kc., 100 watts, share with WJBW.

WBBX—Samuel D. Reeks, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share with WJBW.

Wednesday, December 13, 1933

Oral Argument Before Commission en banc

KECA—Earle C. Anthony, Inc., Los Angeles.—Modification of license, 780 kc., 1 KW, unlimited time; (facilities of KTM and KELW). Present assignment, 1430 kc., 1 KW, unlimited.

NEW—Don Lee Broadcasting System, Redlands, Cal.—C. P., 780 kc., 500 watts, unlimited time (facilities of KTM and KELW).

KFBK—James McClatchy Company, Sacramento, Cal.—C. P., 1430 kc., 500 watts, unlimited time (facilities of KTM and KELW). Present assignment: 1310 kc., 100 watts, unlimited time.

KTM—Pickwick Broadcasting Corp., Los Angeles.—Voluntary assignment of license to Evening Herald Publishing Co., 780 kc., 500 watts, 1 KW LS, shares with KELW.

KTM—Pickwick Broadcasting Corp., Los Angeles.—Renewal of license, 780 kc., 500 watts, 1 KW LS, shares with KELW.

KELW—Magnolia Park, Ltd., Burbank, Cal.—Voluntary assignment of license to Evening Herald Publishing Co., 780 kc., 500 watts, shares with KTM.

KELW—Magnolia Park, Ltd., Burbank, Cal.—Renewal of license, 780 kc., 500 watts, shares with KTM.

APPLICATIONS GRANTED

First Zone

NEW—The Northern Corp., Chelsea, Mass.—Granted C. P. for new station, 1500 kc., 100 watts night, 250 watts day, unlimited time.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted authority to remain silent December 25 and January 1, on account of Christmas and New Year's holidays.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted C. P. to move transmitter locally and make slight changes in equipment.

WOL—American Broadcasting Co., Washington, D. C.—Granted license covering changes in equipment, 1310 kc., 100 watts, unlimited.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted license, 1370 kc., 100 watts, specified hours.

Second Zone

None.

Third Zone

- KRMD—KRMD, Inc., Shreveport, La.—Granted authority to operate December 8, 1933, until 8:45 p. m. in order to broadcast by remote control local Boy Scout program.
- KWWG—Frank P. Jackson, Brownsville, Tex.—Granted extension to remain silent until decision on application for assignment of license and request of new applicant for facilities of KWWG, but not later than April 1, 1934.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted authority to remain silent Christmas Day, also January 1.
- WGCM—Great Southern Land Co., Mississippi City, Miss.—Granted license covering increase in power and change in specified hours; 1210 kc., 100 watts night, 250 watts day.
- WSMB—WSMB, Inc., New Orleans, La.—Granted license covering move of transmitter, 1320 kc., 500 watts, unlimited.
- WENC—Americus Broadcasting Corp., Americus, Ga.—Granted C. P. to move transmitter and studio from Americus to Albany, Ga., and make changes in equipment.

Fourth Zone

- WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authority to operate from 10 p. m. to 1 a. m., CST, Friday, December 15.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted license covering move of station, change in frequency and hours of operation; 1500 kc., 100 watts, specified hours.
- KWLC—Luther College, Decorah, Ia.—Granted authority to remain silent from December 20, 1933, to January 2, 1934, during Christmas holidays at College.
- KGBX—KGBX, Inc., Springfield, Mo.—Granted 60-day extension of authority to operate unlimited time, pending decision on pending application.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license covering change in location of main transmitter, 950 kc., 1 KW, unlimited time.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted C. P. to move auxiliary transmitter from Independence, Mo., to Kansas City, Kans., to location of main transmitter.

Fifth Zone

- KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted special temporary authority to operate from 6 to 7 a. m., PST, on Christmas Day.
- KWSC—State College of Washington, Pullman, Wash.—Granted authority to remain silent from 9:30 p. m., December 23, to 6:45 a. m. January 8, 1934, PST, in order to make certain improvements in equipment.
- KDFN—Donald Lewis Hathaway, Casper, Wyo.—Granted license covering local move of station, and making changes in equipment, 1440 kc., 500 watts, unlimited.
- KIEM—Harold H. Hanseth, Eureka, Cal.—Granted authority to operate night of December 7, in order to broadcast NRA meeting. KFJI consented to operation.

APPLICATIONS DENIED

- KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Cal.—Denied authority to operate from midnight to 6 a. m., PST, in addition to present daytime hours of operation.

The following cases, heretofore designated for hearing, were denied because applicants failed to enter appearance within time allowed:

- KIEM—Harold H. Hanseth, Eureka, Cal.—Modification of license, 1210 kc., 100 watts, unlimited time (facilities of KFWI); also special temporary experimental authority, 1210 kc., 100 watts, daytime and night hours to 10 p. m.
- NEW—G. M. Dauntley, San Francisco.—C. P., 930 kc., 500 watts, share with KROW (facilities of KFWI).

SET FOR HEARING

- NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—C. P. for new station; 620 kc., 250 watts, daytime only.
- NEW—Walter B. Stiles, Inc., Muskegon, Mich.—C. P. for new station, 1310 kc., 100 watts, unlimited time.
- NEW—Ark-La-Tex Radio Corp., Shreveport, La.—C. P. for new station; 850 kc., 10 KW, unlimited time. Facilities KWKH and WWL.
- NEW—S. George Webb, Newport, R. I.—C. P. for new station, 1390 kc., 250 watts, unlimited time.
- NEW—Jos. G. Mayer and Clarence R. Cummins, Erie, Pa.—C. P. for new station, 1420 kc., 100 watts, unlimited time.
- NEW—Henry Clay Allison.—C. P. for new station, facilities of KFJZ, 1370 kc., 100 watts; share equally with KFJZ.
- NEW—Wm. E. Chaplin, Pine Bluff, Ark.—C. P. for new station, 1500 kc., 100 watts, daytime.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license to change hours of operation from specified to unlimited. Facilities of KGAR.
- WLEY—Albert S. Moffat, Lexington, Mass.—C. P. to move station from Lexington to Lowell, Mass.; increase hours of operation from specified to unlimited.
- WHA—University of Wisconsin and Department of Agriculture and Markets, Madison, Wis.—C. P. to consolidate stations WHA and WLBL; install new equipment; use 670 kc., 5 KW power, one-half time sharing with WMAQ; facilities of WMAQ.

ORAL ARGUMENT GRANTED

The Commission, sitting en banc, will hear oral arguments on January 3, 1934, beginning at 10 a. m., in re Examiner's Report No. 520, concerning applications of WCAO, Baltimore; WICC, Bridgeport, Conn., and WCAC, Storrs, Conn., for increase in operating power to 500 watts, on their common frequency—600 kc.

APPLICATIONS RECEIVED

First Zone

- WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Application to determine operating power of broadcasting station by direct measurement of antenna power.
- NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—Construction permit to erect a new station to operate on 1400 kc., 500 watts, unlimited time. Facilities of WBBC, WLTH, WARD and WVFW.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Determine operating power by direct measurement of antenna power.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—License to cover construction permit as modified 10-24-33 authorizing changes in equipment and move of transmitter.

Second Zone

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Construction permit to make changes in equipment and to cover move of transmitter to Third St., Village of Laurium, Mich.

Third Zone

KWWG—Port Arthur College, Port Arthur, Texas.—Construction permit to move station KWWG from Brownsville, Texas, to 1500 Proctor St., Port Arthur, Texas, *amended* to change transmitter location to site to be determined subject to approval of the Commission.

NEW—N. Vernon Clark, Chester, S. C.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, daytime hours. To be considered under Rule 6 (f).

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit granted 6-9-33, requesting authority to make changes in equipment and extend date of completion from 10-9-33 to 3-1-34.

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to make changes in equipment and increase daytime power from 250 watts to 1 kilowatt *amended* to make further changes in equipment.

WMC—WMC, Incorporated, Memphis, Tenn.—Construction permit to move studio from Memphis, Tenn., to Frankstown,

Miss., increase power to 1 KW night, 2½ KW daytime, make changes in equipment *amended* to request application be considered under Rule 6 (f) and (g).

Fourth Zone

WHA—University of Wisconsin, and Department of Agriculture and Markets, Madison, Wis.—Construction permit to consolidate Radio Stations WHA and WLBL under the call of WHA, using new equipment, transmitter location of WLBL (near Stevens Point, Wis.), and studio location of WHA, (Campus of University of Wisconsin, Madison, Wis.), on the frequency of 670 kc., 5 kilowatts power, one-half time sharing with WMAQ. Facilities of WMAQ, Chicago, Ill.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 6-30-33, authorizing changes in equipment.

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts daytime. Application to be considered under Rule 6 (f).

Fifth Zone

KGHF—Curtis P. Ritchie and Geo. J. Ikelman, Pueblo, Colo.—Consent to voluntary assignment of license to Geo. J. Ikelman.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN OCTOBER

Broadcast advertising in October showed the most encouraging trend to be exhibited since the establishment of the statistical service in July. Gross receipts from the sale of advertising time amounted to \$5,741,850.00 and marked a 45.3% increase over September revenues. National network advertising volume increased 54.2% over the previous month. Regional network advertising rose 82.0%, while individual station receipts showed a gain of 34.9% as against September. The total volume of broadcast advertising over national networks, regional networks and individual stations for the month of October is found in Table I:

TABLE I

TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	1933 Gross Receipts		
	September	October	Cumulative July-October
National networks..	\$2,102,809.00	\$3,244,153.00	\$9,063,916.00
Regional networks..	14,281.00	26,091.00	88,703.00
Individual stations..	1,832,251.00	2,471,606.00	8,150,260.00
Total	\$3,949,341.00	\$5,741,850.00	\$17,302,879.00

The trend in national network advertising during October has been especially encouraging. In addition to showing a marked gain over September volume these revenues were 7.0% higher than those for the same month of 1932. Furthermore, receipts for the month in question were the highest since May, 1932, and were within \$9,000 of equalling October, 1931, volume. It will be remembered that this was the month which marked the beginning of the most successful period thus far to have been experienced by network radio advertising.

It is impossible to say what is the position of individual station revenues as compared with previous years since no data exists on this subject. However, if individual station business has followed network trends to any degree at all it would seem that radio advertising volume is definitely on the upswing. To what extent broadcast advertising will approximate 1931-1932 levels should become evident within the next several months.

Comparison with Other Media

A comparison of September expenditures for radio broadcast advertising as against those for other leading advertising media is found in Table II:

TABLE II

ADVERTISING VOLUME MAJOR MEDIA

Advertising Medium	1933 Gross Receipts		
	September	October	Cumulative July-October
Radio broadcasting	\$3,949,341.00	\$5,739,850.00	\$17,300,879.00
National magazines ¹	7,942,886.00	9,574,829.00	30,259,086.00
National farm papers	373,134.00	455,018.00	1,301,162.00
Newspapers	38,371,622.00	43,903,450.00	152,515,168.00
Total	\$50,636,983.00	\$59,673,147.00	\$201,376,295.00

¹ National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

National magazine volume showed an increase of 20.5% as against September; farm papers a rise of 19.2% and newspapers a gain of 12.6% as compared with the previous month.

October national magazine volume is approximately 6.0% ahead of that of the same month of 1932. Newspaper volume finds itself in about the same position as national magazine advertising, while advertising in farm papers shows an increase of 48.0% over October, 1932.

