

The National Association of Broadcasters

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COMMISSIONER GARY RESIGNS

Commissioner Hampson Gary of the Federal Communications Commission has resigned, effective January 1, it became known this week.

The Commission, on January 4, adopted the following resolution relative to Mr. Gary's resignation:

"Whereas, the Honorable Hampson Gary has by resignation terminated his membership in the Federal Communications Commission, therefore, be it

"Resolved, That the remaining members of that body, assembled this date en banc, desire to place themselves on record as deeply appreciative of the great value to this Commission of Mr. Gary's services, as manifested by the wisdom of his counsel, the intelligent helpfulness of his cooperation, and the consistent earnestness of his devotion to the work of the Commission; and be it further

"Resolved, That in conveying their individual and collective regrets at his departure from this field of his activities his late colleagues do assure him of their continued interest in his welfare and their hope that opportunity will be afforded for the exercise of his talents in some avenue of worthwhile public service; and finally, be it

"Resolved, That these resolutions be spread upon the records of this Commission, and that copy thereof be transmitted to Mr. Gary."

It is reported that Mr. Gary will be succeeded by former Representative Anning S. Prall, of New York.

RUDD INTRODUCES RADIO BILL

Representative Rudd, of New York, on the opening day of the Seventy-fourth Congress, introduced a bill (H. R. 55) the text of which is as follows:

"That to eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void ninety days following the effective date of this Act, anything contained in this Act to the contrary notwithstanding.

"SEC. 2. The Communications Commission, herein created, shall prior to ninety days following the effective date of this Act, reallocate all frequencies, wave lengths, power, and time assignments within its jurisdiction among the citizens of the five zones herein referred to.

"SEC. 3. The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one-fourth of all the radio-broadcasting facilities, within its jurisdiction, excepting those facilities issued to ships and to the use of the United States Government departments or agencies. The facilities reserved for and/or allocated to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio-broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis."

KMBC CASE REMANDED TO STATE COURT

The text of the order of the United States District Court for the Western District of Missouri remanding to the state court the suit of Robert J. Coffey against Midland Broadcasting Co., Remington Rand, Inc., and the Columbia Broadcasting System, Inc., follows:

"The Midland Broadcasting Company, a Missouri corporation, whose principal place of business is in Kansas City, Missouri, where it owns and operates radio station KMBC, on April 6, 1934, broad-

casted through that station certain defamatory words concerning the plaintiff. *The substance of the defamation was that the plaintiff was an ex-convict who had served time in the penitentiary.* The defamatory words, probably requiring less than three seconds for utterance, were spoken into a receiving instrument in New York City by an employee of Remington Rand, Inc., a Delaware corporation, as a part of a radio program put out by that company through the facilities of the Columbia Broadcasting Company, a New York corporation. These facilities included a telephonic connection with station KMBC. There was a contractual arrangement between the Midland Company, on the one hand, and the Columbia and Remington Companies on the other, whereby, for a consideration, the former company broadcasted for the latter companies the Remington Company's program. By the telephonic connection referred to the program came to KMBC and through its instruments directly went out upon the air. The instruments of KMBC were in charge of and being operated by the employees of the Midland Company but they had no knowledge that any defamatory words would be included in the program and no means whatever of interrupting them after they began to be spoken.

"The plaintiff, in the state court, brought suit for damages against the three companies; the Columbia and Remington companies petitioned for removal. The case was removed. Plaintiff has moved for an order remanding. Whether that motion should be sustained or overruled is the matter for decision.

"So far as the Midland Company, the resident defendant, is concerned, the real facts are as they are set out in the first paragraph of this memorandum. The plaintiff knew or by the slightest investigation could have learned that such were the facts. The principal question presented then is whether the pleading of those facts is a statement of any cause of action whatever against the resident defendant. If it is then I do not doubt that the cause of action so stated is not a separable controversy from the controversies with the non-resident defendants and the motion to remand should be sustained. If it is not, then the only controversies really in the case are with non-residents and the motion to remand should be overruled.

"1. *I see no essential distinction between a situation in which the owner of a broadcasting station in Kansas City sells the privilege of speaking over the station for thirty minutes to X who, speaking in the local studio of the station, suddenly and unexpectedly utters a defamatory sentence concerning A and a situation in which the same station sells the same privilege to X who, speaking in New York, projects his defamation by telephonic means into the identical broadcasting apparatus in the Kansas City station. The mere matter of the distance of X from the broadcasting instrumentality when he speaks into it certainly cannot affect the liability of the owner of the station. Whether X's defamatory words reach the broadcasting instrumentality from afar by electrical impulses carried by wire or directly through air waves created by his voice certainly cannot affect the liability of the owner of the station. The situations essentially are identical. The greater simplicity of the first of the situations stated makes its consideration more convenient.*

"In my thought then I put the primary offender in the local studio of KMBC at Kansas City. I assume his good reputation; I assume that nothing in any former performance by him should put the owner of the station on inquiry; I assume even that he has submitted a manuscript and that nothing in it is questionable; I assume a sudden utterance by him of defamatory words not included in the manuscript, an utterance so quickly made as to render impossible its prevention; I assume, in short, a complete absence of the slightest negligence on the part of the owner of the station. With those assumptions is the owner of KMBC liable to one of whom the primary offender has falsely spoken as an ex-convict who has served time in a penitentiary?

"The conclusion seems inescapable that the owner of the station is liable. It is he who broadcasted the defamation. He took the

utterance of the speaker which came to him in the form of pulsations in the air. Those waves of air he changed into electrical impulses. Then he threw out upon the ether knowing they would be caught up by thousands and changed again into sound waves and into a human voice. He intended to do these things. *But for what he has done the victim of the defamation never would have been hurt.*

"I conceive there is a *close analogy* between such a situation and the publication in a newspaper of a libel under circumstances exonerating the publisher of all negligence. The latter prints the libel on paper and broadcasts it to the reading world. The owner of the radio station 'prints' the libel on a different medium just as widely or even more widely 'read.' In the case of the newspaper publisher *absence of negligence is no defense. Peck v. Tribune Company*, 214 U. S. 185, 189. Yet he is not helpless. He knows that without any fault of him or of any of his employees some one some time surreptitiously may insert in his paper some line of libel. *He takes that risk. He can insure himself against resulting loss through the subscription and advertising rates he charges or otherwise. The owner of a broadcasting station knows that some time some one may misuse his station to libel another. He takes that risk. He too can insure himself against resulting loss.*

"Learned counsel for non-resident defendants contends with earnestness and with subtle and finely reasoned argument that a more precise analogy is that between the station here and that of a telephone company which, without negligence, carries over its wire words of defamation to some listener. The telephone company would not be liable, says counsel, citing, however, no decision to that effect. There are decisions holding telegraph companies not liable for libel in the absence of negligence. In a certain sense the telephone company does take a libelous message given it in the form of spoken words, changes it into electrical impulses, and sends it out over its wire. So far the analogy with what is done by the operator of a broadcasting station is good. But the analogy does not persist. The telephone company, assuming the absence of negligence, but carries a message (in a sealed envelope, as it were) from the sender to a single person. The operator of the broadcasting station publishes the message to the world. If this distinction is a practical one rather than theoretical it is nevertheless a most significant distinction and quite enough to support an entirely different measure of responsibility.

"The case here certainly is not like that in which one only provides another with an instrumentality which that other, all unsuspected by him who furnished it, uses to inflict injury. Here the instrumentality is operated by the owner for another who has hired him to operate it.

"2. Naturally there is a paucity of precedents to which we may look for guidance. The only decisions in point are by the Supreme Court of Nebraska in *Sorenson v. Wood*, 243 N. W. 82, and by the Supreme Court of Washington in *Miles v. Wasmer, Inc.*, 20 P. (2d) 847. The rulings in those cases are in accord with the views expressed in this opinion. While those cases might perhaps have been decided on the ground of negligence they were decided on the ground of absolute liability for the broadcasting of defamation.

"The conclusion is that upon the facts the plaintiff has a cause of action against the resident defendant and has stated that cause of action.

ORDER

"Plaintiff's motion to remand, having been duly considered by the Court, and the Court being fully advised in the premises, is by the Court sustained. IT IS SO ORDERED."

WLW POWER REDUCTION SUGGESTED

The Federal Communications Commission has issued the following order with reference to the use of 500 kilowatts by WLW:

"Upon consideration of the protest of the government of Canada, the Commission pursuant to the provisions of special temporary experimental authority to the Crosley Radio Corporation File No. B-2SA2 directed the secretary to notify the Crosley Radio Corporation by letter that said special temporary experimental authority will be cancelled upon its termination in accordance with expressed provisions at 3 a. m., EST, February 1, 1935. The secretary is further instructed to notify the Crosley Radio Corporation Station WLW that any application for like additional special experimental authority to receive the consideration of the Commission shall contain the following specifications:

"To operate with a power of 500 kilowatts daytime and 50 kilowatts nighttime, or 500 kilowatts nighttime provided such a radiating system is employed so that the effective signal delivered in the area between Niagara Falls, N. Y., and Lockport, N. Y., and Lake

Ontario does not exceed the effective signal delivered in that area when operating with 50 kilowatts. To determine that the signal has been so restricted, measurements shall be taken within the area above, operating first with 50 kilowatts and conventional antenna and then with the directional antenna for alternate 15-minute periods and continuous field intensity recordings made. These measurements shall be made on two nights between 12 midnight and 4 a. m. and supplied to the Commission before February 1, 1935, for approval."

KVOS WINS AP CASE

The text of the opinion handed down by Judge John C. Bowen, of the U. S. District Court of the Northern District of Washington, in deciding the suit of the Associated Press against KVOS, Inc., in favor of KVOS, follows:

"This cause is now before the court on complainant's bill of complaint, order to show cause why a temporary injunction should not issue, defendant's motion to dismiss the bill, and supporting affidavits on both sides of the controversy.

"The record discloses several points for decision, but the question most strenuously urged upon the court's attention is whether defendant radio station, not engaged in supplying news to other radio stations for broadcasting by them, can broadcast over its own station gratuitously to its radio listeners news reports supplied by complainant news agency to its member newspapers, after those news reports have been printed in regular issues of the newspapers and distributed to the public. The case is an important one, and a proper consideration of it necessitates the full statement of facts and issues now following.

"The bill of complaint alleges that complainant, The Associated Press, is a corporation, and a resident and citizen, of New York; that the defendant is a Washington corporation, having its principal place of business at Bellingham in said state; and that the amount in controversy is in excess of \$3,000.00, exclusive of interest and costs.

"That complainant was incorporated in 1900 under the Membership Corporations Law of the State of New York and its members are the proprietors or representatives of numerous newspapers, morning and evening, published throughout the United States; that complainant is engaged in gathering from sources all over the world, through its own instrumentalities and by exchange with its members and others and by other appropriate means, any and all kinds of information, news and intelligence, telegraphic or otherwise, for the use and benefit of its members and distributing the same among its members for publication in the newspapers owned or represented by them, under and subject to the provisions of complainant's by-laws; that complainant has its own representatives in every important city in the world; that it has reciprocal arrangements with many important news agencies in foreign countries for interchange of news; that it has more than 1,200 members, each owning or representing a daily newspaper in the United States; that each of these members, as required by complainant's by-laws, supplies to complainant local news gathered by such member; that such news is promptly transmitted by wire or telephone to complainant's members and their newspapers; that complainant is thus able to assure to its members prompt collection and transmission of news from every point in the world; that complainant incurs great cost in collecting local and foreign news and interchanging news with other news agencies, such cost amounting each year to many millions of dollars, which is equitably divided amongst complainant's members, in accordance with its by-laws.