Total volume of advertising for the first ten months of 1933 is, in the case of most media, materially behind that of the previous year. National magazines are approximately 20.0% behind last year. National farm papers are 22.0% and national network advertising is 27.0% less than in 1932. Newspaper advertising for the period is approximately 11.0% less than in 1932.

Since 1932 represented the most prosperous year thus far experienced by national networks, the decline in revenue during the current year tends to represent the maximum shrinkage in advertising volume to be experienced by the medium during the depression. On the other hand, by the beginning of 1932 national magazine advertising had already declined about 44.0% from its previous peak, while the volume of national advertising placed in newspapers was estimated to have dropped approximately 38.0% from its previous high level. It seems, therefore, that on the whole radio advertising has tended to feel the depression less seriously than other major media.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over stations of different classes of power is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	1933 Gross Receipts		
	September	October	Cumulative July-October
Over 5,000 watts ...	\$768,480.00	\$894,860.00	\$3,396,871.00
2,500-5,000 watts ...	183,245.00	311,192.00	1,007,658.00
250-1,000 watts ...	666,267.00	935,850.00	2,831,442.00
100 watts and under ...	214,259.00	329,704.00	914,289.00
Total	\$1,832,251.00	\$2,471,606.00	\$8,150,260.00

Stations of 5,000 watts and more in power tended to make up the losses in non-network revenue experienced during the past two months and to approximate their July position. The growth in non-network revenue of stations of this class has tended to be less than that of smaller transmitters. This is due probably to the fact that stations of this class are usually affiliated with networks and that these networks are in a position to command the best station time. Stations of from 2,500 to 5,000 watts tended to show the same trend as experienced by the larger transmitters. The greatest increase in non-network revenue has been on the part of the smaller broadcasting units. Stations in the 250-1,000-watt class showed an increase of 40.0% in non-network revenue as compared with September, while stations in the 100-watt group enjoyed an increase of 54.0%. How much of these various trends are due to cyclical conditions and to what extent they are normal seasonal trends it is impossible to say at this time.

The amount of non-network advertising placed over stations in different sections of the country is found in Table IV:

**TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY
GEOGRAPHICAL DISTRICTS**

Geographical District	1933 Gross Receipts		
	September	October	Cumulative July-October
New England-Middle Atlantic Area	\$462,448.00	\$599,277.00	\$2,061,382.00
South Atlantic-South Central Area	288,802.00	354,559.00	1,183,768.00
North Central Area . .	676,341.00	1,018,643.00	3,047,628.00
Pacific and Mountain Area	404,660.00	499,127.00	1,857,482.00
Total	\$1,832,251.00	\$2,471,606.00	\$8,150,260.00

The outstanding trend in this instance is the marked rise of non-network advertising over Middle Western stations. Advertising in the Southern district continues the steady growth which it has experienced in recent months. Both the New England and Middle Atlantic districts and Pacific-Mountain region have regained the losses experienced in August and September, and have slightly exceeded July advertising volume.

Spot and Local Advertising

A comparison of the volume of national spot and local broadcast advertising going to make up the non-network revenues of individual stations is found in Table V:

**TABLE V
COMPARISON OF NATIONAL SPOT AND LOCAL
BROADCAST ADVERTISING**

Class of Business	1933 Gross Receipts		
	September	October	Cumulative July-October
National spot	\$654,014.00	\$1,066,413.00	\$3,115,318.00
Local	1,178,237.00	1,405,193.00	5,034,942.00
Total	\$1,832,251.00	\$2,471,606.00	\$8,150,260.00

There was a marked increase in national spot advertising during October. Spot volume was 63.0% higher than September and 44.0% higher than in July. Local advertising showed a 19.0% increase over the previous month and was 3.5% higher than in July. Advertising of this type, however, seems to show somewhat less seasonal fluctuation than in the case of national spot business.

Advertising By Type of Rendition

The trends with regard to the electrical transcription business and other types of broadcasting rendition are found in Tables VI and VII:

**TABLE VI
NON-NETWORK BROADCAST ADVERTISING BY
TYPE OF RENDITION**

Type of Rendition	1933 Gross Receipts		
	September	October	Cumulative July-October
Elec. transcriptions . .	\$303,605.00	\$563,753.00	\$1,452,855.00
Live talent programs . .	916,041.00	1,094,678.00	3,762,906.00
Records	51,906.00	53,398.00	236,885.00
Spot announcements . .	560,699.00	759,777.00	2,697,614.00
Total	\$1,832,251.00	\$2,471,606.00	\$8,150,260.00

**TABLE VII
COMPARISON OF LOCAL AND NATIONAL SPOT
ADVERTISING BY TYPE OF RENDITION**

Type of Rendition	1933 Gross Receipts		
	National Spot	Local	Cumulative July-October
Elec. transcriptions . .	\$442,200.00	\$121,553.00	\$563,753.00
Live talent programs . .	350,455.00	744,223.00	1,094,678.00
Records	8,943.00	44,455.00	53,398.00
Spot announcements . .	264,815.00	494,962.00	759,777.00
Total	\$1,066,413.00	\$1,405,193.00	\$2,471,606.00

Electrical transcription volume in October showed a gain of 85.0% over the previous month. This was due entirely to national spot business which increased 98.0%; local electrical transcription volume having declined slightly.

Live talent volume increased 16.3% over the previous month, while no change occurred with regard to the broadcasting of records and commercial programs.

Spot announcement business increased 35.0% in October. This was due principally to national spot business which was more than double its September volume. Local spot announcement business increased but 16.0% as against the previous month.

Participations which are found in Table VIII continued to decline in volume. This is probably a healthy sign since the most reasonable explanation of this trend would be that the average sponsor is becoming desirous of presenting his own individual program.

**TABLE VIII
PARTICIPATIONS OVER INDIVIDUAL STATIONS**

Type of Rendition	1933 Gross Receipts		
	September	October	Cumulative July-October
Elec. transcriptions . .	\$144.00	\$	\$395.00
Live talent	62,067.00	48,300.00	238,685.00
Records	15,623.00	10,802.00	62,929.00
Total	\$77,834.00	\$59,102.00	\$302,009.00

Radio Advertising Sponsors

The volume of broadcast advertising in October sponsored by various industrial groups is found in Table IX, while an analysis of national spot and local broadcast advertising over individual stations is presented in Table X.

The following trends are to be noticed with regard to the sponsorship of radio advertising by various industrial groups during the month of October:

1a. *Amusements*—There has been a 10% increase during the month in advertising of this type, although the total volume still remains materially below that of August. Amusement advertising is almost entirely local in origin.

1. *Automobiles*—Automobile advertising experienced a 27% increase over September volume and was almost double that of July. National network advertising in this field increased 19% over the previous month and stood at approximately two and one-third times July volume. Individual station business from this source increased 42% over September and stood approximately even to July revenues. This increase was entirely in the local field.

2. *Accessories, gasoline and oil*—General revenue from this source increased 35% as compared with September and was approximately 10% higher than in July. National network advertising in this field continued its growth of recent months. National spot business showed an increase of 140% over September, while there was little change in local advertising volume.

3. *Clothing*—There has been a marked increase in clothing advertising during the past month. Network advertising in this field practically doubled as compared with September and was more than five times July volume. National spot business also more than doubled, while local clothing advertising showed a considerable rise in volume.

4. *Drugs and pharmaceuticals*—Advertising in this field more than doubled September volume after having remained comparatively static during the preceding three months. Principal increases were in national network and spot advertising, the volume of local advertising in this field having risen but slightly.

5. *Toilet goods*—Toilet goods advertising continued its steady upward trend of recent months and in October stood at \$725,230 as compared with \$439,299 in July. National network advertising has accounted for the principal gains in this field.

6. *Foodstuffs*—The food industry still continues to be the largest single user of radio advertising. October revenues in this field were 60% over those of the previous month, network advertising having risen 67%, spot advertising approximately 80% and local advertising 30%.

7. *Beverages*—Although the total increase in this field has been slight, national advertising volume has risen 50% as compared with September. Individual station volume has held even, the

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(October, 1933)

Type of Sponsoring Business	Gross Receipts for Month			Total
	National Networks	Regional Networks	Individual Stations	
1a. Amusements	\$ —	\$ —	\$69,117.00	\$69,117.00
1-2. Automobiles and accessories:				
(1) Automobiles	217,933.00	1,595.00	137,748.00	357,276.00
(2) Accessories, gas and oils	297,543.00	4,697.00	206,461.00	508,701.00
3. Clothing and apparel	46,308.00	1,125.00	199,980.00	247,413.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	357,048.00	3,400.00	288,058.00	648,506.00
(5) Toilet goods	574,471.00	2,600.00	148,159.00	725,230.00
6-8. Food products:				
(6) Foodstuffs	723,580.00	3,590.00	399,800.00	1,126,970.00
(7) Beverages	381,700.00	1,348.00	62,530.00	445,578.00
(8) Confections	129,506.00	250.00	51,259.00	181,015.00
9-10. Household goods:				
(9) Household equipment and furniture	11,496.00	—	140,236.00	151,732.00
(10) Soap and kitchen supplies	92,247.00	—	64,676.00	156,923.00
11. Insurance and financial	93,704.00	687.00	67,348.00	161,739.00
12. Radios	57,812.00	—	9,150.00	66,962.00
13. Retail establishments	—	—	111,108.00	111,108.00
14. Tobacco products	133,697.00	—	5,946.00	139,643.00
15. Miscellaneous	127,108.00	6,799.00	510,030.00	643,937.00
Total	\$3,244,153.00	\$26,091.00	\$2,471,606.00	\$5,741,850.00

TABLE X

NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
(October, 1933)

Type of Sponsoring Program	Gross Receipts for Month		
	National Spot	Local	Total
1a. Amusements	\$2,704.00	\$66,413.00	\$69,117.00
1-2. Automobiles and Accessories:			
(1) Automobiles	50,607.00	87,141.00	137,748.00
(2) Accessories, gasoline and oil	143,735.00	62,726.00	206,461.00
3. Clothing and apparel	40,750.00	159,230.00	199,980.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	196,807.00	91,251.00	288,058.00
(5) Toilet goods	132,696.00	15,463.00	148,159.00
6-8. Food products:			
(6) Foodstuffs	182,180.00	217,620.00	399,800.00
(7) Beverages	28,057.00	34,473.00	62,530.00
(8) Confectionery	44,494.00	6,765.00	51,259.00
9-10. Household goods:			
(9) Household equipment and furniture	37,009.00	103,227.00	140,236.00
(10) Soap and kitchen supplies	51,775.00	12,901.00	64,676.00
11. Insurance and financial	10,609.00	56,739.00	67,348.00
12. Radios	2,494.00	6,656.00	9,150.00
13. Retail establishments	3,344.00	108,764.00	111,108.00
14. Tobacco products	622.00	4,324.00	5,946.00
15. Miscellaneous	138,530.00	371,500.00	510,030.00
Total	\$1,066,413.00	\$1,405,193.00	\$2,471,606.00

slight increases in spot advertising having been offset by similar declines in local advertising volume.

8. *Confectionery*—There has been a marked increase in this field. October volume was 160% higher than in September and six times that of July. National network advertising was three times that of the preceding month, and more than thirty times July volume. Spot advertising more than doubled, while there was no appreciable change in local advertising. Chewing gum advertising is the principal explanation of this trend.

9. *Household appliances*—There has been a slight increase in this field. Individual station revenue from advertisers of this type having risen 30% as against September. This is due to a 50% rise in spot advertising and a 21% increase in local advertising. National network advertising in this field has declined 50% since July.

10. *Soap and kitchen supplies*—There has been little change

in this field other than a slight increase in national spot advertising.

11. *Insurance and financial*—Total revenue in this field increased approximately 17% during October after having been comparatively static throughout the preceding three months. This was due almost entirely to a 65% increase in local financial advertising over individual stations.

12. *Radio*—There has been a slight recession in this field from the previous month, most of the decline having been in local advertising.

13. *Retail*—There has been a further slight decline in retail advertising as far as general retail establishments are concerned. This situation is treated more fully in a discussion of Table XI.

14. *Tobacco products*—Revenues from this source have increased 12% as against September. Advertising of this type is almost exclusively national network in point of origin.

Retail Advertising

A more detailed study of the retail advertising situation is possible from an examination of Table XI:

TABLE XI
RETAIL ADVERTISING OVER INDIVIDUAL STATIONS
(October, 1933)

<i>Type of Sponsoring Business</i>	<i>Gross Receipts for Month</i>
Automobiles and accessories:	
Automobile agencies and used car dealers.....	\$74,503.00
Gasoline stations, garages, etc.....	26,970.00
Clothing and apparel shops.....	144,206.00
Drugs and toilet goods:	
Drug stores.....	11,070.00
Beauty parlors.....	503.00
Food products:	
Grocery stores, meat markets, etc.....	42,085.00
Restaurants and eating places ¹	24,070.00
Beverage retailers.....	2,832.00
Confectionery stores, etc.....	1,445.00
Household goods:	
Household equipment retailers ²	44,653.00
Furniture stores.....	42,162.00
Hardware stores.....	8,605.00
Radio retailers.....	6,056.00
Department and general stores.....	111,108.00

¹ Exclusive of hotels.

² Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

Tobacco shops.....	3,433.00
Miscellaneous	79,544.00
Total	\$622,245.00

Advertising by retail automobile dealers increased approximately 50% during the month. Clothing advertising rose 40%, drug advertising 60%, advertising by food retailers 35%, while that of confectionery stores approximately doubled. There were slight increases in household equipment advertising by retailers, and in department and general store advertising. Decreases were experienced on the part of radio retailers and miscellaneous establishments.

GENERAL BUSINESS CONDITIONS

General business activity continued to decline, though the recession was less marked than during August and September. The New York Times Index on November 11 was 72.9 as compared with 79.8 on September 9. This still shows a better position than for last year when on November 12 the index stood at 69.1. Production in basic industries continued to decline contrary to the usual seasonal tendency. Automobile production slowed up materially due primarily to anticipation of new models. The Index for car-loadings was 60.2 on November 11 as compared with 69.3 on October 14. Prices showed renewed firmness following a slight recession in recent weeks. The Bureau of Labor Statistics' Index of wholesale prices for the third week of November was 71.7, approximately 20% above the low of last March. Retail trade conditions continued to be uncertain with some slight recessions. Encouragement is to be found in the fact that October automobile sales were estimated by the National Automobile Chamber of Commerce to be 103% above those of the same month of 1932, in spite of a 16% decline as compared with September. This was the first time in five years that October sales were greater than in the previous October.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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CODE AUTHORITY COMPLETES FIRST TASKS

The Code Authority appointed by President Roosevelt to administer the Code of Fair Competition for the Radio Broadcasting Industry, which became effective on December 11, held its first meeting in Washington this week.

John Shepard III, Boston, Mass., was elected chairman, and John Elmer, Baltimore, Md., was chosen vice chairman. James W. Baldwin was elected to serve as executive officer.

At the suggestion of the deputy administrator, Philip G. Loucks, NAB managing director, served as temporary chairman until a member of the Code Authority was elected to preside.

Managing Director Loucks, at the opening session, presented to the Code Authority some brief observations and formally laid before the meeting a number of matters received by him from stations throughout the country.

"The Code, just like any other law, is as good or bad as its administration," the managing director said. "In the name of the NAB I make this request—and I know it is unnecessary—that the provisions of the Code be applied with equal fairness to large and small enterprises and members and non-members of the Association.

"No one who has had anything to do with the drafting of this Code—and most of you have had some participation in that work—can be impressed otherwise than with the fairness shown by all members of the Committee charged with the task.

"This Code Authority is temporary. Under the provisions of the Code you are under an injunction to recommend a permanent form of Code Authority. That permanent Code Authority eventually must be the National Association of Broadcasters. It is my sincere hope that within the next three months the membership of the Association will be increased to a point where you will be in a position to make such recommendation. The Administrator has already found that the Association is properly constituted for that purpose. And if the purpose of self regulation, the objective sought by the National Industrial Recovery Act, is to be achieved, the Association must become the Code Authority. When I make this request I am mindful of the task which lies before me; that of building up the numerical strength of the Association to a point where all classes of stations and all parts of the United States can have equal representation in elections and in decisions on policies of the industry.

"You may expect from the NAB the closest cooperation consistent with the work of administration and possible within the limited facilities of the Association. I am certain that you will enjoy the support of the industry as a whole.

"The broadcasters recognize this meeting as an important event in the history of broadcasting in the United States. They look upon it as an unprecedented step in the direction of self-regulation. They are cognizant of the opportunity for such regulation presented here and I am confident they intend to avail themselves of that opportunity."

Under the Code the Administrator is authorized to designate, without vote, three representatives. These representatives will be named, it was learned, before the next meeting of the body.

Those present at the meeting were: John Shepard III, John Elmer, James W. Baldwin, Alfred J. McCosker, Edward N. Nockels, James Kiernan, M. R. Runyon, Frank M. Russell, Isaac Z. Buckwalter, and William Farnsworth, Assistant Deputy Administrator.

During the three-day sessions the Code Authority adopted rules and regulations governing its meetings and considered numerous inquiries and requests for interpretations and matters concerning investigations into the wages and hours of broadcast technicians.

The body also adopted ways and means for financing its activities and authorized its chairman and executive officer to complete details in connection with financing. Under the Code all stations are required to bear their proportionate share of the cost of administration as a condition to sharing in the benefits of the Code Authority.

The rules and decisions approved by the Code Authority are subject to approval of the NRA and will not be announced until such approval has been obtained.

In the meantime all stations in the United States are required to operate under the terms of the Code and failure to do so constitutes violation for which the NIRA provides penalties.

It was learned that the NRA is now perfecting plans for banding complaints of violation of all Codes and that consideration also is being given to a form for securing signatures of businesses.

The Code Authority is negotiating for the use of office space under lease by the NAB and for the present the address will be National Press Building, Washington, D. C. While the Code Authority is entirely independent of the NAB it has formally requested the use of certain office space and facilities of the NAB during its temporary life. The Managing Director will transmit the proposal to the NAB Board with a request that the assistance asked be accorded.

COMMUNICATIONS UNIFICATION CONSIDERED

President Roosevelt this week received the report of the Interdepartmental Communications Committee containing factual data upon which it is believed a definite government policy with respect to the unification and regulation of telegraphic, telephonic, radio and cable facilities will be developed.

Broadcasting was not considered in the report.

While the report made no specific recommendations as to the manner in which the unification of the nation's communications systems was to be accomplished, it is understood to point out the desirability of such consolidation.

The report suggests that there be created an independent government agency modeled after the Interstate Commerce Commission to exercise regulatory and rate-making jurisdiction over all communications.

The committee was headed by Secretary of Commerce Roper and has been actively engaged in a study of the communications problem since March 4 last.

President Roosevelt has had a number of conferences on the subject, it was reported, and intends to confer with Senator Dill, chairman of the Senate Committee on Interstate Commerce, and Representative Rayburn, chairman of the House Committee on Interstate and Foreign Commerce, before announcing any governmental policy on the subject. Pending these conferences, the report of the Roper Committee is being held confidential.

There are four phases of the commercial communications problem of which three relate to the domestic situation and the fourth relates to foreign communications. In the first field are included voice and symbol communication by radio; symbol communication by wire; and both voice and symbol communication by radio. The question which the administration must decide is whether it should encourage monopolies in the field where there have been monopolies and then after creating monopolies, whether they should be put under strict government regulation.

The Roper Committee report, it is understood, points out that there are three ways out of the situation: First, to let things drift as they are now; second, to allow monopolies under strict govern-

ment regulation; third, government ownership. It was indicated that the tendency is toward the second.

"The report contains a vast amount of data relating to facilities and operations of the existing communications companies and an analysis of the problems confronting these companies." It contains reports on foreign companies and the services rendered by them, as well as a comparison with the service here and abroad. It was found that this country's communication services are superior to those of other nations and suggests that private ownership holds more advantages to the public than government ownership.

"In accordance with the request of the President, made last spring," said Secretary Roper discussing the matter this week, "the Interdepartmental Communications Committee has completed a study of communications. The study was presented last Monday by the Secretary of Commerce to the President.

"The report is an interesting study of the necessity for a more definite national policy as to regulations, supervised by a commission or by a federal departmental unit.

"As to whether the objectives shall be put into the form of bills and submitted to the Congress at an early date will depend upon a conference yet to be had with the chairmen of the two appropriate committees of the Senate and the House. These chairmen are members of the Interdepartmental Communications Committee, but are out of town and have not been communicated with about the study. We regard it as proper to confer with them in this matter, including legislative suggestions, before releasing the report of the committee. Certainly, as a courtesy to these important members of the committee, we should not announce the contents of the study in advance of their seeing it and getting their suggestions."

In answer to oral questions at a press conference, Secretary Roper said that the report was practically unanimous, that one member did not agree but he refused to name that one member of the committee. He stated that it has been definitely decided by the Administration that if anything is done at all regarding the communications matter that it will be through legislation and not by executive order as had been contemplated at one time. The Communications Committee, he said, has not tried to draw any new bill to embody its ideas.

After conferences with Senator Dill and Representative Rayburn it will be decided whether or not legislation will be proposed at the next session of Congress which convenes on January 3.

It is the opinion of several informed persons that the Committee will be asked to make a study of the broadcasting field, but no official announcement to this effect has been forthcoming.

Congress has given consideration to the possible unification of communications systems in the past, and several years ago extensive hearings were held upon a bill introduced by Senator Couzens, former chairman of the Senate Interstate Commerce Committee. This bill proposed the creation of a Communications Commission having jurisdiction over all telephone, telegraph, cable and radio communications, including broadcasting, and provided for consolidation of the Radio Act of 1927, the communications provisions of the Interstate Commerce Act, and the Cable Landing Act. The bill was never acted upon by the Senate.

The members of the committee making the report, including Senator Dill and Representative Rayburn, include: Secretary Roper, chairman; Dr. W. M. W. Splawn, adviser to the House Committee on Interstate and Foreign Commerce; Dr. Irvin Stewart, Department of State; Lt. Comdr. E. M. Webster, Coast Guard; Maj. Gen. Irving Carr, War Department; Capt. S. C. Hooper, Navy Department; Maj. Gen. Charles McK. Saltzman, Commerce Department; Dr. J. H. Dellinger, Bureau of Standards; and Herbert L. Petzey, Federal Radio Commission.

RMA TELEVISION COMMITTEE RESOLUTION

Bond Geddes, Executive Vice-President of the Radio Manufacturers' Association, this week transmitted to the Federal Radio Commission a resolution adopted by the RMA Television Committee and of a special RMA Committee of Engineers. The resolution follows:

"RESOLVED, That a continuous band of frequencies from 40 megacycles to at least the neighborhood of 110 megacycles be reserved for television service, and BE IT FURTHER RESOLVED, That the present indications are that television requirements of the future will be such that assignments in television band should

be made on the basis of channels at least four megacycles wide, in order to provide continuously entertaining television service."