"That such service of complainant is of great financial and business importance to its members because it is practically and financially impossible for any one member alone to establish or maintain a requisite organization for collecting world news; that such cost is prohibitive to any one member acting alone; that such service, or similar service of world wide collection of news, is essential to modern daily newspapers and can be obtained only through a cooperative system or by purchase of news from some existing news agency privately owned; that in addition to the business importance to its members, such service of complainant is of great public importance in that it provides an accurate and impartial news service to the public.

"That such news service furnished by complainant to its members depends for its value to such members upon the promptness, accuracy and impartiality of the news furnished and on the transmission thereof by complainant to its members earlier than similar information can be furnished to other newspapers competing with complainant's members; that complainant's members are required not to furnish non-member newspapers with such news; that complainant's plan of operation requires that news collected by it shall

remain confidential and secret until publication of its news has been fully accomplished by all of complainant's members, in order that competing newspapers and news agencies shall not receive the benefit of complainant's service without paying therefor; that news received through complainant's service is, by complainant's by-laws, received exclusively for publication in member newspapers and upon the condition that members shall make no other use of such news and that members and their employees will not furnish complainant's news in advance of publication to any non-member and will not permit any one else to furnish such news, including local news gathered by any member, to non-members.

"That the defendant KVOS conducts a radio station in the city of Bellingham, Washington, which makes daily broadcasts from 7 o'clock in the morning to 11 o'clock in the evening, consisting of programs of substantially the same kind as commonly given by radio broadcasting stations; that the defendant radio station, as a part of its daily programs, conducts three times daily news broadcasts, commonly called "Newspaper of the Air"; that the first of such news broadcasts is from 9:15 to 9:45 o'clock A. M., the second from 12:15 to 12:45 during the noon hour, and the third and last is from 7 to 7:45 o'clock in the evening; that defendant claims and the fact usually is that such radio news broadcasts comprise the reading of the most important and most interesting news events of the day.

"That three of complainant's member newspapers, to-wit: the Bellingham Herald, published at Bellingham, Washington; the Seattle Post-Intelligencer and the Seattle Daily Times, both of Seattle, Washington, about 93 miles distant from Bellingham, publish and distribute daily newspapers, including news furnished and controlled by complainant's news service, in the territory served by defendant's radio broadcasting station; that for each morning broadcast from 9:15 to 9:45 o'clock defendant radio station obtains copies of the morning editions of the Bellingham Herald and Seattle Post-Intelligencer and systematically reads therefrom the whole or most important paragraphs or parts, sometimes verbatim and sometimes slightly rearranging the wording, of the most important and most interesting news items in those newspapers, including the items furnished to such newspapers by complainant and including news items gathered by its member newspapers as local news and belonging to complainant; that for defendant's evening broadcast of each day, except Sunday, from 7 to 7:45 o'clock, defendant regularly obtains copies of the latest editions of the Bellingham Herald, evening edition, and the Seattle Daily Times, and systematically reads therefrom such news items; that the morning edition of the Bellingham Herald, so used by defendant, goes to press at approximately 3:30 o'clock A. M. of each day; that the morning edition of the Seattle Post-Intelligencer, so used by defendant, includes all of the news furnished by complainant to it up until 11:30 o'clock in the evening of the day before; that the evening edition of the Bellingham Herald, so used by defendant, includes all of the news furnished by complainant to it up to 4 o'clock of the afternoon of each day; that the evening edition of the Seattle Daily Times, so used by defendant, includes all of the news furnished by complainant to it up to 10 o'clock in the forenoon of the day it is published; that each one of these newspapers label local news items as 'local news,' which as to republication is controlled by complainant.

"That in respect to publishing of such news items the defendant radio station is in competition with those three newspapers; that defendant conducts such news broadcasts as a part of its business of operating its radio station; that its radio station is a business enterprise conducted for profit, the profit being derived from sale of time over its radio station for advertising purposes to persons, firms and corporations desiring to advertise their businesses or products and desiring to purchase time from defendant radio station in which to advertise and promote their businesses or products; that the value of such time for advertising purposes of defendant's radio station depends practically entirely upon the popularity of its station, that is, upon the number of persons who usually listen to defendant's radio programs; that the object and purpose of such radio news broadcasts over the defendant's station is to popularize its station by making its programs interesting through news broadcasts and thereby inducing a greater number of persons to listen to defendant's programs, whereby the value of time over defendant's broadcasting station for such advertising purposes is enhanced.

"That the major portion of revenue derived by complainant's newspaper members is derived from the sale of space in those newspapers for advertising purposes; that the value of such newspaper advertising space depends largely upon the number of readers of the newspapers and the number of such readers depends practically entirely upon the freshness and interest of the news, intelligence and information contained in the newspapers; that such news ceases

to be fresh and interesting after it has become generally known and that the 'news value' of such news is practically destroyed as soon as, or shortly after, the same becomes generally known; and that by virtue of the matters aforesaid defendant has become and is a competitor of complainant and its newspaper members in the obtaining and distribution of news, and such competition necessarily involves rivalry and business competition in being the first to obtain and distribute such news for the purpose of popularizing and making more attractive the respective advertising mediums of the defendant's radio station and complainant and its newspaper members.

"That the defendant radio station does not have any organization of its own for the purpose of gathering or obtaining news except as to some local items not complained of and does not purchase news from any news agency, but on the contrary regularly and continuously follows the practice of 'pirating' the news, intelligence and information gathered at great expense by complainant and its members as mentioned above; that such practice of defendant constitutes unfair competition by defendant against complainant and its members, depriving them of the just benefits of their labors and expenditures, and causing dissatisfaction among complainant's newspaper members, due to the fact that defendant is thus able to spread and disseminate, throughout the territory served by its station, in advance of dissemination by complainant's members, the same identical news which is paid for and obtained by the members from complainant; that, in effect, if defendant radio station continues such practice of pirating complainant's news in the future, complainant and its members will suffer irreparable injury and damage therefrom and complainant's efforts and expenditures to gather and obtain news will be rendered largely without reward or value so far as concerns the territory served by defendant radio station; that complainant is without speedy, complete or adequate remedy at law or otherwise except through injunction, and an appropriate prayer for injunction relief is set out in complainant's bill of complaint.

"Upon filing its bill of complaint and upon application of complainant supported by affidavits, the court issued the above mentioned show cause order directing the defendant to show cause why a temporary injunction should not issue pending trial on the merits and restraining defendant from such alleged pirating of news pending the hearing on show cause order. Thereupon defendant appeared by motion to dismiss the bill of complaint on the grounds, among others, that the bill does not recite facts sufficient to entitle plaintiff to the relief prayed for and is without equity; that in fact the amount in controversy does not exceed the sum of \$3,000 exclusive of interest and costs; and that the Bellingham Herald, a local corporation, is a necessary party complainant and that the failure to join the Bellingham Herald is the result of collusion between complainant and the Bellingham Herald, designed to avoid appearance of the fact stated in defendant's motion that by reason of the absence of the Bellingham Herald as a party complainant, there does not exist in reality the requisite diversity of citizenship. Defendant also filed affidavits in response to the show cause order, and to defendant's affidavits complainant filed rebuttal affidavits. The matter was argued on the questions raised by the show cause order and motion to dismiss, and submitted to the court on briefs.

"Plaintiff cites: *International News Service v. Associated Press*, 248 U. S. 215; *Chamber of Commerce v. Federal Trade Commission*, 13 F. (2d) 673; *Miles v. Wasmer, Inc.*, 172 Wash. 466; *The Associated Press v. Sioux Falls Broadcast Association*, decided by Judge Jas. D. Elliott of the United States District Court of South Dakota at Sioux Falls, on March 14, 1933, being cause No. 377, S. D. Eq.; *Times Picayune Publishing Co. v. Ohalt*, District Court for the Parish of New Orleans, Louisiana, decided June 29, 1933; *Unfair Competition and Trademarks* (2nd ed.), by Henry Nims (intro.); *Hopkins on Trademarks, Tradenames and Unfair Competition* (3rd ed.), pages VIII and 365; *Unfair Competition and Trademarks* (2nd ed.), by Henry Nims, page 739; *Board of Trade v. Christie Grain & Stock Co.*, 198 U. S. 236; *National Teleg. News Co. v. Western U. Teleg. Co.*, 119 Fed. 294; *Moore v. New York Cotton Exchange*, 296 Fed. 61; *Coca-Cola Company v. The Old Dominion Beverage Company*, 271 Fed. 600; *Hoffman Brewing Company v. M'Elligott*, 259 Fed. 321; *Connecticut Tel. & Electric Co. v. The Automotive Engineering Company*, 14 F. (2d) 957; *Marucci v. United Can Company*, 278 Fed. 741; *Kinney-Rome Company v. Federal Trade Commission*, 275 Fed. 665; *Milliken v. Stone*, 16 F. (2d) 981; *Produce Reporter Company v. Fruit Produce Rating Agency*, 1 F. (2d) 58; *Jeweler's Circular Publishing Company v. Keystone Publishing Company*, 281 Fed. 83; *Hubbell v. General Electric Company*, 262 Fed. 155; *Cleveland Cliffs Iron Company v. Kinney*, 262 Fed. 980; *Criterion Advertising Company v. Seely*, 4 Fed. (2d) 932; *Vick Chemical Company v. Vick Medical Company*, 8 F. (2d) 849; *Reichelderfer v. Quinn*, 287 U. S. 315; *Cheney Bros. v. Doris Silk Corporation*, 35 F. (2d) 279; 47 U. S. C. A.,

Sec. 605; Board of Trade v. McDermott Company, 143 Fed. 188; Wreckmeister v. American Lithograph Co., 134 Fed. 321; Board of Trade v. Tucker, 221 Fed. 305; Coca-Cola Co. v. Old Dominion Beverage Corp., 271 Fed. 600; Montgomery, Section 210; Southwestern Tel. & Tel. Company v. Walker Grain Company, 3 F. (2d) 819; Montgomery, Sec. 207; West v. Woods, 18 Fed. 665; Eisele v. Oddie, 128 Fed. 941; Ragsdale v. Rudich, 293 Fed. 182; American Railroad Company v. South Porto Rico Sugar Company, 293 Fed. 670; Brendt v. Charles H. Lilly Company, 202 Fed. 335; Local No. 7 of Bricklayers', Etc., Union v. Bowen, 278 Fed. 271; Presto Light Company v. Bournonville, 260 Fed. 440; Federal Equity Rules, Rule 39, Hopkins (6th ed.), p. 228; Norfolk Southern R. Co. v. Stricklin, 264 Fed. 546; Thomas v. Anderson, 223 Fed. 41; Wolrath v. Roberts, 12 F. (2d) 443; Sioux City Terminal R. & W. Company v. Trust Company, 82 Fed. 124; Equitable Trust Company v. Denney, 24 F. (2d) 169; Montgomery's Manual of Federal Jurisdiction and Procedure (3rd ed.), Sec. 178; Federal Equity Rule 38, Hopkins (6th ed.), p. 226; Merchants' & Manufacturers' Traffic Ass'n v. U. S., 231 Fed. 292; Foster's Federal Practice (6th ed.), Sec. 114; Hopkins Federal Equity Rules (6th ed.), p. 189; Wright v. Barnard, 233 Fed. 329; Bogert v. Southern Pacific Railroad, 211 Fed. 776; Destructor Company v. City of Atlanta, 219 Fed. 996; Fordham v. Hicks, 224 Fed. 810; Ralston Steel Car Company v. National Dump Car Company, 222 Fed. 590; Rorick v. Board of Commissioners, 27 F. (2d) 377; Loughran v. Quaker City Chocolate Company, 281 Fed. 186; and O'Keefe v. City of New Orleans, 273 Fed. 560.

"Defendant cites: Montgomery's Manual of Federal Jurisdiction and Procedure, Secs. 183, 178, 176, 89, 174, 200, 209, 201 and 211; 2 A. L. R. 312; 21 C. J. 258, 260, 263, 273 to 275, Vashon Fruit Union v. Godwin & Co., 87 Wash. 384; 14 C. J. 57, United Copper Securities Co. v. Copper Co., 24 U. S. 261; Interventions News Service, 63 Law Ed. 212 (notes); 14 C. J. 929; Opportunity Christian Church v. Wash. Water P. Co., 136 Wash. 116; Montgomery's Manual of Federal Jurisdiction and Procedure, p. 577; 2 A. L. R., pp. 302 and 304; The Law of Radio Communication by Stephen Davis, p. 1; Journal of Air Law, 1931, Vol. II, p. 63 (case decided by Supreme Court of Germany, April 29, 1930); Air Law Review, published by Board of New York University Law School in 1933, Vol. 4, p. 323; Piracy of Broadcasting Programs, by Louis G. Caldwell, 30 Columbia Law Review, p. 1087; Journal of the Senate, 48th Congress, First Session, p. 548, Senate Bill No. 1728; House of Lords, Sessional Papers, 1898, Vol. III, Bill No. 21; Davies v. Bowes, 209 Fed. 56; International News Service v. Associated Press, 63 Law Ed. 212 (notes); Board of Trade v. Christie Grain Co., 198 U. S. 236; Harold Lloyd Corporation v. Wittier, 65 Fed. (2d) 1; Waters v. Phillips, 284 Federal 237; 204 Fed. 299; 190 Fed. 767; 19 Fed. 641; McCarthy v. Bunker Hill Co., 164 Fed. 927; Ex parte Young, 209 U. S. 123; Farmers Bank v. Commissions, 295 Fed. 755; The Rights and Privileges of the Press, p. 87; The Tribune Company of Chicago v. Associated Press, 116 Fed. 126; New York and Chicago Grain v. Stock Exchange, 19 N. E. 855; Munn v. Illinois, 94 U. S. 113; 22 American Journal of International Law 385; Cheney Bros. v. Doris Silk, 35 F. (2d) 279; Reichelderfer v. Quinn, 53 Sup. Ct. Rep. 159; Public Ledger v. New York Times, 275 Fed. 562; Dodge Corp. v. Comstock, 251 N. Y. S. 172; and Atlantic Monthly Pub. Co. v. Post Pub. Co., 27 F. (2d) 556; Art. I, Sec. 8, par. 8, U. S. Constitution.

"The rule is that a motion to dismiss in equity must be judged solely by plaintiff's pleadings and for the purposes of the motion all facts well pleaded are taken as true. The question raised in defendant's motion that in fact the amount in controversy does not exceed the sum of \$3,000.00 is, by that rule, disposed of adversely to the defendant.

"The question raised, also, in the motion to dismiss that there is a defect of parties complainant in that the Bellingham Herald was not joined, must likewise be resolved against defendant, upon the authority of Federal Equity Rule 38, Hopkins (6th ed.), page 226, which provides:

"When the question is one of common or general interest to many persons constituting a class so numerous as to make it impracticable to bring them all before the court, one or more may sue or defend for the whole."

and upon the authority of Merchants & Manufacturers Traffic Ass'n. v. U. S., 231 Fed. 292, where the court said:

"We see no objection to classes of persons similarly situated being represented by an association or other organization and coming into the controversy under the common name. This, we think, brings this case within the well-known rule that bills may be filed in the name of an unincorporated association and by parties on behalf of others similarly situated."

and in view of the further fact that it is alleged in complainant's bill, paragraph 5, page 2, 'that complainant has more than 1200 members, each owning or representing a daily newspaper in the United States,' and as stated elsewhere in the bill in effect that those members are similarly situated.

"The foregoing leaves to be disposed of only the remaining question, also raised by the motion to dismiss, as to whether the bill states a cause of action in equity or any facts entitling complainant to the relief now sought.

"Responding to complainant's bill and affidavits alleging that defendant obtains copies of morning editions of complainant's member newspapers and systematically reads therefrom over the radio to defendant's radio listeners the news reports in question, the statements in the affidavit of L. H. Darwin on behalf of defendant categorically deny those allegations on behalf of complainant and set forth many news sources, other than complainant's news service, available to affiant by reason of his previous experience as a newspaper man and public official and of his broad acquaintanceship.

"Affiant Rogan Jones, in this affidavit on behalf of defendant, states in effect that as to the general news reports used in such radio news broadcasts, the same are obtained by the defendant under its contract with Radio News Association of New York City, which is a radio news service maintained for radio broadcasting stations which contract for that service, and that such news reports are broadcast from New York by that Association to defendant and others entitled to them, by short wave length, three or more times daily, from 6 to 7 a. m., 9:30 to 10:30 a. m., 2 to 3 p. m., and 5:30 to 6 p. m., Pacific Standard Time; that such news is copyrighted and is received by KVOS in Continental Code by a licensed operator on a special high-grade and expensive apparatus in Bellingham over an antennae arranged, located and designed especially for this news feature, after long and expensive experimentation by defendant's station. The statements in complainant's affidavits that defendant has in many specific instances read general and local news items claimed to belong to complainant's news service, or substantial portions of such items, are clear and convincing, and, when considered in connection with the less specific statements in defendant's affidavits as to defendant's sources of general and local news information, compel the conclusion, and the court so finds, that defendant has in its radio news broadcasts taken and 'pirated' local and general news dispatches in some specific instances as charged by complainant, but not until after such news items were published and distributed to the public in the regular public editions of the newspapers of complainant's members.

"Complainant does not assert any rights under a statute or the copyright laws. It is not contended that the defendant procured the questioned information through a breach of contract between complainant and its member newspapers or through some surreptitious or dishonest conduct or from a private or confidential source before the news reports were published and distributed to the public in a member newspaper. The bill charges unfair competition by the defendant and in its brief complainant argues, in addition to that charge, that it has a property right in the news items in question and that such property rights have been and are being violated by the defendant. In the argument before the court, counsel for complainant stressed its claim of unfair competition rather than its asserted property rights in the news reports. Complainant claims it has such property right in the news reports for at least twenty-four hours after first publication thereof in one of the newspapers of complainant's members, but that defendant has customarily broadcast the reports many hours before the expiration of such twenty-four hour period.

"As upholding such property right, complainant cites The Associated Press v. Sioux Falls Broadcast Association, decided by Judge Jas. D. Elliott of the United States District Court of South Dakota at Sioux Falls, on March 4, 1933, being cause No. 377 S. D. Eq., and International News Service v. Associated Press, 248 U. S. 215. Complainant insists that the South Dakota case, upholding complainant's alleged property rights, is supported by the authority of the International News Service case. A certified copy of the findings and conclusions of the South Dakota case supplied to this court by complainant, discloses that Judge Elliott ruled that complainant and its members have 'what a court of equity will treat as a property right in news gathered and disseminated by complainant and also so called local news gathered by members of complainant and which members of complainant are obligated to transmit to complainant,' but a careful review of the International News Service case fails to disclose a statement by the Supreme Court to the effect that complainant in that case acquired or had an absolute property right as such in news gathered by it

and supplied to its member newspapers for any time after distribution to the public, or indeed for any time whatever, either before or after such publication. There seems to be no room for question that the true construction of the rule of the majority decision in that case is confined to the actual holding on the particular facts there involved and that the case turns on the point that the pirating news agency was guilty of unfair competition, in view of the opinion of Justice Pitney speaking for the majority, at page 241 (of 248 U. S.), as follows:

“It is said that the elements of unfair competition are lacking because there is no attempt by defendant to palm off its goods as those of the complainant, characteristic of the most familiar, if not the most typical, cases of unfair competition. (Citing) But we cannot concede that the right to equitable relief is confined to that class of cases. In the present case the fraud upon complainant's rights is more direct and obvious. Regarding news matter as the mere material from which these two competing parties are endeavoring to make money, and treating it, therefore, as *quasi* property for the purposes of their business because they are both selling it as such, defendant's conduct differs from the ordinary case of unfair competition in trade principally in this that, instead of selling its own goods as those of complainant, it substitutes misappropriation in the place of misrepresentation, and sells complainant's goods as its own.’

“At page 240 Justice Pitney further says:

“But in a court of equity, where the question is one of unfair competition, if that which complainant has acquired fairly at substantial cost may be sold fairly at substantial profit, a competitor who is misappropriating it for the purpose of disposing of it to his own profit and to the disadvantage of complainant cannot be heard to say that it is too fugitive or evanescent to be regarded as property. It has all the attributes of property necessary for determining that a misappropriation of it by a competitor is unfair competition because contrary to good conscience.’

“Thus, the most that can be said of the majority rule in that case is that the majority reasons on an issue of unfair competition between news agencies in business for profit, that the complainant, whose labor and facilities have developed the news report up to the point at which the profit could first be realized, might be said to have a *quasi* property in the news reports gathered by it for the purposes of its business as against the unfairly competing news agency, and that on such an issue of unfair competition in business a pirating ‘competitor who is misappropriating such news for the purpose of disposing of it to his own benefit and to the disadvantage of complainant cannot be heard to say that it is too fugitive or evanescent to be regarded as property.’ By fair construction, it is not thought that a majority of the court in the cited case meant to hold that in all cases, for all purposes, the complainant there had an absolute property right in the news reports, and this court is of the opinion that, as against this defendant radio station, the complainant here has no property right for any time whatever in the questioned news reports after they are published.