The report ignores the low-frequency television bands (between 2000 and 3000 kc.)

WIBO EQUIPMENT SOLD

The apparatus and property formerly used by WIBO will be sold at auction at 182 North Michigan Boulevard, Chicago, at 11 a. m., December 22, 1933.

UNLICENSED STATION PROSECUTED

The Federal Radio Commission this week announced that Charles L. Fower, Macon, Mo., was fined \$50 on each of three counts by Judge Charles B. Davis of the Eastern Judicial District of Missouri. Fower pleaded guilty to three counts of an indictment charging violation of the Radio Act of 1927, in that he operated without a station license, without an operator's license, and transmitted signals from Missouri to Illinois without a station license.

COMMISSION APPROVES WMCA CONTRACT

The Federal Radio Commission has put its stamp of approval on the contract whereby Station WMCA, New York, has been leased for a period of years to the Federal Broadcasting Corporation, of which Alfred E. Smith is Chairman of the Board.

Before approving the lease the Commission assured itself that:

"The power and control of the licensee over the programs broadcast and all equipment usually incident to the operation of a station must not be limited by contract. Likewise the power, authority or control of the licensee over the employees engaged in the operation and management of a station should not be restricted."

The Commission made public the following correspondence regarding this case:

"November 3, 1933.

Honorable Alfred E. Smith, Chairman,
Federal Broadcasting Corp.,
1697 Broadway, New York City.

DEAR SIR:

The Commission has given consideration to the Agency Agreement between the Federal Broadcasting Corporation and Knickerbocker Broadcasting Company, licensee of radio station WMCA, and is not clear as to the construction which should be placed upon some parts thereof. At this time the Commission will not discuss in detail the various provisions of the contract but desires to state its views briefly as to what powers must be retained by the licensee, as follows:

The power and control of the licensee over the programs broadcast and all equipment usually incident to the operation of a station must not be limited by contract. Likewise the power, authority or control of the licensee over the employees engaged in the operation and management of a station should not be restricted.

If the contract which the Federal Broadcasting Corporation has submitted is not so construed by the parties thereto, then it does not meet with the Commission's approval.

Very truly yours,

E. O. SYKES, *Chairman.*"

"December 6, 1933.

Hon. E. O. Sykes, Chairman,
Federal Radio Commission,
Washington, D. C.

DEAR SIR:

The views expressed in your letter of November 3, 1933, are consistent with the construction placed on the agreement under which this company supplies programs to station WMCA. May I

have your assurance, therefore, that the arrangement has the approval of your Commission.

The contents of this letter have been approved by the licensee of the station.

Very truly yours,

(s) ALFRED E. SMITH,
Chairman of the Board."

"Hon. Alfred E. Smith,
Chairman of the Board,
Federal Broadcasting Corp.,
1697 Broadway, New York City.

DEAR SIR:

The Commission is in receipt of your letter of December 6 advising that the Federal Broadcasting Corporation and Knickerbocker Broadcasting Company, licensee of radio station WMCA, construe the agreement between them as consistent with the views expressed in my letter to you under date of November 3, last.

So construed, the Commission has no objection to the agreement.

Very truly yours,

E. O. SYKES, *Chairman.*"

COMMISSION STUDYING HIGH FREQUENCIES

The Federal Radio Commission is giving study to a proposal to open up the bands between 1500 and 1600 kilocycles for experimental broadcasting. It is understood that the proposal suggests that there be allocated in these bands several channels for experimentation with high quality transmission. No action has as yet been taken on the proposal.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Alaska Gold Mountain Mines, Ltd., Los Angeles, Calif. (2-476)
- R. D. Arveson, Inc., Chicago, Ill. (2-471)
- Blaise-Iberville Garage, Inc., New Orleans, La. (2-474)
- Bulkley Building Company, Cleveland, Ohio. (2-479)
- Edwin L. Lobdell and others, Chicago, Ill. (2-477)
- Consolidated Motors Corporation, Lima, Ohio. (2-473)
- R. M. Hollingsbead Corporation, Camden, N. J. (2-478)
- PBA Investors Corporation, Newark, N. J. (2-470)
- Pleasant Valley Wine Company, Rheims, N. Y. (2-475)
- Supervised Shares, Inc., Jersey City, N. J. (2-472)
- Bulkley Building Company, Cleveland, Ohio. (2-480)
- Kentucky Products Company, Hobbs, Ky. (2-481)
- Long Island Lighting Company, New York City. (2-482)
- United Distillers of Canada, Ltd., Vancouver, B. C. (2-483)
- Mathieson Alkali Works, Inc., New York City. (2-484)
- Saint Francis Hospital Properties Company, San Francisco, Calif. (2-485)
- Saint Francis Hospital Properties Company, San Francisco, Calif. (2-486)
- Mission Dry Corporation, New York City. (2-487)
- Lancaster-Davis, Inc., Cleveland, Ohio. (2-488)
- Protective Committee, Textile Crafts Building, New York City. (2-489)
- Protective Committee Park Chambers, Inc., New York City. (2-490)
- H. Porter Distilling Company, Inc., Agawam, Mass. (2-491)

- Marbuan Gold Mines, Ltd., Toronto, Canada. (2-492)
- Muscle Shoals Realty Associates, Caldwell, N. J. (2-493)
- F. A. Poth's Sons, Inc., Philadelphia, Pa. (2-494)
- Capitol Freehold Land Trust, Chicago, Ill. (2-495)
- Mammoth Mines Corporation, Seattle, Wash. (2-496)
- Old Lewis Hunter Distillery Company, Lexington, Ky. (2-497)
- Willett Oil Company, Atascadero, Calif. (2-498)
- Bondholders Protective Committee for Security Realty Co., St. Louis. (2-499)

COMMISSION UPHELD IN WGN CASE

The Court of Appeals of the District of Columbia this week upheld the Federal Radio Commission in the case brought against it by Station WGN, Chicago.

WGN protested against the decision of the Commission granting Stations WBBM and KFAB permission to synchronize during certain night hours. It was not claimed by WGN that any interference would result from the operation. The station objected on the ground that granting of the permission might result in loss of facilities in the zone and state. In its decision the Court calls attention to the fact that the decision of the Commission is only for experimental purposes; and that "further action of the Commission must be had before the modification becomes final." "Moreover," says the Court, "inasmuch as synchronization is not yet recognized by the Commission as a regular broadcasting service, no addition is made to the quota of either city, state, or zone involved, because of the present order." WGN also brought up several other points against the Commission's decision, all of which were overruled by the Court.

RADIO COMMISSION APPROPRIATIONS

The Bureau of the Budget may recommend to Congress an appropriation of \$666,886 for the Federal Radio Commission for the fiscal year beginning July 1, 1934. The Commission is now operating under a budget of \$640,000. Most of the increase provides for a 5 per cent increase in salaries which is to be allowed government employees effective July 1 next.

WMBR WILL MOVE TO JACKSONVILLE

The Radio Commission has upheld Report No. 526 of Examiner Ralph L. Walker in which it was recommended that the license of Station WMBR be assigned from F. J. Reynolds to F. J. Reynolds, Inc., and that the station be moved from Tampa to Jacksonville, Fla.

The Commission found that the removal of the station from Tampa to Jacksonville will bring "about a more equitable distribution of radio facilities" and that "no interference may reasonably be expected from the proposed change in the location of Station WMBR."

WATERBURY, CONN., STATION FAVORED

Harold Thomas applied to the Radio Commission for a construction permit for a new broadcasting station to be located at Waterbury, Conn., to operate on a frequency of 1190 kilocycles, daytime, with 100 watts power. Report No. 529 (Ralph L. Walker, e.) this week recommended that the application be granted.

The Examiner states that "it appears that the applicant is financially able and technically qualified to construct and operate the proposed station; that the operating assignment specified can be used without objectionable interference to existing stations; that the community to be served is now dependent upon distant stations

for the limited daytime service which it receives; and that the service proposed to be rendered would be of interest and benefit to the community."

OPPOSES NEW OHIO STATION

Willard G. Demuth applied to the Radio Commission for a construction permit to erect a new broadcasting station at Uhrichsville, Ohio, to use 1370 kilocycles, 100 watts power, and daytime hours of operation. In Report No. 530 this week George H. Hill, e., recommends that the application be denied.

The Examiner states in his report that "a sufficient showing of need for the service requested has not been made by the applicant." Also the granting of the application, says the Examiner, would possibly result in interference with existing stations and it would also result in an increase in broadcast facilities of an already over-quota state.

RECOMMENDS DENIAL OF POWER INCREASE

Station WEVD, New York City, applied to the Radio Commission to increase its power from 500 to 1,000 watts. In Report No. 531 this week George H. Hill, e., recommends that the application be denied. The report points out that increasing the power of the station would result in interference with other stations and that a sufficient showing of need for the service requested was not made by the applicant. He also called attention to the fact that the granting of the additional power would increase the facilities of an already over-quota state.

AUTHORIZE NEW PUERTO RICO STATION

The Radio Commission on Friday sustained Examiner George H. Hill in his Report No. 501 by granting Juan Piza a construction permit for the erection of a new broadcasting station at San Juan, Puerto Rico, to operate on 1290 kilocycles, unlimited time, 500 watts power.

The Commission found that "no interference may reasonably be expected from the operation of the proposed new station." He also points out the fact that Puerto Rico is under quota in broadcasting facilities and that the public interest "would be served by the granting of the application of Juan Piza for a construction permit."

NAB DEBATE HANDBOOK AVAILABLE

The NAB book entitled "Broadcasting in the United States" was mailed to each member of the NAB this week. If you have any requests for debate material send them to NAB headquarters and we will send copies.

WILL YOU PLEASE ATTEND TO THIS?

If you have not paid your dues for the last quarter of this year, will you please attend to this at once? The new dues system goes into effect on January 1, 1934, and the NAB is making effort to get in all outstanding dues before the books are closed for the year. Then, again, we need the money. Won't you please send in any dues owing to the NAB and help brighten the holiday season for us?

NAB CONSTITUTION AND BY-LAWS

Copies of the revised Constitution and By-Laws of the NAB will be sent to all NAB members within the next week. These copies will be punched for insertion in the NAB Handbook.

NAB TAX COMMITTEE WILL MEET

The NAB Tax Committee, headed by E. M. Elkin, Pittsburgh, Pa., will hold a meeting at NAB headquarters on Monday, December 18, to assemble information relating to depreciation rate allowances for income tax purposes on broadcasting station equipment. The meeting is held to consider the request for information submitted by the Internal Revenue Bureau. A request for information has been sent to all NAB members and any member having suggestions to offer has been invited to attend the meeting.

COMPTON NRA TRADE ASSOCIATION CHIEF

General Hugh S. Johnson today appointed Dr. Wilson Compton Chief of the Trade Association Division, NRA. Under the plan for Code Administration, NRA is seeking to coordinate the facilities of the various industries with those established by the Administration. Practical and fair standards by which the competence of industry associations or their code authorities to act as agencies of self-government are being determined in keeping with the policy of strengthening the permanent association establishment of American industry. Dr. Wilson Compton has agreed to undertake this work until the means of industrial self-regulation has been firmly established.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, December 20, 1933

Oral Argument Before Commission en banc

NEW—Leo J. Omelian, Erie, Pa.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted authority to remain silent December 25, in order to give employees a holiday.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted authority to remain silent from 3 p. m., December 22, to 8:30 a. m., January 2.