“On the question of unfair competition, the International News Service case is not controlling here, because the rule of that case is confined to the peculiar facts there involved and they are unlike the facts here. In that case a majority of the court held there was unfair competition between plaintiff and defendant, both of whom were news agencies engaged for profit in gathering and distributing news reports to their respective contract members. In the case at bar, the defendant is not in any way pirating the news reports furnished by the complainant for the purpose of selling them or distributing them for profit to radio news broadcasters or other news publishers. The fact that in so far as disseminating news is concerned the defendant radio station may be performing a service similar to that of member newspapers of the complainant, does not necessarily of itself constitute the defendant a competitor even of a member newspaper of the complainant, because the member newspaper disseminates news for profit through sale of newspapers, while the defendant radio station receives no compensation for disseminating news to the public, but does so free of charge therefor. Complainant contends that the news broadcast service is maintained by defendant radio station in order to make its time allocated to advertising service more valuable to advertisers through building up a broader field for effective advertising; and that, similarly, the field of effective advertising through complainant's member newspapers is broadened

by extending the field of newspaper distribution. A newspaper publisher gets paid not only for the advertising space in his newspaper purchased by advertisers, but also for each particular copy of his newspaper distributed to the public. The defendant radio station is not, therefore, directly in competition with complainant's member newspapers in respect to the business of disseminating news for profit. The mere fact that the defendant radio station competes for business profit with complainant's member newspapers in the advertising field does not make of the defendant and such newspapers competitors for business profits in the dissemination of news. Nor can it rightly be said that the taking or pirating by defendant, from complainant's members' newspaper issues regularly distributed and dedicated to the information of the public, of news reports and the broadcasting by defendant of such reports over its station to its radio listeners without compensation or direct profit therefor, constitute unfair competition by defendant with the business of news gathering and dissemination for profit by complainant of its member newspapers. In this connection it is pertinent to note the language of the majority opinion in the International News Service case, at pages 239-240 of the report of that case, as follows:

“The right of the purchaser of a single newspaper to spread knowledge of its contents gratuitously for any legitimate purpose not unreasonably interfering with complainant's right to make merchandise of it, may be admitted; but to transmit that news for commercial use in competition with complainant—which is what defendant has done and seeks to justify—is a very different matter. * * * Stripped of all disguise the process amounts to an unauthorized interference with the normal operation of complainant's legitimate business precisely at the point where the profit is to be reaped in order to divert a material portion of the profit from those who have earned it to those who have not; with special advantage to defendant in the competition because of the fact that it is not burdened with any part of the expense of gathering the news. The transaction speaks for itself and a court of equity ought not to hesitate long in characterizing it as unfair competition in business.’

“But as above pointed out, defendant here disseminates the questioned news reports to its listeners gratuitously and without profit and for that reason complainant's case against the defendant on the facts here must, insofar as the same is based on the rule of the cited case, fail. The rule of the majority of the Supreme Court in the cited case relied upon by complainant, does not, on the question of unfair competition, apply to the facts in the case at bar.

“Complainant also brings forth in its behalf the case of *The Associated Press v. Sioux Falls Broadcast Association*, decided by Judge Jas. D. Elliott of the United States District Court of South Dakota at Sioux Falls, on March 4, 1933, being cause No. 377, S. D. Eq. This court has not had access to the opinion of Judge Elliott in that case, but from a certified copy of the findings and conclusions in the case it appears that the facts involved in it are substantially on all fours with the facts in the case at bar. It is argued that Judge Elliott considered the rule of *International News Service v. Associated Press*, supra, applicable and controlling in the case before him, but, if Judge Elliott entertained that view, this court finds itself respectfully unable to concur in Judge Elliott's interpretation and application of the law.

“Complainant has cited other authorities reviewed by the court, but, without mentioning them all, it seems that the more important of them involve unlicensed use by the defendant of market or trade quotations or trade information compiled through special skill or inventive labor, and generally distributed not to the public at large, but only under contract to trade members. In the case at bar, no special skill or inventive labor is involved.

“The case of *Tribune Co. v. Associated Press*, 116 Fed. 126; the dissenting opinions of Justices Holmes and Brandeis in *International News Service v. Associated Press*, supra; the opinion of Circuit Judge L. Hand in *Cheney Bros. v. Doris Silk Corporation*, 35 F. (2d) 279; and the reasoning of the court in the German case reviewed in *Journal of Air Law*, 1931, Vol. II, page 63, all announced principles more clearly applicable to the facts here involved.

“Complainant, on page 26 of its brief, cites the Communications Act of 1934, Title 47 U. S. Code Anno., Sec. 605, 1934 Cumulative Annual Pocket Part, and quotes therefrom as follows:

“And no person, not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purported effect or meaning of such intercepted communication to any person; and no person, not

being entitled thereto, shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained, for his own benefit or for the benefit of others not entitled thereto;'

"and complainant argues that the German case cited by defendant, which refused to protect a radio broadcaster from pirating of its news by a newspaper, could not apply to the case at bar by reason of the provisions of the cited Communications Act; but that statute specifically applies only to communications by wire or radio and does not apply to communications published in a newspaper. The German case, therefore, holding that the radio broadcaster has no right in news which can be protected after the news has been broadcast by radio to the public, may at least be said to indicate the modern trend and to point out the policy of a leading European country in protecting the public interest in news and in denying private business claims thereto from the moment the news is first dedicated to the use of the public, and, insofar as the principles announced therein apply to similar acts not controlled by specific law or authority, the German case is worthy of appropriate consideration here in the absence of other controlling authority to the contrary. The facts in that case are more nearly analogous to the facts in the case at bar than are those stated in any other cited case except the South Dakota case.

"This court holds that when general news furnished by complainant, or local news claimed to be under its control as regards republication, has been printed in a regular issue of complainant's member newspapers and that issue has been, in the ordinary course, published and distributed to the public, such news reports from that moment belong to the public, including the defendant and all others who may desire to use them, for all purposes except for sale by a rival news agency to its news publishing members, and that the mere fact that defendant disseminates gratuitously those news reports as a part of its radio service after they have been so received by defendant contemporaneously with other members of the public, does not prevent defendant from so receiving and using such news reports, since such practice by defendant does not involve the pirating by one news gathering and distributing agency of news reports of another such agency, as was the case in *International News Service v. Associated Press*, supra.

"Another very important phase of this case is that disclosing the everlasting conflict between private enterprise and public interest. The case occasions restatement of the principle that improved instrumentalities for the advancement of social progress and public convenience, including agencies for improved free speech and free press, must not be discarded for the sake of private enterprise, unless such hindrance of the public interest be required by positive law or clear contract. To refuse the interpretation of its rights desired by complainant may as contended result in incidental financial loss to it, but, in the absence of law or contract, it is in this situation for Congress alone to abridge the public interest in favor of complainant's private enterprise; but Congress so far, even after giving the subject specific consideration in the past, has failed to take any action in the premises.

"The relative positions of complainant and defendant in the communication of news may be better understood by recalling to view the history of the important phases of our development in the fields of transportation and communication. In the earliest period of our country's history communication of private dispatches and public news was by individual courier on foot or, like Paul Revere, on horseback. Later came the stage coach with the mails, always pressing onward to new frontiers. Next, the locomotive, or, as originally known, the 'iron horse,' developed the mail express, soon however yielding a portion of its communications business to the telegraph and telephone, and later yielding much of its business to its present aggressive competitors, the motor bus, motor truck and airplane. In many instances, electric street railways have been forced out of business by the more convenient and efficient motor bus.

"These improvements and developments have occurred in the field of news communication as well as in transportation, and have facilitated and have been indispensable to the march of progress in which the public has been most vitally interested, and, in respect to them, the protection of private investment has had to yield to the convenience of the public. A fair construction of the true situation in the case at bar is that it involves an exemplification of the greater efficiency of modern news dissemination instrumentalities as compared with those of by-gone days, which, in those days, adequately served alike private enterprise and public interest. Complainant's and its newspaper member's facilities are not likely to pass into disuse as some news communication instrumentalities have in the past, but the service which complain-

ant's facilities have rendered to the past or may render to the future cannot be employed to hinder the use of more modern means, including those of the defendant radio station, which, in some respects, surpass complainant's facilities to an extent comparable to the advantage of the airplane over those of the railroad train.

"Accordingly, the proper protection of complainant's business, news service contracts and invested capital cannot justify withholding from the public the more speedy and more extensive dissemination of news through the improved instrumentalities of defendant radio station and others similarly situated, even when news reports broadcast by defendant or others gratuitously to their radio listeners have been taken from sources originated or controlled by complainant, if the reports have already been dedicated to the information of the public in a publicly distributed issue of complainant's member newspaper, unless such dissemination is in violation of some clear contract between complainant and defendant or complainant's member newspapers, or in violation of some positive law or well defined general rule of conduct. This court is advised of no such positive law, contract or rule of conduct, applicable to the facts here; and upon the foregoing considerations of fact and law the court concludes that the bill states no cause of action in equity nor any facts entitling complainant to the injunctive relief now sought.

"The temporary restraining order will be dissolved, the defendant must be discharged from the show cause order, and the temporary injunction will be denied. As in the court's view the bill cannot in any event succeed, it must be dismissed. Counsel may propose appropriate form of order."

RECOMMENDS DENIAL NEW OHIO STATION

A. R. Montgomery applied to the Federal Communications Commission for authority to erect a new experimental broadcast station at Findlay, Ohio, to operate from 6 a. m. to midnight, using 1530 kilocycles, with 1,000 watts power.

Ralph L. Walker (e) in his Report No. I-15 recommends that the application be denied. The Examiner found that the applicant is not financially or technically qualified to construct and operate the proposed station and "the operation of a station as proposed would cause interference detrimental to the authorized experimental work of a station heretofore licensed."

SUGGESTS GRANTING ARKANSAS APPLICATION

T. H. Barton applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at El Dorado, Ark., to use 100 watts, unlimited time, and to operate on a frequency of 1370 kilocycles.

R. H. Hyde (e) recommended in his Report I-14 that the application be granted because the applicant is qualified to construct and operate such a station, there is need for radio service in the proposed area, and that the granting of the application would serve public interest.

INJUNCTION FILED AGAINST COMMISSION

An injunction has been filed in the Supreme Court of the District of Columbia against the Federal Communications Commission by the Toledo Broadcasting Company, Toledo, Ohio, asking the Court to order the Commission not to hold a hearing on the transfer of a competing station.

The Toledo Company, operating Station WSPD, stated that Station WALR of Zanesville, Ohio, had asked for a transfer of its license so that it could operate in Toledo. Because of the effect this would have on its business, the Toledo station sought permission to intervene in a hearing which will be held January 4. The Commission refused the request, hence the application for injunction.

NEW RADIO BOOK TO BE PUBLISHED

The most comprehensive discussion of American broadcasting to appear in recent years will be contained in the Annals of the American Academy of Political and Social Science, to be issued on January 10. The volume is entitled "Radio: The Fifth Estate" and is edited by Dr. Herman S. Hettinger, of the University of Pennsylvania, now associated with the NAB on special research.

Among the important subjects discussed in the volume by leading authorities are the following: The regulation of broadcasting, by the Hon. Hampson Gary, Chairman, Broadcast Division, FCC; radio and public opinion, by William Hard; the future of radio advertising, by Roy S. Durstine, Vice President and General Manager, B. B. D. & O. agency; the regulation of radio advertising,

by the Hon. Ewin L. Davis, of the Federal Trade Commission; radio and the press, by E. H. Harris and Senator C. C. Dill; freedom of speech over the air, by Louis G. Caldwell; new technical developments in broadcasting, by J. C. McNary, Technical Director of the NAB; commercial radio copy, by Charles F. Gannon, Erwin, Wasey & Co.; and the future of broadcasting, by John Erskine, musician and author.

Foreign contributors include leading executives of the British, German, Russian and Canadian systems.

Copies may be secured from the American Academy of Political and Social Science, 3457 Walnut Street, Philadelphia, Pa., at a cost of \$2.00 for paper binding and \$2.50 for cloth binding. The volume should be in every station library, as well as in your community library.

RECOMMENDS RENEWAL OF KFEQ LICENSE

Recommendation was made this week by George H. Hill (e) in Report No. I-13 that the application of Station KFEQ, St. Joseph, Mo., for license renewal be granted.

The Examiner found that the programs broadcast by Doctors Richards and Price "and the advertising announcements made for the Century Company did not service public interest"; however, says the Examiner, "the other programs broadcast over the station were generally meritorious and did serve public interest."

It is further stated in the Report that "the applicant has assured the Commission that programs such as broadcast by Doctors Richards and Price, and the advertising announcements for the Century Company, will not in the future be broadcast over Station KFEQ."

INJUNCTION ASKED BY WAVE

Station WAVE, Louisville, Ky., has asked the Supreme Court of the District of Columbia for a permanent injunction against the Federal Communications Commission to restrain it from holding a hearing in connection with the application of the O. K. Broadcasting asking for a construction permit for the erection of a new 100-watt station at Louisville. WAVE asked the Commission to be allowed to intervene in the case but the Commission denied permission. WAVE is therefore asking the injunction.

SECURITIES ACT REGISTRATION

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

- Blue Star Markets, Inc., Phoenix, Ariz. (2-589, Form A-1)
- Greenland Trust. (2-1221, Form A-1)
- La Luz Mining Corporation, Montreal, Canada. (2-1222, Form A-1)
- Bondholders' Protective Committee for Houston Medical Arts Building, Houston, Tex. (2-1223, Form D-1)
- Caribbean Fisheries, Inc., New York City. (2-1224, Form A-1)
- Unified Debenture Corporation, Newark, N. J. (2-1225, Form D-1)
- Interstate Debenture Corporation, Newark, N. J. (2-1226, Form D-1)
- Empire Debenture Corporation, Newark, N. J. (2-1227, Form D-1)
- Mitten Bank Securities Corp., Philadelphia, Pa. (2-1228, Form E-1)
- Bankers National Investment Corp., Wilmington, Del. (2-1229, Form A-1)
- New England Capital Corp., Cambridge, Mass. (2-1230, Form A-1)
- Loomis-Sayles Second Fund, Inc., Boston, Mass. (2-1231, Form A-1)
- Schotz Safety Razor Corp., Detroit, Mich. (2-1232, Form A-1)
- Precious Metals, Inc., Buffalo, N. Y. (2-1233, Form A-1)
- American Fidelity Corp., Ltd., San Diego, Calif. (2-1234, Form G-1)
- Snowcrest, Inc., Wilmington, Del. (2-1235, Form A-1)
- Protective Committee for Aurora & Elgin Railroad Co., Chicago, Ill. (2-1236, Form D-1)
- Income Foundation Fund, Inc., Baltimore, Md. (2-1197, Form A-1)
- Income Foundation Fund Trust Certificates. (2-1198, Form C-1)
- Famise Corporation, Philadelphia, Pa. (2-1199, Form A-1)
- Cornucopia Gold Mines. (2-1200, Form A-1)
- Foundation Petroleum Corporation, San Diego, Calif. (2-1201, Form A-1)
- Progress Baking Equipment Company, Inc. (2-1202, Form A-1)
- Protective Committee for Municipal Bond Company, Los Angeles, Calif. (2-1203, Form D-1)
- Arroyo Seco Gold Dredging Company. (2-1205, Form A-1)

- United Telephone Company of Pennsylvania. (2-1206, Form A-1)
- Protective Committee for Municipal Bond Co., Los Angeles, Calif. (2-1207, Form D-1)
- Standard Depositors Corporation, Denver, Colo. (2-1208, Form C-1)
- Greater Savannah Protective Committee, Savannah, Ga. (2-1210, Form D-1)
- Bondholders Protective Committee, Methodist Hospital, Fort Worth, Tex. (2-1211, Form D-1)
- Buffalo Ankerite Gold Mines, Ltd., Toronto, Canada. (2-156, Form A-1)
- Noteholders' Protective Committee for Evansville Morris Plan Company. (2-1237, Form D-1)
- San Francisco Mining Corporation, Inc., Mexico City. (2-1238, Form A-1)
- Menasco Manufacturing Company, Los Angeles, Calif. (2-1239, Form A-1)
- Committee for Protection of Bond Holders for various banks, Chicago, Ill. (2-1240, Form D-1)
- Gas-Oil Products, Inc., Philadelphia, Pa. (2-1241, Form A-1)
- Green Pastures Ice Cream Corporation, New York City. (2-1242, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, January 10, 1935

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Renewal of license and C. P. to move to Hoboken, N. J.; 1450 kc., 250 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

- WOL—American Broadcasting Co., Washington, D. C.—Modification of construction permit authorizing changes in equipment and increase in daytime power requesting extension of required date of completion.
- WMEX—The Northern Corporation, Boston, Mass.—Modification of license to move main studio from Chelsea, Mass., to Boston, Mass.
- NEW—Paul Sullivan Andrews, Lewiston, Me.—Construction permit for a new station to be operated on 560 kc., 250 watts power, daytime.
- NEW—WDRC, Inc., Hartford, Conn.—Construction permit for new station to be operated on 1200 kc., 100 watts power, unlimited time.

Second Zone

- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—License to cover construction permit (2-P-B-3334) to make equipment changes and move transmitter.
- WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license (B2-R-750) to change specified hours by adding additional hours of 1:00 to 3:00 on Sunday, beginning 1-1-35.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Modification of construction permit (B-2-P-119) to make changes in equipment and giving exact transmitter location as near Dayton, Ohio.
- NEW—Brothers and England, Lorain, Ohio.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, daytime.
- NEW—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to erect a new broadcast station to be operated on 1310 kc., 100 watts, unlimited time.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Modification construction permit (2-P-B-3277) as modified to make changes in equipment and move transmitter amended changes in equipment.

Third Zone

- NEW—Price Siever, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time.
- NEW—East Texas Broadcasting Co., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, specified hours, amended change hours

to simul-day with KGKB and specified hours night from 8 p. m. to midnight.

- NEW—Homer York, Lufkin, Tex.—Construction permit to erect a new broadcast station to be operated on **1340 kc.**, 250 watts, unlimited time, amended re studio location.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (3-P-B-2743) as modified to install new equipment, move studio and transmitter.
- NEW—Lakeland Broadcasting Co., Lakeland, Fla.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time, amended exact location transmitter and studio as Hotel Florida, Lakeland, Fla.
- NEW—Hazlewood, Inc., West Palm Beach, Fla.—Construction permit for new station on **1420 kc.**, 100 watts power, unlimited time, amended change frequency from **1420 kc.** to **1200 kc.**
- NEW—Jesse H. Jay, Miami, Fla.—Construction permit for new station on **1200 kc.**, 100 watts power, unlimited time.
- NEW—Eugene DeBogory, tr. as Paris Broadcasting Co., Paris, Tex.—Construction permit for new station on **1500 kc.**, 100 watts power, daytime, amended re equipment.
- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of license to change hours of operation from simultaneous day, shares night with WAPI, to unlimited time (contingent upon the granting of WAPI application to change frequency to **590 kc.**, unlimited time.
- NEW—Wilton E. Hall, Anderson, S. C.—Construction permit for new station on **1200 kc.**, 100 watts, unlimited, amended 12-12-34 re equipment and site of transmitter.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Construction permit to make equipment changes and increase power from 250 watts night, 500 watts day, to 500 watts night and 1 KW day, amended change location of transmitter.
- KADA—C. C. Morris, Ada, Okla.—Construction permit to install new equipment, change power from 100 watts to 100 watts night and 250 watts day.
- KXYZ—Harris County Broadcast Company, Houston, Tex.—Construction permit to make equipment changes, increase power from 500 watts to 1 KW.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authorization to operate simultaneously with WTIC for license period ending 8-1-35.
- NEW—Palm Beach Broadcasting Service, West Palm Beach, Fla.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.
- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Modification of license to change hours of operation from specified to unlimited daytime and share time at night with new station at Dallas, Tex., if authorized.

Fourth Zone

- WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to make equipment changes, increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day; change hours of operation from simul-day, S-WTRC night, to unlimited time.
- WREN—Jenny Wren Company, Lawrence, Kans.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.
- NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new station on **1010 kc.**, 1 KW power, unlimited time.
- KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Modification of construction permit (4-P-B-3299) as modified to make changes in equipment.
- KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—License to cover construction permit (4-P-B-3299) as modified to install new equipment and increase power, change location of transmitter, amended as to equipment.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Construction permit to make equipment changes.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—License to cover construction permit (B4-P-38) to increase power and change equipment.
- WCBD—WCBD, Inc., Waukegan, Ill.—Modification of license to change frequency from **1080 kc.** to **1020 kc.**, change hours of operation from limited to limited daytime and such time after midnight as would be satisfactory to KYW.
- WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change hours of operation by adding additional hours of 7:00 to 8:00 p. m., Wednesdays, Mondays, Fridays.

- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of SA to operate synchronously with WBBM from LS at Lincoln, Nebr., to midnight, CST, from 2-1 to 8-1-35.
- NEW—Wm. A. Schall, Omaha, Nebr.—Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time, amended to change frequency to **1500 kc.**
- NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit for new station on **1500 kc.**, 100 watts, LS to midnight, specified hours, amended: 100 watts power and unlimited time.
- W9XBY—First National Television, Inc., Kansas City, Mo.—License to cover construction permit authorizing erection of experimental broadcast station.
- NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, daytime.
- WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to install new equipment.
- NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construction permit to erect a new broadcast station to be operated on **1120 kc.**, 250 watts, unlimited time.
- NEW—Mississippi Valley Broadcasting Co., Inc., Jefferson City, Mo.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, daytime.
- KFRU—KFRU, Inc., Columbia, Mo.—Modification of license to change hours of operation from shares WGBF, WOS, simultaneously day with WGBF, to shares WGBF and simultaneously WGBF (contingent upon the release of these hours by WOS).

Fifth Zone

- NEW—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Construction permit to erect a new broadcast station to be operated on **950 kc.**, 250 watts, daytime.
- KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Construction permit to make equipment changes; increase power from 250 watts to 250 watts, 500 watts day; change hours of operation from daytime to unlimited.
- NEW—Eagle Rock Broadcasting Co., Chas. A. Butler and E. Kaufman, Eagle Rock, Calif.—Construction permit for new station on **1160 kc.**, 250 watts, daytime.
- KFBB—Buttrety Broadcast, Inc., Great Falls, Mont.—Special experimental authorization to change frequency from **1280 kc.** to **610 kc.** for period ending 4-1-35.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (5-P-B-2837) as modified to extend completion date from 12-15-34 to 3-15-35.
- KGIR—KGIR, Inc., Butte, Mont.—Modification of construction permit authorizing increase in daytime power requesting changes in equipment and extension of required commencement and completion dates.
- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to make changes in equipment and increase daytime power from $2\frac{1}{2}$ KW to 5 KW.
- KOL—Seattle Broadcasting Co., Seattle, Wash.—License to cover construction permit authorizing changes in equipment, increase in daytime power to $2\frac{1}{2}$ KW and move of transmitter.
- KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to Pioneer Broadcasters, Inc.
- KXL—KXL Broadcasters, Portland, Ore.—Construction permit to change frequency from **1420 kc.** to **1410 kc.**, make changes in equipment, and increase power from 100 watts, 250 watts local sunset, to 500 watts.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Modification construction permit (5-P-B-3200) as modified to extend commencement date from 11-2-34 to 2-1-35 and completion date from 2-2-35 to 5-1-35.
- KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification construction permit (5-P-B-3199) as modified to extend commencement date from 11-2-34 to 2-1-35 and completion date from 2-2-35 to 5-1-35.
- KGB—Don Lee Broadcasting System, Los Angeles, Calif.—Modification construction permit (5-P-B-3223) as modified to extend commencement date from 11-2-34 to 2-1-35 and completion date from 2-2-35 to 5-1-35.
- KGHL—Northwestern Supply Co., Inc., Billings, Mont.—Extension of special experimental authorization to operate on **780 kc.**, from 1-1-35 to 2-1-35.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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MANAGING DIRECTOR ON TOUR

In accordance with a resolution adopted at the last meeting of the Board of Directors, Philip G. Loucks, NAB Managing Director, left Washington last week on a trip, expected to last about two weeks, to include points in Ohio, Tennessee, Louisiana, and Florida.