WARD—U. S. Broadcasting Corp., Brooklyn, N. Y.—Granted authority to January 1, 1934, to operate with reduced power pending the obtaining of new plate voltmeter.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted authority to operate from 1 to 1:30 a. m. EST, December 17, 1933, in order to broadcast DX program.

Second Zone

WSAJ—Grove City College, Grove City, Pa.—Granted modification of license to reduce specified hours of operation from: Sunday, 4:30 to 5:30 p. m.; one day each week, 5 to 6 p. m.; two days each week, 7 to 10:30 p. m.; to Sundays, 4:30 to 5:30 p. m.; two days each week, 7 to 10:30 p. m. EST.

WHBC—Edward P. Graham, Canton, Ohio—Granted authority to operate simultaneously with Station WNBO December 15, 16, 17, 18, 20, 21, 22, 23, and 25, from 9 to 11 p. m., and on December 19 from 9 p. m. to 12 midnight in order to broadcast special Christmas Fund programs to raise funds for the poor of Canton.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Granted C. P. to move transmitter from Sylvan Lake Village, Mich., to location about 16 miles south of Detroit.

Third Zone

KRGV—KRGV, Inc., Harlingen, Texas—Granted authority to operate unlimited time pending action on application requesting similar authority on a permanent basis. (Normally licensed to share time with KWWG, 1260 kc., 500 watts; KWWG has authority to remain silent to April 1, 1934.)

KLCN—Chas. Leo Lintzenich, Blytheville, Ark.—Granted modification of C. P. to extend completion date to January 1, 1934.

Fourth Zone

KGBZ—Dr. Geo. R. Miller, York, Nebr.—Granted consent to voluntary assignment of license to KGBZ Broadcasting Co.

WKBB—Sanders Bros. Radio Station, Route 1, E. Dubuque, Ill.—Granted modification of license to change specified hours of operation to: Daily, except Sunday, 7 to 10:15 a. m.; 11:45 a. m. to 1:30 p. m.; 5:30 to 9 p. m.; Sunday, 9 a. m. to 2 p. m.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted modification of license to use old transmitter as auxiliary transmitter.

Fifth Zone

KIDW—The LaMar Broadcasting Co., Lamar, Colo.—Granted authority to remain silent until January 1, 1934, pending repair of generator and installation of new power supply.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted authority to remain silent December 25.

KPJM—M. B. Scott and Edw. C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Granted authority to operate on such reduced power as necessary to obtain maximum percentage of modulation of at least 75 per cent, pending installation of equipment, up to January 1, 1934.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted authority to install automatic frequency control equipment.

SET FOR HEARING

NEW—Virgil V. Evans, Rock Hill, S. C.—C. P. 1370 kc., 100 watts, daytime. (Facilities of WBHS.)

NEW—Metro Broadcasting Co., A. Torney and R. Lillie, East Los Angeles, Calif.—C. P. for new station; 820 kc., 250 watts, limited time, sharing with WHAS. (Facilities KGEF now assigned KFAC.)

KGDY—Voice of South Dakota, Huron, S. Dak.—License covering new equipment change in frequency power and hours of operation. (1340 kc., 250 watts, daytime.)

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Consent to voluntary assignment of license to Virgil V. Evans.

WRAW—Reading Broadcasting Co., Reading, Pa.—Modification of license to change hours of operation from sharing with WGAL to unlimited. (Requests time of WGAL, if and when WGAL vacates 1310 kc.)

WTRC—Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license to change hours of operation from simultaneous day with WLBC and sharing night with WLBC to simultaneous operation with WLBC day and night.

WBAA—Purdue University, West Lafayette, Ind.—Modification of license to increase hours of operation from specified to the following: Monday, Tuesday, Wednesday, Thursday, and Friday, 12 noon to 12:30 p. m., and Monday, Wednesday, and Friday, 7 to 8 p. m.; day power to be 1 KW, night power to remain same, 500 watts (facilities WKBF).

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Special experimental authority to operate from 5 to 7 p. m., CST, during November and December. Normally licensed 680 kc., 2½ KW, daytime only.

WBBX—Samuel D. Reeks, New Orleans, La.—Consent to voluntary assignment of license to the Coliseum Place Baptist Church.

KRLD—KRLD Radio Corp., Dallas, Tex.—Special experimental authority to change hours of operation from sharing with KTHS to unlimited simultaneously with WTIC, until end of regular license period (February 1, 1934), to be heard by Commission en banc February 14, 1934.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Special experimental authority to change frequency from 1060 to 1040 kc.; change hours of operation from sharing with WBAL to simultaneous with KRLD (unlimited) until end of regular license period (February 1, 1934), to be heard by Commission en banc February 14, 1934.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Special experimental authority to change frequency from 1040 to 1060 kc.; change hours of operation from sharing with KRLD to simultaneous operation with WBAL from 6 a. m. to local sunset and independently from 8 p. m. to midnight CST, until end of regular license period (February 1, 1934), to be heard by Commission en banc February 14, 1934.

WBAL—Consolidated Gas & Electric Light & Power Co., Baltimore, Md.—Special experimental authority to change hours of operation from sharing with WTIC to simultaneous with KTHS, from 6 a. m. to sunset at Hot Springs and independently from then to 9 p. m. EST, and from 9 p. m., EST, synchronize with WJZ on 760 kc. with 2½ KW, until end of regular license period (February 1, 1934), to be heard by Commission en banc February 14, 1934.

APPLICATION DENIED

WGE—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied authority to operate unlimited time on frequency 1360 kc., pending disposition of unused 4/7 time on that channel.

APPLICATIONS DISMISSED

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

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license 1360 kc., 500 watts, specified hours.

WBBX—Coliseum Place Baptist Church, New Orleans—Involuntary assignment of license.

WBBX—Samuel D. Reeks, New Orleans—C. P. to move transmitter locally.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of C. P. for transmitter site.

MISCELLANEOUS

NEW—The State Journal Co., Lansing, Mich.—Hearing reopened on application for C. P. for new station, to give applicant opportunity to introduce documentary evidence that under its charter as now amended, it has authority "to own, operate and control, under federal license, a radio broadcasting station in the city of Lansing, or adjacent thereto."

WIAS—Iowa Broadcasting Co., Ottumwa, Iowa—Granted regular renewal license because applications of KSO and WOC for facilities of this station have been dismissed.

WRBX—Richmond Development Corp., Roanoke, Va.—Granted regular renewal license, expiring May 1, 1934, since application of WTAR for this station's facilities has been dismissed.

WRUF—University of Florida, Gainesville, Fla.—Granted regular renewal license expiring February 1, 1934, since several applications for this station's facilities have been withdrawn.

WODX—Mobile Broadcasting Corp., Mobile, Ala.—Hearing on application for modification of license to change frequency from 1410 to 1380 kc., and from sharing time to unlimited reopened, because of new court developments.

APPLICATIONS RECEIVED

First Zone

- WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts night, 500 watts daytime to 500 watts day and night. To be considered under Rule 6-g.
- WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—License to cover construction permit granted November 17, 1933, to make changes in equipment and increase power to 50 kilowatts.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit granted to increase power to 50 kilowatts requesting approval of proposed transmitter site at Pauline St. and Park Ave., Carteret, N. J.
- WHN, WRNY, WQOA, WPAP—Marcus Loew Booking Agency, New York, N. Y.—Special experimental authorization to operate between 1 a. m. and local sunset with power of 1 kilowatt, at the new transmitter location of Station WHN, using transmitter of Station WHN with certain changes.

Second Zone

- WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of license to increase power of auxiliary transmitter from 100 watts to 300 watts *amended* to request 400 watts instead.
- WSAZ—WSAZ, Inc., Huntington, W. Va.—Extension of special experimental authorization to operate with an additional 500 watts power from February 1, 1934, to August 1, 1934.
- WKBZ—Karl L. Ashbacker, Ludington, Mich.—Construction permit to move transmitter and studio from First National Bank and Trust Co., 102 E. Ludington Ave., Ludington, Mich., to Hackley National Bank Bldg., Western Ave. and Jefferson St., Muskegon, Mich.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special experimental authorization for three months to increase power from 500 watts to 1 kilowatt experimentally.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license to change hours of operation from Central Standard Time to Eastern Standard Time and make other changes in the specified hours.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction permit to make changes in equipment.

Third Zone

- WRAM—Wilmington Radio Assn., Inc., Wilmington, N. C.—Construction permit to move transmitter and studio from Wilmington, N. C., to Washington Duke Hotel, Main St., Durham, N. C.; make changes in equipment and change frequency from 1370 to 1500 kc.
- WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.
- WREC—WREC, Inc., Memphis, Tenn.—Modification of license to move main studio from Memphis, Tenn., to State Line, Mississippi (just south of state line, Tennessee, at Federal Highway No. 151), and to increase power from 500 watts night, 1 kilowatt daytime to 1 kilowatt night, 2½ kilowatts daytime.
- WIS—Station WIS, Inc., Columbia, S. C.—Construction permit to change frequency from 1010 kc. to 1050 kc., power from 500 watts, 1 KW LS to 5 KW, to be considered under Rule 6-f *amended* to request 2½ kilowatts night directional, 5 kilowatts daytime using conventional antenna.
- WBBX—Samuel D. Reeks, New Orleans, La.—Consent to voluntary assignment of license to the Coliseum Place Baptist Church.
- NEW—Ark-La-Tex Radio Corp., Tuscaloosa, Ala.—Construction permit to erect a new station to operate on 1290 kc., 250 watts, unlimited time, facilities WAML, Laurel, Miss.,

amended to change transmitter location to 2 miles southwest of city limits, Highway No. 11, Tuscaloosa, Ala.

- WSPA—Virgil V. Evans, trading as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to move transmitter to 4 miles northeast of Spartanburg, S. C., install new equipment, change frequency from 1420 to 920 kc., increase power from 100 watts night, 250 watts day, to 2½ kilowatts and change hours of operation from unlimited to daytime *amended* to request exact location of transmitter be determined by surveys subject to approval of Commission.

Fourth Zone

- KICK—Red Oak Radio Corp., Carter Lake, Iowa—Consent to voluntary assignment of license to The Palmer School of Chiropractic.
- KICK—The Palmer School of Chiropractic, Carter Lake, Iowa—Construction permit to move Station KICK from Carter Lake, Iowa, to 1002 Brady St., Davenport, Iowa; install new equipment and change frequency from 1420 to 1370 kc.
- WHAD—Marquette University, Milwaukee, Wis.—Modification of license to change studio location locally, change frequency from 1120 kc. to 580 kc., increase power from 250 watts to 500 watts and hours of operation from specified to from 6 a. m. to 1 a. m.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—License to cover construction permit as modified to move transmitter within the same building.
- KXA—American Radio Telephone Co., Seattle, Wash.—Extension of special experimental authorization to operate from local sunset to 10 p. m. PST, using 250 watts power for period February 1, 1934, to August 1, 1934.

Fifth Zone

- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Construction permit to move transmitter and studio from 262 Third Ave., West, to 143 Second St., West, Twin Falls, Idaho, make changes in equipment.
- KWFV—Hilo Broadcasting Co., Ltd., Hilo, T. H.—Modification of construction permit to move transmitter from Hilo, T. H. to Lot 6, Keaukaha, South Hilo, Waiakea, T. H., and install new equipment *amended* to make changes in equipment.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—License to cover construction permit granted September 24, 1933, for installation of new equipment and move of transmitter from Richmond, Calif., to 1528 8th Ave., Oakland, Calif.