NRA PRICE HEARING BEGINS

A public hearing before the National Recovery Administration on the subject of price provisions of the various codes began on Wednesday, January 9. The interests of the broadcasters' code will be represented by James W. Baldwin, Executive Officer of the Code Authority.

It is expected that the hearing will continue throughout several days. The list of speakers covers 22 pages, and approximately 2,000 people attended the first session.

The resolution of the NRA, under which the hearing is being held, follows:

"WHEREAS, The Recovery Administration has accumulated considerable experience with respect to the functioning of our industrial system under codes and the appropriate relationship of Government thereto, and

"WHEREAS, Any major policy should not be finally modified or confirmed until a full opportunity has been afforded all interested parties to supplement existing information,

"THEREFORE, BE IT RESOLVED, That the National Industrial Recovery Board conduct a series of Policy Hearings at which there shall be (a) consideration of proposed modifications or confirmations of policy on major problems now confronting the administration, such proposals to be announced in each case prior to the hearing scheduled for consideration of the particular policy; (b) presentation of an analysis of the experience of the Recovery Administration with respect to the particular subject thus scheduled for hearing; and (c) an opportunity for presentation of relevant facts, analyses and suggestions by industry and other interested parties.

"These Policy Hearings shall be limited to consideration of general aspects of the subjects announced, and there shall be no consideration at these hearings of the advisability of amending or modifying any particular code.

"AND, BE IT FURTHER RESOLVED, (a) That the first of these Policy Hearings be scheduled for January 9, 1935, on the subject of price fixing; and that at such hearing there shall be an opportunity for presentation by any interested party of any pertinent experience under codes and any other relevant material. While the practical results of the operation of such provisions in any given code may be presented, the hearing is for the purpose of considering the general aspects of price fixing and there shall be no consideration of the advisability of amending or modifying any particular code.

"(b) That the Board hereby announces as its proposal for this first hearing and as its present position with respect to price fixing that in the usual case it is inconsistent with the most effective functioning of our industrial system to have in or under codes of fair competition price fixing in the form of permanent schedules of minimum prices, with or without mandatory costing systems for the purpose of establishing minimum prices.

"(c) That the Board recognizes the value of permissive cost sys-

tems, emergency price provisions, and the dangers to the economic structure of destructive price cutting. It also recognizes that minimum prices may be proper for the normal operations of certain types of industry, but, in such cases, Government supervision and control would naturally tend to be increased.

"(d) That, after final determination of policy following this hearing, the Board will promptly take proper action looking toward having administration and code provisions made to conform to such policy."

SAUTHOFF RADIO BILL

Representative Sauthoff of Wisconsin has introduced a bill in the House (H. R. 3252) "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per centum per annum is charged, and providing a penalty."

The bill, which has been referred to the House Committee on Post Office and Post Roads, is as follows:

"That on and after the date on which this Act takes effect, no person, partnership, association, or corporation that makes a business of loaning money and charges a rate of interest in excess of 15 per centum per annum upon any sum loaned shall use for advertising its business either the United States mails or any broadcasting station with a range covering more than one State. Nor shall any such person, partnership, association, or corporation advertise its said business in any magazine, periodical, or other publication which is circulated in more than one State.

"Sec. 2. Any person, partnership, association, or corporation that violates any provision of this Act shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than \$50, nor more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Sec. 3. This Act shall take effect from the date of its enactment."

COMMUNICATIONS COMMISSION APPROPRIATION

The House Committee on Appropriations on Wednesday favorably reported out the bill for appropriations in which the Federal Communications Commission is included.

The appropriation for the coming fiscal year as reported by the Committee is for \$1,525,000, compared with \$666,885 for the last fiscal year, or an increase of \$858,115. During the past year the work of the Commission has been greatly increased. In reporting out this appropriation the Committee had the following to say in connection with the Commission:

"The Communications Act of 1934 abolished the Federal Radio Commission and created in its stead the Federal Communications Commission. The new agency was given all the powers and authority of the Federal Radio Commission and in addition the duty of regulating telephone, telegraph, cable, and all other forms of electrical communication. These duties had been vested, theretofore, in the Interstate Commerce Commission, the Post Office Department, and the State Department.

Salaries and expenses.—The bill includes the Budget estimate of \$1,500,000, for the fiscal year 1936. The act creating the Federal

Communications Commission provided that the appropriation of \$651,885 for the Federal Radio Commission for the fiscal year 1935 should be transferred to the new agency. The Commission will be able to operate until about February 1935 with the amount transferred to it from the Federal Radio Commission. A deficiency estimate for an amount proportional to the \$1,500,000 requested for 1936 will be submitted for the remainder of the current year.

The work of the Commission falls into two main classes, namely, (a) regulating rates and services of all communication facilities and (b) the regulating, licensing, and policing of the uses of radio communication.

Printing and binding.—The bill carries the Budget estimate of \$25,000. The original appropriation of \$15,000 under this head for the current year was for the Federal Radio Commission and was transferred to the Federal Communications Commission by the act creating the latter. The enlarged functions of the new agency will necessitate the increase which has been provided for this item.

COURT DISMISSES APPEAL

The United States Court of Appeals for the District of Columbia has dismissed the WLBW appeal at the request of the appellant.

The Federal Communications Commission granted a construction permit for a new station at Erie, Pa., to Leo J. O'Melian. WLBW asked for a stay order from the Court, which was granted. The Court has allowed the request for dismissal of appeal.

RECOMMENDS APPLICATION DENIAL

Dr. William J. Reynolds and William J. Reynolds, Jr., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Selma, Ala., to use 1500 kilocycles, 100 watts power, and daytime hours operation.

In Report I-16, R. H. Hyde (e) recommended that the application be denied. The Examiner found that their application seemed to meet all formal requirements "but examination of their statements and testimony as to their financial responsibility leaves doubt as to their ability to finance the proposed station in a manner that would assure satisfactory operation." He therefore recommends that the application be denied.

RECOMMENDS GRANTING NEW LOUISIANA PERMIT

T. B. Lanford, R. M. Dea, and L. M. Sepaugh, doing business as the Calcasieu Broadcasting Company, applied to the Federal Communications Commission for authority to construct a new broadcasting station at Lake Charles, La., to use 1500 kilocycles, 100 watts power, and unlimited time on the air.

R. H. Hyde (e), in Report No. I-17, recommends that the application be granted. The Examiner found that the applicants have the necessary financial resources and technical ability to erect such a proposed station and that there is need for radio service in the area which such a station would cover.

SECURITIES ACT REGISTRATION

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

- San Jose Water Works, San Jose, Calif. (1243, Form A-1)
- Capital City Products Company, Columbus, Ohio. (2-1422, Form E-1)
- Hog Mountain Gold Mining and Milling Co., Birmingham, Ala. (2-1245, Form A-1)
- Arena Company, New Haven, Conn. (2-1246, Form E-1)
- Payore Gold Mines, Ltd., Toronto, Canada. (2-1247, Form A-1)
- Radio City Amusement Company, New York City. (2-1248, Form A-1)
- Butterfly Consolidated Mines, Inc., Milwaukee, Wis. (2-1249, Form A-1)
- Unitor Corporation, Detroit, Mich. (2-1250, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 14, 1935

Hearing Before Broadcast Division

- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 770 kc., 10 KW, simultaneous daytime with WBBM, sharing night. Present assignment: 770 kc., 5 KW, simultaneous daytime with WBBM, sharing night.
- WBBM—WBBM Broadcasting Corp., Chicago, Ill.—C. P., 770 kc., 50 KW, simultaneous daytime with KFAB, sharing night. Present assignment: 770 kc., 25 KW, simultaneous daytime with KFAB, sharing night.

Wednesday, January 16, 1935

Oral Argument Before Broadcast Division

- KTAR—Ex. Rep. No. 1-2: KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license, 620 kc., 1 KW, unlimited time. Present assignment: 620 kc., 500 watts, 1 KW LS, unlimited time.
- WKZO—Ex. Rep. No. 1-8: WKZO, Inc., Kalamazoo, Mich.—C. P., 590 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 590 kc., 1 KW, daytime.
- KGFK—Ex. Rep. No. 1-4: Red River Broadcasting Co., Inc., Moorhead, Minn.—C. P., 1500 kc., 100 watts, unlimited time.

Thursday, January 17, 1935

- NEW—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—Willard G. Demuth, Uhrichsville, Ohio.—C. P., 1420 kc., 100 watts, daytime.
- NEW—O. K. Broadcasting Co., Louisville, Ky.—C. P., 1200 kc., 100 watts, unlimited time.
- NEW—O. K. Broadcasting Co., Cleveland, Ohio.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

- WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of license to move studio from Chelsea to Boston, Mass.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted license to cover C. P.; 1210 kc., 100 watts, daytime only.
- WOL—American Broadcasting Co., Washington, D. C.—Granted modification of C. P. to extend completion date from January 15 to May 15, 1935.
- WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace, Saranac Lake, N. Y.—Granted C. P. to make changes in equipment and increase day power from 50 to 100 watts.
- W2XHP—National Broadcasting Co., Inc., New York City.—Granted license to cover C. P. (general experimental); frequencies 25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000 kc., 150 watts.
- W8XAI—Stromberg Carlson Tel. Co., Rochester, N. Y.—Granted license to cover C. P. (general experimental); 31600, 35600, 38600, 41000 kc., 100 watts.
- W8XCN-W8XCO—Onondaga Radio Broadcasting Corp., Portable-Mobile.—Granted license to cover C. P. (general experimental); 31100, 34600, 37600, 40600 kc., 5 watts.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted consent to transfer control of corporation from of the WBAL Broadcasting Co. from Consolidated Gas, Electric Light and Power Co. to American Radio News Corp. (Licensed for 1060 kc., 10 KW, S-WTIC. Special authorization simultaneous daytime with KTHS on 1060 kc. until 9 p. m., and synchronize with WJZ on 760 kc., 2½ KW, after 9 p. m.)

Second Zone

- WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts.
- WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Granted consent to voluntary assignment of license to WFIL Broadcasting Co.
- WFI—WFI Broadcasting Co., Philadelphia, Pa.—Granted consent to voluntary assignment of license to WFIL Broadcasting Co.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted license to cover C. P.; 1370 kc., 100 watts night, 250 watts day, specified hours.
- WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted license to cover C. P.; 1200 kc., 100 watts night, 250 watts day, unlimited time.
- WEHC—Community Broadcasting Corp., Charlottesville, Va.—Granted license to cover C. P.; 1420 kc., 100 watts night, 250 watts day; sharing with WEED night, unlimited day.
- WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted license to cover C. P.; 1370 kc., 100 watts night, 250 watts day, unlimited time.