APPLICATIONS RETURNED

- NEW—L. C. Memmott and E. H. Carter, d/b "The Voice of the Black Hills," Rapid City S. Dak.—Construction permit to erect a new station to operate on 1200 kc., 100 watts, S-WCAT, facilities WCAT, Rapid City, S. Dak. (Improperly executed, Rule 6, equipment and transmitter location.)
- KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Construction permit to make changes in equipment (filed on wrong form and jurat incomplete).
- WHAD—Marquette University, Milwaukee, Wis.—Modification of license to change frequency from 1120 to 580 kc., increase power from 250 watts to 500 watts and hours of operation from specified to 6 a. m. to 1 a. m. (improperly executed).

EXPERIMENTAL LICENSE APPLICATIONS

- NEW—The Journal Company, Milwaukee, Wis.—License for special experimental station 42,000-56,000; 60,000-86,000 kc., 500 watts A3 and special.
- NEW—The Journal Company, Milwaukee, Wis.—License for special experimental station 620 kc., 2½ KW day; 1 KW night.



SEASON'S GREETINGS!



TO ALL OF YOU

WHOM IT WAS OUR PRIVILEGE TO SERVE
DURING 1933

THE STAFF AT NAB HEADQUARTERS
WISHES A
HAPPY HOLIDAY SEASON

1500-1600 KC. OPENED FOR BROADCASTING

The Federal Radio Commission this week allocated three frequencies in the band 1500-1600 kilocycles for assignment to experimental broadcast stations, such frequencies to be separated by 20 kilocycles, viz., 1530, 1550 and 1570 kilocycles; and to issue licenses if the applicant makes a showing in his application that he can meet the following conditions:

- (1) That the operation will be under the direct supervision of a qualified research engineer with an adequate staff of qualified engineers to carry on a program of research;
- (2) That the program of research includes study of antenna design, field intensity surveys, and plans for an analysis of response of listeners;
- (3) That the transmitter and all studios will be equipped so as to be capable of at least 10 kilocycles audio frequency transmission.

The program of research shall be acceptable to the Commission and experiments desired by the Commission shall be incorporated upon request. Changes in the program of research shall be subject to approval.

The licensee shall be authorized to use variable power not to exceed 1 kilowatt and to carry sponsored programs; however, the sponsorship should not interfere with the program of research, and the conduct of experiments should not depend only upon sponsors as a means of defraying the cost of the experiments.

In order to put this policy into effect the following changes and/or additions in the Rules and Regulations should be made:

- (1) Add the following to Rule 27:
"f. The licenses for experimental broadcast stations will be issued for a normal license period of six months from the date of expiration of the old license, or the date of granting a new license."
- (2) Add new rule as follows:
"306a. The term 'Experimental Broadcast Station' means a station carrying on the experimental transmission of broadcast programs on frequencies specifically designated for use by such stations."
- (3) Change the title of Rule 313 C to read as follows:
"C. *Experimental Visual Broadcast Stations and Experimental Broadcast Stations.*"

- (4) Add the following as Rule 319:
"319. The following frequencies are allocated for use by experimental broadcast stations: 1530, 1550, 1570 kc."

- (5) Add the following new rules after Rule 324:
"Rule 324a. Each applicant for experimental broadcast station construction permit will be required to show that he has a program of development which promises to lead to improvement in the broadcast art and has the finances and facilities to carry out the proposed program. In addition he shall be required to show—

- (1) That the operation will be under the direct supervision of a qualified engineer with an adequate staff of qualified engineers to carry on the program of research;
- (2) That the program of research includes study of antenna design field intensity surveys and plans for an analysis of response of listeners;
- (3) That the transmitter and all studios will be equipped so as to be capable of at least 10 kilocycles audio frequency transmission;
- (4) That if sponsored programs are transmitted such sponsorship will not interfere with the program of research, and that the conduct of experiments will not depend only upon the sponsors as a means of defraying the cost of the experiments."

Add the following as Rule 324b:

"Rule 324b. The Commission will not authorize an operating power to exceed 1 kilowatt for stations in the experimental broadcast service. In the determination of power the rules governing broadcast stations shall apply."

PROPOSE PRESS-RADIO AGREEMENT

A ten-point proposal which *Editor and Publisher*, publication of the newspaper industry, hails as "a plan to solve the troublesome, wasteful and ramifying antagonism between the newspaper press and radio broadcasting" was developed at a conference held in New York last week between newspaper and radio representatives.

The plan, as announced by the press, is as follows:

"1. That a committee consisting of one representative of the American Newspaper Publishers Association, one representative

each from the United Press, the Associated Press, and the International News Service; one representative from the National Association of Broadcasters, and one representative each from the National Broadcasting Company and the Columbia Broadcasting System, totaling seven members, with one vote each, should constitute a committee to set up with proper editorial control and supervision an organization designed to furnish to the radio broadcasters limited daily news bulletins for broadcasting purposes. The chairman of the above committee will be the representative of the American Newspaper Publishers Association and a member of the Publishers National Radio Committee. All actions of this committee will be subject to the Publishers National Radio Committee.

"2. The newspaper and press association members of this committee are authorized and empowered to select such editor, or editors, as may be necessary to carry out the purposes of this agreement, to wit: To receive from each of the principal three press associations copies of their respective day and night press reports, from which shall be selected bulletins of not more than 30 words each sufficient to fill two broadcast periods daily of not more than five minutes each.

"3. It is proposed that a broadcast to be based upon bulletins taken from the morning newspaper report will be put on the air by broadcasters not earlier than 9:30 a. m., local station time, and the broadcast based upon the afternoon newspaper report will not be put on the air by broadcasters prior to 9 p. m., local station time.

"4. It is agreed that these news broadcasts will not be sold for commercial purposes.

"5. The Columbia Broadcasting System agrees to withdraw from the news agency field and dissolve its present Columbia News Service Corporation. The National Broadcasting Company agrees not to enter the news collection field.

"6. All expense incident to the functioning of this committee will be borne by the broadcasters. Independent stations may have access to these broadcast reports upon their request and agreement to pay their proportionate share of the expense involved, as well as to observe the letter and spirit of this plan.

"7. Occasional news bulletins of transcendental importance, as a matter of public service, will be furnished to broadcasters, as they may occur at times other than the stated periods above. These bulletins will be written and broadcast in such a manner as to stimulate public interest in the reading of newspapers.

"8. The broadcasters agreed to regulate the broadcast by their commentators in such a manner that these periods will be devoted to a generalization and background of general news situations and eliminate the present practice of the recital of spot news.

"9. The newspapers and the broadcasters will cooperate to limit the broadcasting of news by newspaper-owned stations and independently owned stations on a basis comparable to the schedule set up above for radio chains.

"10. The Publishers' National Radio committee will recommend to all newspaper publishers the above plan for their approval and acquiescence, and will urge upon the members of the Associated Press and the managements of the International News Service and the United Press the adoption of this plan."

The conference was attended and the plan formulated by the representatives of newspapers, the three principal press associations (United Press, Associated Press and International News Service) and the executive officers of the National Broadcasting Company and the Columbia Broadcasting System.

Alfred J. McCosker, president of the National Association of Broadcasters, was invited to the conference and attended the first session of the two-day conference.

The NAB has taken no official action on the proposal.

The conferees included the following: William S. Paley, president of the Columbia Broadcasting System; Edward K. Klauber, first vice-president, Columbia Broadcasting System; M. H. Aylesworth, president of the National Broadcasting Company; Frank E. Mason, vice-president of the National Broadcasting Company; Roy W. Howard, chairman of the Board of the Scripps-Howard Newspapers; Harry M. Bitner, assistant general manager of the Hearst Newspapers; J. D. Gortatowsky, of the International News Service; Karl A. Bickel, president of the United Press; Lloyd Stratton, executive assistant of the Associated Press, representing Kent Cooper, general manager; E. H. Harris, chairman of the Publishers' National Radio Committee, and the following members of the committee: John Cowles, *Des Moines Register and Tribune*; Edwin S. Friendly, *New York Sun*; James G. Stahlman, *Nashville Banner*, and L. B. Palmer, general manager of the American Newspaper Publishers' Association.

WOULD BAN DENTAL ADVERTISING

A bill (H 141 X) introduced by Representative Cochrane in the first special session of the Washington legislature would make it a misdemeanor for dentists or physicians to advertise for business through the use of radio, newspapers, loudspeakers or billboards. The bill has been referred to the Committee on Medicine and Dentistry for report.

COMMISSION TAKES HOLIDAY RECESS

The Radio Commission will hold no meetings or hearings during the week of December 25, owing to the holidays. The next Commission meeting will be held January 2.

COMMISSION WINS COURT CASE

Justice Letts of the Supreme Court of the District of Columbia this week granted the motion of the Radio Commission to dismiss the petition of Carl Siegfried and Max A. Kramer in their petition of injunction to restrain the Commission from acting on an application for the voluntary assignment of license from Station KGIZ to KGBX. The motion was granted immediately following argument on the case in court.

RECOMMENDS AGAINST CALIFORNIA STATION

Thomas R. McTammany and William H. Bates, Jr., applied to the Radio Commission for a construction permit for a new station to be erected at Modesto, Calif., using 740 kilocycles, 250 watts daytime. In Report No. 532 this week Ralph L. Walker (e) recommends that the application be denied.

The Examiner found that while the proposed new station would not cause any additional interference that "it is not affirmatively shown that there is sufficient program material available to provide a good service, and the granting of the application would further increase the over quota status of the Fifth Zone and the State of California."

KOAC GETS LICENSE RENEWAL

The Radio Commission on Friday upheld Examiner George H. Hill in his Report No. 517 by granting a license renewal to Station KOAC, Corvallis, Ore., and refusing a construction permit for a new station at La Grande, Ore., to the Eastern Oregon Broadcasting Company.

In its decision the Commission found that the Eastern Oregon Company had not shown sufficient financial resources or ability to secure the establishment of the proposed station and that the applicant "failed to establish the merits of its own case" and "has obviously failed to make a showing that would warrant the withdrawal of facilities now allocated for the use of Station KOAC."

KGIZ VOLUNTARY ASSIGNMENT APPROVED

Station KGIZ, Grant City, Me., was granted permission to voluntarily assign its license to KGBX, Inc., through a decision of the Radio Commission handed down on Friday and upholding Report No. 519 of Examiner George H. Hill. This action affirms that taken by the Commission on June 30 last.

It was found by the Commission in its decision that "the protestant parties have not shown any facts which would warrant the revocation of the Commission's original grant in this case."

TO CHANGE POLICE FREQUENCIES

Effective May 1, at which time the police broadcasting licenses expire, the Radio Commission will change their frequencies to some place between 1655 and 1715 kilocycles in view of the fact that the Commission has opened up experimentally the 1500-1600 kilocycle band in which the police stations are now located. Pending this change of frequency it is not believed that much interference will develop.

MORE TIME FOR KWKC DENIED

The Radio Commission this week sustained Examiner George H. Hill, in his report No. 521 in which he recommended that the application of broadcasting Station KWKC, Kansas City, Mo., asking for additional time from specified hours to unlimited be denied. The station uses a frequency of 1370 kilocycles with 100 watts power.

The Commission found that "the granting of this application would tend toward an unequal distribution of radio broadcast facilities among the zones and toward an inequitable distribution of facilities among states."

WHBD GRANTED LICENSE RENEWAL

Examiner George H. Hill's report No. 522 was sustained by the Radio Commission this week when it granted a license renewal to Station WHBD and denied the application of William L. Slade, for a construction permit for a new station to be erected at Hamilton, Ohio, using the facilities of WHBD.

It was found by the Commission that Slade did not show adequate financial ability to construct and operate the proposed new station and that the population around Hamilton has good radio service available. The Commission found also that the showing of Slade was not such as to warrant it in withdrawing the facilities of WHBD.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

- Reorganization Committee for Crown Drug Stores, St. Louis, Mo. (2-500)
- Gilpin Eureka Consolidated Mines, Ltd., Kansas City, Mo. (2-501)
- Bondholders' Committee for Ten Year Six Per Cent Collateral Trust Sinking Fund Gold Bonds of Woods Brothers Corporation, Chicago, Ill. (2-502)
- Industrial Finance and Mortgage Corporation, Baltimore, Md. (2-503)
- Automatic Fire Escape Stairway Corporation, Portland, Ore. (2-504)
- Westminster Distilling Company of Maryland, Inc., Baltimore, Md. (2-505)
- F. & W. Properties Corporation Reorganization Committee, New York City (2-506)
- Group Securities, Inc., Jersey City, N. J. (2-507)
- Tri-State Poster Advertising Company, Inc., Middletown, N. Y. (2-508)
- Bro-San, Inc., New York City (2-509)
- Jessie Gold Mines, Ltd., Seattle, Wash. (2-510)
- Pacific Coast Pulp & Paper Corporation, Richvale, Calif. (2-511)
- Holman D. Pettibone and others, Chicago, Ill. (2-512)
- Warner Company, Philadelphia, Pa. (2-513)
- Croft Brewing Company, Boston, Mass. (2-514)
- Eaton & Howard Accumulative Fund, Boston, Mass. (2-515)
- Conservative Personal Loan Company, Inc., New York City (2-516)
- Bondholders' Refunding Assn. of Daytona Beach, Fla. (2-517)
- Nineteen Thirty-Two Trust Fund, Boston, Mass. (2-518)
- Divide Gold Mining Corporation, Laramie, Wyo. (2-519)
- McCulloch's Green River Whiskeys, Inc., Owensboro, Ky. (2-520)
- Southwest Royalty Leasing Syndicate, Fort Worth, Tex. (2-521)
- Granada Realty Company Bondholders' Protective Committee, San Francisco, Calif. (2-522)
- Bondholders' Protective Committee, Salt Lake Terminal Company First Mortgage Bonds, Denver, Colo. (2-523)
- Vermilion River Mines, Inc., Minneapolis, Minn. (2-524)
- Supervised Investments, Wilmington, Del. (2-525)
- Kludas Electric-Mechanical Devices, Inc., Palisades Park, N. J. (2-526)
- Laid & Company, Scobeyville, N. Y. (2-527)
- Montana Consolidated Mines Corporation, Helena, Mont. (2-528)
- Conversion Office for German Foreign Debts, Berlin, Germany (2-529)

FEDERAL RADIO COMMISSION ACTION APPLICATIONS GRANTED

First Zone

- WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Granted authority to remain silent on December 25.
- WBNX—The Standard Cahill Co., Inc., New York, N. Y.—Granted C. P. to move studio locally, and make changes in equipment.
- WNYC—City of New York, Department of Plant and Structures, New York—Granted temporary authority to operate from

- 1 to 5:30 p. m., EST, on Monday, December 25, instead of designated time of 8½ hours, 9 a. m. to 5:30 p. m.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted authority to remain silent December 25.
- WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted license covering move of transmitter and installation of new equipment; 1010 kc., 250 watts; shares WRNY and WQAC-WPAP.

Second Zone

- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license on a temporary basis, subject to such action as the Commission may take on pending appeals for frequency authorized to be used by this station, and subject to cancellation without advance notice or hearing at any time when the Commission may grant the applicant herein a license to operate in conformity with permit granted October 27, 1933, authorizing operation on frequency of 920 kc.
- WHBD—F. P. Moler, Mt. Orab, Ohio—Granted temporary license subject to such action as the Commission may take on applicant's pending application for renewal.
- WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate from 10:30 to 11:30 a. m.; 1:30 to 2:30 p. m., and 4 to 4:30 p. m. EST, on December 25 and January 1.
- WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted special temporary authority to operate a maximum of 4 hours daytime only, simultaneously with WILM, for period beginning 3 a. m., EST, January 1, and ending 3 a. m., EST, July 1, 1933.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 11:30 p. m., CST, December 24, to 2:30 a. m., CST, December 25, and from 10 to 11:30 a. m., and 1:30 to 5:30 p. m., CST, December 25. Also granted special temporary authority to operate from 10 to 11:30 a. m., and 1:30 to 5:30 p. m., CST, January 1, 1934.
- WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted authority to remain silent on December 25, 1933.
- KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted C. P. to make changes in equipment.

Third Zone

- WKBC—R. B. Broyles Furniture Co., Birmingham, Ala.—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.
- NEW—William F. Chaplin, Hot Springs, Ark.—Reconsidered and granted application, heretofore set for hearing, for new station to operate on 1500 kc., 100 watts, daytime hours.
- WODX—W. G. Austin & W. O. Pape, Receivers, Mobile, Ala.—Granted temporary license from January 1, 1934, and set for hearing the application to involuntary assignment of license from Mobile Broadcasting Corporation to W. G. Austin & W. O. Pape, Receivers.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted authority to operate on 970 kc., from 11:30 a. m., CST, until the end of the Rose Bowl Game, approximately 6:30 p. m., CST, January 1, 1934, in order to broadcast football games.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on pending applications for the facilities of this station, as well as upon the renewal of application of KFJZ.

Fourth Zone

- WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate from 11 a. m. to 1 p. m., CST, December 25.
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, on December 25 and January 1, provided KFDY remains silent.
- WILL—University of Illinois, Urbana, Ill.—Granted authority to operate simultaneously with Station KFNF during the following periods in order to broadcast American Historical

Association Annual Convention and the University of Illinois Annual Farm and Home Week program: December 27—12 noon to 12:30 p. m.; 2:30 to 4 p. m.; December 28—12 noon to 12:30 p. m.; 2:30 to 4 p. m.; December 29—12 noon to 12:30 p. m.; 2:30 to 4 p. m.; January 15—3 to 4 p. m., and January 16, 17 and 18—3 to 4 p. m.

WLBC—Donald A. Burton, Muncie, Ind.—Granted authority to operate simultaneously with Station WTRC from 6:30 to 7:30 p. m., CST, on January 1, 5, 11, 20 and 26, 1934.

KWLC—Luther College, Decorah, Iowa—Granted modification of special temporary authority to remain silent from December 20, 1933, to January 2, 1934, inclusive, except from 2 to 4 p. m., CST, December 24, 1933, in order to broadcast church concert.

WFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, January 5, 6, 11, 12, 16, 18, 19, 20, 23, 26, 28 and 31, 1934; and from 9 a. m. to 12 noon and 3 to 6 p. m., CST, January 18, 19 and 20, 1934.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted license covering changes in equipment, 1210 kc., 100 watts night, 250 watts day, unlimited time.

Fifth Zone

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted temporary renewal of license, subject to such action as the Commission may take on licensee's pending application for renewal.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted extension of special experimental authorization to operate unlimited time experimentally to July 1, 1934.

KPJM—M. B. Scott & Edw. C. Sturm, Prescott, Ariz.—Granted temporary renewal of license subject to such action as the Commission may take on their pending application for renewal.

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted authority to operate night of December 19, in order to broadcast election returns.

KPJM—Scott & Sturm, Prescott, Ariz.—Granted C. P. to move transmitter locally in Prescott, and make changes in equipment.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted authority to operate simultaneously with KICA from 7:30 to 9 p. m., December 20, in order to broadcast special Christmas program.

MISCELLANEOUS

WODX—Frank M. King, Receiver of the Mobile Broadcasting Corp., Mobile, Ala.—Application for consent to voluntary assignment of license from Mobile Broadcasting Corporation to Frank M. King, Receiver, withdrawn upon request of attorney for applicant.

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

NEW—The Journal Co., Milwaukee, Wis.—C. P. 900 kc., 1 kilowatt, 2½ kilowatts, unlimited time. (Facilities WHA and WLBL).

WTMJ—The Journal Co., Milwaukee, Wis.—C. P. 670 kc., 5 kilowatts, unlimited time. (Facilities WMAQ, WHA and WLBL).

WHA—University of Wisconsin and Department of Agriculture and Markets—C. P. to consolidate WHA and WLBL.

SET FOR HEARING

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license to increase specified hours of operation to include 12 midnight to 2 a. m. daily.

KWWG—Port Arthur College, Brownsville, Tex.—C. P. to move station from Brownsville to Port Arthur, Tex., exact transmitter location to be determined subject to approval of Commission, and studio to be located at 1500 Proctor St.

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase day power from 250 to 500 watts; request application be considered under Rule 6 f.

NEW—Julio M. Conesa, Plaza Principal, Ponce, Puerto Rico—C. P. for new station; 1420 kc., 100 watts night, 250 watts day, specified hours.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Modification of license to change frequency from 1310 to 1500 kc., and change hours of operation from sharing with WHAT to unlimited. (Facilities vacated by WPEN).

APPLICATIONS RECEIVED

First Zone

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to make changes in the auxiliary transmitter and increase operating power of the auxiliary transmitter from 100 watts to 250 watts.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit authorizing move of transmitter and equipment change to extend the date of completion from December 1, 1933, to January 15, 1934.

WOV—International Broadcasting Corp., New York, N. Y.—Installation of automatic frequency control.

Second Zone

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Modification of license to change hours of operation from sharing with WTEL, not to operate when WCAM is operating to unlimited time, if WTEL vacates 1310 kc., and not to operate when WCAM is operating.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Construction permit to make changes in equipment of main transmitter.

Third Zone

KUOA—KUOA, Inc., Fayetteville, Ark.—License to cover construction permit for move of transmitter and equipment change.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Construction permit to install new equipment.

Fourth Zone

WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of special experimental authorization to operate unlimited time for period from February 1, 1934 to August 1, 1934.

WCBS—WCBS, Inc., Springfield, Ill.—License to cover construction permit authorizing local move of transmitter.

WCBS—WCBS, Inc., Springfield Ill.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license to increase specified hours of operation to include from 12 midnight to 2 a. m.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from 1420 kc. to 1310 kc.

Fifth Zone

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho—License to cover construction permit authorizing changes in equipment.

APPLICATIONS RETURNED

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Consent to involuntary assignment of license from Frank M. King as Receiver of Birmingham Broadcasting Co., Inc. (Improperly signed.)

NEW—Samuel Nathaniel Morris, Stamford, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, S. H. (Not affirmed.)

WHET—Joe K. Jernigan, Cyril W. Reddoch, John T. Hubbard and Julian C. Smith, d/b as Troy Broadcasting Co., Dothan, Ala.—License to cover construction permit to move transmitter and studio to Dothan, Ala., and change frequency from 1210 kc. to 1370 kc. (Incomplete.)

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Modification of construction permit requesting approval of transmitter site. (Letters not answered.)

The National Association of Broadcasters

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ON THE WAY!

As the curtain falls on 1933 the radio broadcasting business is sharing with all other businesses the benefits flowing from general economic recovery.