Third Zone

- WIOD—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Granted consent to transfer of control of Isle of Dreams Broadcasting Corp. from Jesse H. Joy to Metropolis Publishing Co.
- WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted modification of license to increase day power from 2½ to 5 KW.
- WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of C. P. to extend commencement date to December 21, 1934, and completion date to March 21, 1935.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted license to cover C. P.; 680 kc., 5 KW night, 5 KW day, limited.
- NEW—Wilton E. Hall, Anderson, S. C.—Granted C. P. for new station to operate on 1200 kc., 100 watts, unlimited time.
- WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted C. P. to install new equipment, increase day power from 1 to 5 KW, and change transmitter site to a location to be determined subject to approval of the Commission.

Fourth Zone

- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted license to cover C. P.; 1210 kc., 100 watts night, 250 watts day, unlimited time.
- WOC—The Palmer School of Chiropractic, Davenport, Iowa.—Granted modification of C. P. to make changes in equipment. Also granted license covering C. P. which authorized move of station from Carter Lake to Davenport, Iowa, installing new equipment, and changing frequency from 1420 kc. to 1370 kc.; 100 watts, unlimited time.
- KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Granted modification of C. P. to make changes in equipment. Also granted license covering C. P. authorizing local move of transmitter, making changes in equipment, and increasing daytime power from 1 to 2½ KW, 1 KW night; 1260 kc., unlimited time.
- KGKF—Hilliard Company, Inc., Scottsbluff, Nebr.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
- WJBC—Wayne Hummer and H. J. Deo, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted C. P. to make changes in equipment.
- WJAC—The Norfolk Daily News, Norfolk, Nebr.—Granted C. P. to make changes in equipment.
- WDAY—WDAY, Inc., Fargo, N. Dak.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.
- WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Granted C. P. to move transmitter from about 5 miles from Waterloo

to a site to be determined near Cedar Rapids, and move studio from Waterloo to Cedar Rapids, on condition that no increase in interference results to WREC.

- KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—Granted C. P. to move station from Cedar Rapids to site to be determined near Des Moines, and move studio to Des Moines.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted C. P. to make changes in equipment and increase day power from 2½ to 5 KW.

Fifth Zone

- NEW—Louis Wasmer, Inc., Portable.—Granted C. P. (broadcast-pickup), 1606, 2020, 2102, 2760 kc., 100 watts.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted modification of license to change hours of operation from specified to limited.
- KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted modification of license to increase day power from 500 watts to 1 KW.
- KFSG—Echo Park Evangelical Assn., Los Angeles, Calif.—Granted modification of license to increase day power from 500 watts to 1 KW.
- KFCB—Queen City Broadcasting Co., Seattle, Wash.—Granted license to cover C. P.; 650 kc., 250 watts, limited time.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted license to cover C. P.; 1200 kc., 100 watts, specified hours.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of C. P. to extend completion date to March 15, 1935.
- KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of C. P. to extend commencement date to February 1, 1935, and completion date to May 1, 1935.
- KGW—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. increasing day power from 2½ to 5 KW; extend commencement date to 60 days from this date, and completion date to 150 days from date or not later than July 2, 1935.
- KFXD—Frank E. Hurt, Nampa, Idaho.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted C. P. to move station locally and make changes in equipment, and increase day power from 100 to 250 watts.
- NEW—Wm. Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted C. P. for new station; 950 kc., 250 watts, daytime (site to be determined).
- NEW—Nichols & Warinner, Inc., Portable-Mobile.—Granted C. P. (general experimental), frequencies 31100, 34600, 37600, 40600 kc., 2 watts.
- NEW—Nichols & Warinner, Inc., Portable-Mobile.—Granted C. P. (general experimental), frequencies 31100, 34600, 37600, 40600 kc., 30 watts power.
- W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. (general experimental) extending completion date from January 18 to August 15, 1935.
- KNEI—Oregonian Publishing Co., Portable.—Granted modification of C. P. (temporary broadcast pickup) extending commencement date to January 1, 1935, and completion date to July 1, 1935.

ACTION ON EXAMINER'S REPORT

- KFEQ—Ex. Rep. No. 1-13: Scroggin & Co. Bank, St. Joseph, Mo.—Granted renewal of license on regular basis, sustaining George H. Hill, Examiner.

MISCELLANEOUS

- WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Denied permission to intervene in the hearing of application of Community

Broadcasting Co. for C. P. for a new station in Toledo to operate on **1200 kc.** with 100 watts power, daytime only.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted permission to intervene at the hearing of application of Paul Q. Callister for construction permit for a new station in Salt Lake City.

Brown Radio Service Lab., Rochester, N. Y.—Denied petition to reconsider action in designating application for hearing for a new station to be located in Rochester to operate on **1210 kc.**, 100 watts power. Petitioner sought to operate daytime only pending further consideration of application for unlimited time.

NEW—Paul Q. Callister, Salt Lake City, Utah.—Granted permission to take depositions in support of his application for a new station to be located at Salt Lake City set for hearing January 30, 1935.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—The Commission today reconsidered action of November 27, 1934, in granting an extension of license on a temporary basis only to station WIP for a period ending at 3 a. m., EST, March 1, 1935, and terminated such authority and granted the application for renewal of license on a regular basis for the period ending 3 a. m., EST, on March 1, 1935.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Designated for hearing application for renewal of license.

NEW—Albert T. Roche and Harold Smithson, Chico, Calif.—C. P. to erect new station at Chico, Calif., **850 kc.**, 100 watts, daytime only, heretofore set for hearing, was dismissed, inasmuch as this application has been superseded by the application of William Schield, Lewis and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd.

NEW—Joseph M. Hallock, Baker, Ore.—C. P. for new station at Baker, Ore., **1200 kc.**, 100 watts, daytime, heretofore set for hearing, was dismissed at request of applicant.

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of special experimental authorization for 5 KW to operate 12 midnight, EST, heretofore set for hearing, was dismissed at request of applicants.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—C. P. to move transmitter, **680 kc.**, 500 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WINS—American Radio News Corp., New York City.—Granted special temporary authorization to operate from 7:15 to 7:30 p. m., EST, during month of January.

SET FOR HEARING

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Construction permit to make changes in equipment and increase day power from 250 watts to $2\frac{1}{2}$ KW. (No change 250 watts night, **1350 kc.**, sharing with WAWZ.)

NEW—Howell Broadcasting Co., Inc., Rochester, N. Y. (location to be determined).—Construction permit, **1210 kc.**, 100 watts night, 250 watts day, unlimited.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit move station locally to location to be determined subject to Commission approval; install new equipment; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day (licensed **950 kc.**, unlimited).

WHBC—Edward P. Graham, Canton, Ohio.—Construction permit make changes in equipment and increase daytime power from 100 watts to 250 watts (licensed for **1200 kc.**, 100 watts nighttime power, specified hours).

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit install new equipment; increase power from 250 watts to 1 KW (licensed for **880 kc.**, S-WQAN).

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction permit, **620 kc.**, 500 watts, daytime (exact transmitter site to be determined subject to Commission approval).

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction permit, **1310 kc.**, 100 watts, specified hours.

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—Construction permit, **1120 kc.**, 100 watts, daytime. To be heard by the Division en banc March 20, 1935.

NEW—William L. Waltman, Muskogee, Okla.—Construction permit, **1500 kc.**, 100 watts, unlimited time.

NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex. (exact location subject to approval of Commission).—Construction permit, **1420 kc.**, 100 watts, daytime.

NEW—Palestine Broadcasting Association, John C. Welch, Wm. M. Keller, Bonner Frazzell, Palestine, Tex.—Construction permit, **1420 kc.**, 100 watts, daytime.

NEW—E. F. Houser and Clyde Miller, Big Springs Broadcasting Co., Big Springs, Tex.—Construction permit, **1210 kc.**, 100 watts, daytime.

NEW—Eugene DeBogory, trading as Tem-Bel Broadcasting Co., Temple, Tex. (exact site to be determined).—Construction permit, **1310 kc.**, 100 watts, daytime.

NEW—E. W. Patrick, Brookfield, Mo.—Construction permit, **1310 kc.**, 100 watts, unlimited.

NEW—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill. (exact site to be determined).—Construction permit, **1500 kc.**, 100 watts, unlimited.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Construction permit to make changes in equipment, change frequency from **1200 kc.** to **1230 kc.**; increase power from 100 watts night, 250 watts day, to 500 watts; and increase hours of operation from specified to unlimited.

NEW—Dr. George W. Young, Minneapolis, Minn. (site to be determined).—Construction permit, **1370 kc.**, 100 watts, unlimited.

NEW—George B. Bairey, Valley City, N. Dak.—Construction permit, **1310 kc.**, 100 watts, unlimited.

KWTO—KGBX, Inc., Springfield, Mo.—Construction permit to make changes in equipment and increase power from 1 KW to 5 KW day (no change **560 kc.**, daytime hours of operation).

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—C. P. to make changes in equipment and increase day power from 1 KW to 5 KW.

NEW—Bamberger Broadcasting Service, Carteret, N. J.—C. P. (experimental relay broadcasting), frequencies **6020, 9510, 11850, 15170, 17800, 21480 kc.**, 5000 watts.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—C. P. to make changes in equipment and increase day power from $2\frac{1}{2}$ to 5 KW.

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

NEW—Helena Broadcasting Co., Helena, Mont.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time.

NEW—Twin Cities Broadcasters, Centralia, Wash.—C. P. for new station, **1200 kc.**, 100 watts, unlimited time.

NEW—Fred L. Packard, A. Rosenberg, Los Angeles, Calif.—C. P. for new station, **1160 kc.**, 250 watts, daytime (transmitter site to be determined).

NEW—Radio Service, Inc., Las Vegas, Nev.—C. P. for new station, **1200 kc.**, 100 watts, unlimited time (transmitter site to be determined).

KCFJ—Ben S. McGlashan, Los Angeles, Calif.—C. P. to make changes in equipment and increase day power to 250 watts, and also to operate with 250 watts power from 12 midnight to 6 a. m.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. to change type of equipment; increase night power from 500 watts to 1 KW and day power from $2\frac{1}{2}$ to 5 KW; also extend commencement date from October 29, 1934, to within 90 days after grant and extend completion date from January 29, 1935, to within 90 days thereafter.

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of license to change frequency from **1190 kc.** to **1200 kc.**, and increase operation from daytime to unlimited.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of license to increase power from 100 watts to 1 KW.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of license to increase day power from $2\frac{1}{2}$ to 5 KW.

WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of license to change frequency from **1410 kc.** to **1300 kc.**, decrease night power from 500 watts to 250 watts, and change hours of operation from sharing with WROK to unlimited.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license to change frequency from 1370 kc. to 1450 kc., and increase nighttime power from 100 watts to 250 watts.

KALE—KALE, Inc., Portland, Ore.—Modification of license to change frequency from 1300 kc. to 1250 kc., and hours of operation from specified to unlimited.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license to change frequency from 1440 kc. to 630 kc.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authorization to increase nighttime power from 500 watts to 1 KW.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Special experimental authorization to increase nighttime power from 500 watts to 1 KW.

NEW—Utah Broadcasting Co., Salt Lake City, Utah.—C. P. for new station, 1500 kc., 100 watts, unlimited time.

NEW—National Battery Broadcasting Co., St. Paul, Minn.—Designated for hearing C. P. for new station on 680 kc., 500 watts night, 1 KW day, unlimited time.

APPLICATIONS RECEIVED

First Zone

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Authority to install automatic frequency control.

WINS—American Radio News Corp., New York, N. Y.—Modification of license to change name to Hearst Radio, Inc.