The past year has subjected the American plan of broadcasting to the severest of tests. That it has survived is additional proof of the soundness of the system of privately operated broadcasting stations.

Broadcasters look forward to 1934 with optimism. Business will increase. Commercial practices will improve. As a consequence, programs will reach a new high standard.

The record of the NAB during the past year speaks for itself. A review would serve no useful purpose. But the advent of 1934 focuses attention upon many important problems which are on their way to solution. While substantial progress has been made, only the closest cooperation among all NAB members will bring quick and effective solution. The Officers and Directors of the NAB are convinced that the same spirit of cooperation which made 1933 a banner year in NAB history will be forthcoming in 1934.

To every member of the NAB the official family of the Association extends its best wishes for a Happy and Prosperous New Year

DILL WOULD ABOLISH F. R. C.

Senator Dill, of Washington, chairman of the Senate Committee on Interstate Commerce, which has jurisdiction over radio legislation in the upper house, has definitely stated that if no action is taken at this new session of Congress on a Communications Commission, he will introduce a simple bill, and push it for immediate action, which would put radio activities back into the Department of Commerce, with a Director of Radio, and an Appeal Board to consist of three members, which would be an appellate body only. Suggestions of this kind, it may be remembered, were made last spring shortly before the special session adjourned and it was thought for a long time that President Roosevelt would carry out this idea through an executive order.

Senator Dill has stated that he has no radio bills prepared for introduction at the opening of the session but he has this plan definitely in mind if nothing else is done with radio at the new session.

The present Radio Commission, said Senator Dill, has no "initiative" and "it will have to do something or be wiped out."

"It ought to do something to improve radio instead of sitting back like a machine," he said. "With all the growing protests against advertising methods, it does nothing. It seems to have no conception of its duty to remedy the situation. It makes no new allocations that are possible as a result of new developments in directional broadcasting and other advanced methods of broadcasting.

"It should restrict the abuses of the right to advertise," Senator Dill continued. "Censorship is one thing, but the kind of advertising is another. If the advertising is not what the public wants, it is not in the public interest."

CONGRESS CONVENES WEDNESDAY

Congress will convene on Wednesday, January 3. The new session will be the second session of the Seventy-Third Congress, and inasmuch as it is another session of the same Congress, all of the radio bills pending when Congress adjourned in the spring are still pending.

Of surpassing interest to the broadcasters of the country will be the action taken by the President on the report he recently received from the Interdepartmental Communications Committee, of which Daniel C. Roper, Secretary of Commerce, was chairman, and which suggested certain solutions to communication problems.

Everyone is only guessing now as to what will be done about this report or whether the Congress will be called upon to take up general radio reorganization or not. This depends entirely upon the President's attitude on this subject.

Following is a list of the bills now on the Senate and House calendars from the last session of Congress dealing exclusively with radio:

In the Senate

S. Res. 29—Senate Committee on Rules. Introduced by Senator Dill of Washington, and providing for broadcasting from the Senator Chamber.

In the House

H. R. 1735—Committee on Merchant Marine, Radio and Fisheries. Introduced by Representative Bland of Virginia, providing for general amendments to the present radio law.

H. R. 3760—Committee on Interstate and Foreign Commerce. Introduced by Representative Rayburn of Texas, providing for the establishment of the Federal Communications and Power Commission.

H. Con. Res. 1—House Committee on Rules. Introduced by Representative Fulmer of South Carolina, providing for a study of radio broadcasting in the United States and other countries.

H. Res. 19—House Committee on Rules. Introduced by Representative McFadden of Pennsylvania, providing for an investigation of the NBC and Columbia Broadcasting System.

H. Res. 181—House Committee on Rules. Introduced by Representative Ellzey of Mississippi, providing for an investigation of the Federal Radio Commission.

LIQUOR BILL PASSES WASHINGTON HOUSE

The House of the Washington Legislature this week adopted a bill memorializing the Congress of the United States to prohibit liquor advertising by radio.

RECOMMENDS AGAINST MORE POWER TO WMBG

Station WMBG, Richmond, Va., applied to the Radio Commission for an increase in its daytime power from 100 to 250 watts. It also requested the deletion of Station WPHR, Petersburg, Va., to make possible the granting of its application. WPHR asked license renewal. In Report No. 533 this week George H. Hill (e) recommended that the application for increased power of WMBG be denied and that the application for license renewal of Station WPHR be granted.

The Examiner found that while WMBG renders a good and meritorious service, "it is not shown that the benefit derived to this area would warrant the curtailment of the service rendered to the Petersburg area by Station WPHR. He found that the granting of the application without deleting WPHR would cause interference.

HUDDLESTON WOULD REGULATE RATES

Representative Huddleston of Alabama intends to introduce a bill during the early part of the new session of Congress, he has announced, which is intended to regulate radio broadcasting as a public utility.

While copies of the bill are not available, it is indicated that this would mean that rate charges would be put under the direction of the Radio Commission. It has been pointed out that if they were ever operated as public utilities a station would not be able to refuse any advertising that was not libelous.

STARBUCK REAPPOINTMENT

The possibility of reappointment to the Radio Commission of Commissioner Starbuck, of New York, whose term expires in February, is the subject of much speculation. It is regarded here as certain that both Senators from New York, Copeland and Wagner, will have to endorse him before he can be reappointed. It is definitely known that at the last session of Congress, Senator Wagner was opposed to his reappointment, but whether there has been any change in this feeling cannot be learned.

PUBLIC OPPOSES GOVERNMENT RADIO

There is a considerable amount of public dissatisfaction with the New Zealand Government for its action in assuming control of broadcasting stations, it was reported by Vice Consul W. W. Orebaugh, Wellington, in a dispatch to the Commerce Department.

Until January 1, 1932, the report shows, broadcasting in New Zealand was largely in the hands of private interests, functioning under the supervision of the Post and Telegraph Department. On that date the control of broadcasting became vested in the Broadcasting Board, a government body whose functions and powers resemble those of the British Broadcasting Company.

Until very recently the board maintained four class "A" stations, located in the four chief centers of the country—Wellington, Auckland, Christchurch and Dunedin. It was announced recently that the government proposed to purchase three of the smaller Class "B" stations.

One item of the Government Board's program was the elimination of incompetent amateur broadcasting. In doing this it has employed an increasing number of graphophone records and has acquired a library of some 37,000 records.

The "B" or smaller stations under private control have been adversely affected by recent developments, the report shows, and it is probable that under existing conditions they will not be able to continue to operate. Like the government "A" stations they make wide use of gramophone records, upon each of which a royalty must be paid. Furthermore, restrictions on radio advertising have served to increase their financial difficulties.

RADIO EMPLOYMENT STILL INCREASES

November employment index number for radio manufacturers was 169.3 compared with 162.4 for October and 77.7 for November, 1932, taking 1926 at 100 according to the Bureau of Labor Statistics, Department of Labor. November payroll index number for the same plants was 131.9 compared with 125.2 for October and 58.4 for November of last year.

C. C. I. R. MEETING SCHEDULED

The first meeting preparatory to the drafting of the United States reports on the agenda for the Third Meeting of the C. C. I. R. at Lisbon, September 22, 1934, will be held in Room 302, Federal Radio Commission, Washington, D. C., Wednesday, January 17, 1934, at 9:30 a. m.

The National Association of Broadcasters will be represented during the discussion of a number of problems pertinent to broadcasting.

FEDERAL RADIO COMMISSION REPORTS

HEARING CALENDAR

Wednesday, January 3, 1934

Oral Argument Before Commission en banc

Examiner's Report No. 520

WCAO—Monumental Radio Company, Baltimore, Md.—Modification of license, 600 kc., 500 watts, unlimited time. Present assignment, 600 kc., 250 watts, unlimited time.

WICC—Bridgeport Broadcasting Station, Bridgeport, Conn.—Modification of license, 600 kc., 500 watts, specified hours. Present assignment, 600 kc., 250 watts, 500 watts LS, specified hours.

WCAC—Connecticut Agricultural College, Storrs, Conn.—Modification of license, 600 kc., 500 watts, specified hours. Present assignment, 600 kc., 250 watts, specified hours.

APPLICATIONS RECEIVED

First Zone

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit, authorizing installation of new equipment and increase in power from 300 watts to 500 watts, to move transmitter locally from 91 Sip Ave. to 26 Journal Square, Jersey City, N. J.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to move transmitter, change equipment, change frequency from 1210 kc. to 1330 kc., increase power from 100 watts to 1 kilowatt, amended to request 500 watts.

Second Zone

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Construction permit to move station from Louisville, Ky., to a site, to be determined, in Lexington, Ky., and to change frequency from 1200 kc. to 1420 kc.

Third Zone

WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith, and John T. Hubbard, d/b as Troy Broadcasting Co., Dothan, Ala.—License to cover construction permit authorizing move of station and change of frequency to 1370 kc.

NEW—Samuel Nathaniel Morris, Stamford, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, specified hours. (Facilities KFYO, Lubbock, Tex., and KFPL, Dublin, Tex.)

WPFB—Otis P. Eure, Hattiesburg, Miss.—Modification of license to reduce hours of operation from unlimited to specified.

WPTF—WPTF Radio Co., Inc., Raleigh, N. Car.—Special experimental authorization to change hours of operation from limited time, sunset at San Francisco, Calif., to limited time, sunset at San Francisco, Calif., and, in addition, to operate until 8 p. m., PST.

Fourth Zone

WIBA—The Badger Broadcasting Co., Madison, Wis.—Special experimental authorization to operate with additional power of 500 watts at night to 4-1-34.

WJJD—WJJD, Inc., Mooseheart, Ill.—Modification of license to move main studio from Mooseheart, Ill., to 201 North Wells St., Chicago, Ill.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Modification of license to increase daytime power from 500 watts to 1 KW.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to increase power from 500 watts, Sunday 1 KW, daytime, to 1 KW and hours of operation to unlimited. (Facilities WMBI and WCBG, Chicago, Ill.)

Fifth Zone

KRKD—The Fireside Broadcasting Co., Los Angeles, Calif.—Modification of license to use transmitter of Station KFSG as an auxiliary transmitter of Station KRKD.

APPLICATIONS RETURNED

NEW—Richard T. Howard, T. Malden, Mass., Studio, Boston, Mass.—Construction permit to erect a new station to operate on 1130 kc., 1 KW night, 2½ KW day, unlimited time (facilities WOV, New York). (Rules 6, 116, 117, equipment and transmitter site not satisfactory.)

NEW—Scientific Club, Pres., Roberto Ortiz, Fajardo, P. R.—Construction permit to erect a new station to operate on 850 kc., 50 watts night, 75 watts day, unlimited 3 or 4 hours daily. (Incomplete, equipment and transmitter site not satisfactory, application not clear.)

NEW—Leonard V. Elmore, Pilot Point, Tex.—Construction permit to erect a new station to operate on 985 kc., 15 watts night, 25 watts day, four hours daily. (Wrong frequency, equipment and transmitter site not satisfactory.)

NEW—The Texas Frontier Broadcasting Co., Marfa, Tex.—Construction permit to erect a new station to operate on 1210 kc., 100 watts, unlimited. (Rule 6 and equipment and transmitter location not satisfactory.)

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of license to change frequency from 1370 kc. to 1230 kc., increase power from 100 watts night, 250 watts day, to 250 watts, and hours of operation from S-KGFG to unlimited. (Rule 6.)

WNBW—WNBW, Inc., Carbondale, Pa.—Modification of construction permit to extend completion date of C. P. (Station deleted.)