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Extension of special experimental authorization to use 50 KW power for next license period ending 8-1-35.

W10XG—National Broadcasting Co., Inc. (Seth Parker, Ex-Georgette).—Modification of license to use additional transmitter already constructed—RCA-ET-3656-A.#B-2200, 1 KW.

W2XHI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit to extend date of commencement to 2-27-35, and date of completion to 5-27-35.

Second Zone

WPHR—WLBG, Inc., Petersburg, Va.—Requesting consent to transfer of control of corporation.

WWJ—The Evening News Asso., Inc., Detroit, Mich.—Construction permit to install new equipment; move transmitter; increase power from 1 KW to 1 KW, 5 KW local sunset.

WSVA—Marion K. Gilliam, Staunton, Va.—Modification construction permit to extend completion date to 4-4-35.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification of license to increase power from 1 KW and 2½ KW, daytime, to 5 KW daytime.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification of construction permit (2-P-B-3150) to extend commencement date from 10-11-34 to 30 days from grant and completion date from 1-11-35 to 120 days from grant of this application.

WPHR—WLBG, Inc., Petersburg, Va.—Modification of construction permit (2-P-B-3291) as modified to extend commencement date to 1-15-35 and completion date to 2-15-35.

WORK—York Broadcasting Co., York, Pa.—Extension of special experimental authorization to change frequency from 1000 kc. to 1320 kc., change from daytime to unlimited time. Use directional antenna.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Extension of special experimental authorization to use 1 KW power to 9-1-35.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Authority for consent to transfer of control of corporation from Clarion Broadcasting Co., Inc., to Fort Industry Company.

Third Zone

NEW—Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—Construction permit to erect a new experimental broadcast station to be operated on 1550 kc., 1 KW day and night power.

WPAX—H. Wimpy, Thomasville, Ga.—License to cover construction permit (B3-P-121) move studio and transmitter, make equipment changes and change hours of operation.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modification of special authorization as modified to operate on 550 kc., 5 KW from midnight to 6 a. m., period ending 4-1-35, amended requesting hours of operation from 1 a. m. to 6 a. m.

WSIX—Jack M. Draughon and Louis R. Draughon, d/b as 638 Tire and Vulcanizing, Springfield, Tenn.—Construction permit to move transmitter and studio amended to change frequency from 1210 kc. to 1370 kc.

A. H. Belo Corp., Portable-Mobile.—Construction permit for 34600 kc., 3 watts, A3, amended: 1-2-35 for 3100, 34600, 37600, 40600 kc.

WSGN—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birmingham, Ala.—License to cover construction permit 3-P-B-3034 as modified, to increase daytime power and make equipment change.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Modification of license (B3-R-479) to increase day power from 500 watts to 1 KW.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special authorization to change frequency from 1040 kc. to 1060 kc.; change from S-KRLD to simul-WBAL from 6 a. m. to LS daily, silent to 8 p. m. and unlimited from 8 p. m. to midnight, period ending 8-1-35.

NEW—Benavides Independent School District, Benavides, Tex.—Construction permit to erect a new broadcast station to be operated on 1350 kc., 100 watts, daytime, amended to change frequency to 1310 kc. and power to 50 watts.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Extension special authorization to operate with power of 250 watts additional night, period ending 9-1-35.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Modification of license to change hours of operation from specified hours to unlimited amended requesting that granting this application be contingent on the granting of application from WDAG for change in frequency.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification special authorization to operate with 750 watts additional night power (1 KW), period ending 9-1-35.

NEW—Eugene DeBogory, tr. as Brownsville Broadcasting Co., Brownsville, Tex.—Construction permit to erect a new broadcast station to be operated on 1370 kc., 100 watts, unlimited time.

Fourth Zone

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to change name to Hearst Radio, Inc.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of construction permit (B4-P-205) giving exact transmitter site as ¼ mile north County Road on Snelling Avenue, Rose Township, Minn., and the type of antenna to be installed, also extend commencement and completion dates to within 10 days of grant and 90 days thereafter.

KWTN—The Greater Kapeska Radio Corp., Watertown, S. Dak.—Modification of construction permit (4-P-B-3108) as modified to extend completion date to 2-15-35.

WIBW—Topeka Broadcasting Asso., Inc., Topeka, Kans.—License to cover construction permit (B4-P-57) to increase power and install new equipment.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license to change hours of operation from S-WHBL to unlimited (contingent upon the granting of application of WHBL for change in frequency).

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of construction permit (4-P-B-3285) as modified to change equipment and extend commencement date to 10 days after grant and completion date to 150 days thereafter.

NEW—The Garden City Broadcasting Co., Garden City, Kans.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time, amended re transmitter site.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time, amended to change frequency to 1500 kc., and transmitter location.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Consent to transfer of control of corporation.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Construction permit to move studio and transmitter and make equipment changes, amended re equipment and increase day power from 1 KW to 5 KW.

WHFC—WHFC, Inc., Cicero, Ill.—Construction permit to install new equipment and increase day power from 100 watts to 250 watts.

Fifth Zone

NEW—J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—Construction permit to erect a new broadcast

station to be operated on 820 kc., 100 watts, daytime, amended re equipment and increase day power from 100 watts to 250 watts.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—License to cover construction permit (5-P-B-3245) as modified to make changes in equipment and increase power.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Determine operating power by direct measurement of antenna, amended re equipment.

KJBS—Julius Brunton and Sons Co., San Francisco, Calif.—License to cover construction permit (5-P-B-2991) as modified to make changes in equipment and increase power from 100 watts to 500 watts.

NEW—William B. Smullin, Salem, Oreg.—Construction permit for 1330 kc., 500 watts power, unlimited, for new station at Salem, Oreg., amended: change frequency to 1440 kc., and also change equipment.

The National Association of Broadcasters

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

NAB REPORTS

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Vol. 3 - - No. 3
 JAN. 12, 1935

BROADCAST ADVERTISING IN NOVEMBER

Developments of the Month

BBROADCAST advertising declined slightly in November. Total gross time sales amounted to \$7,232,592, a decrease of 1.9% as compared with October. A drop of 3.5% in national network volume and one of 3.0% in local broadcast advertising were responsible for the downward trend. Regional network advertising rose 11.4% as against the preceding month, while national spot volume gained 4.0%.

Comparison with Preceding Year

November time sales showed a marked improvement over the same month of 1933. Total gross time sales were 20.8% above the previous year's level. Regional networks led with an increase of 44.4%. National networks gained 26.7% in volume, national spot advertising 19.8%, and local broadcast advertising 5.2%. The degree to which the current month's revenues exceeded those of the same period of 1933 was less with respect to all portions of the broadcast advertising field than it had been in October.

Comparison with Other Media

National magazine advertising declined 3.6% as compared with October. Magazine advertising revenues, however, were 10.4% higher than in November of the preceding year. National farm paper volume rose slightly during the month, experiencing a gain of 5.9% as against the same period of 1933. Newspaper advertising experienced the usual November seasonal decline, advertising volume dropping 3.7% as compared with the previous month. November newspaper advertising was 5.0% greater than for the same month of 1933.

Other Trends of the Month

Non-network advertising revenues of regional and clear channel stations declined slightly during the month, while

those of 100-watt stations rose 9.0%. Non-network revenues of stations of over 1,000 watts in power were 10.9% greater than in November, 1933. Stations in the 250-1,000-watt class experienced a 14.5% gain over the same period of last year, and 100-watt stations a gain of 5.7%. Except for a marked gain in revenues as compared with November a year ago on the part of the New England-Middle Atlantic Area, there were no significant changes in non-network broadcast advertising on the basis of geographical districts.

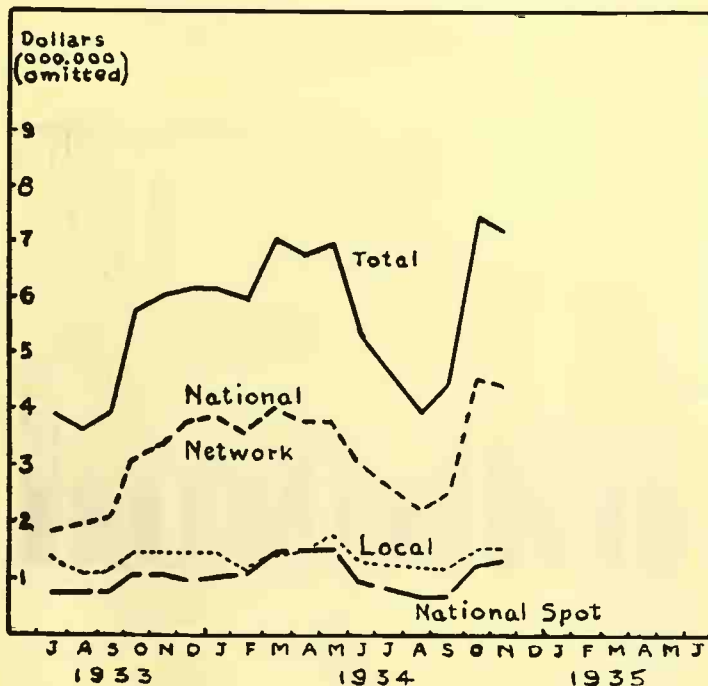
A rise of 11.0% in national spot electrical transcription volume as compared with October, and an 11.7% decline in local transcription business were the only trends of significance in the rendition field. November national spot transcription volume was 35.8% greater than in 1933, while live talent national spot increased 70.0%. Local transcription volume was 14.1% less than during the same month of last year, and local live talent business 17.3% greater. Spot announcement volume dropped 45.5% in the national field and 3.3% in the local field, records declining materially in both instances.

Broadcast Advertising Sponsors

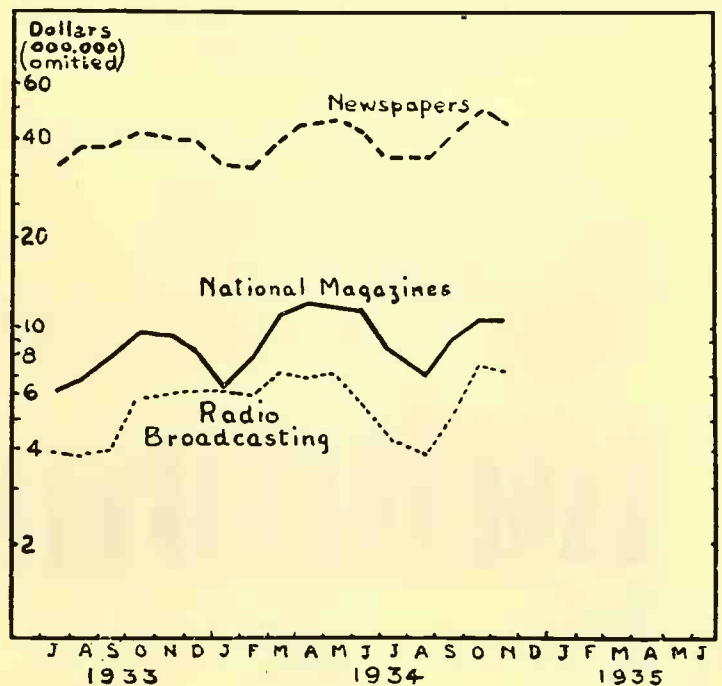
Principal increases as compared with October included the following: National networks—Soap and kitchen supplies, 25.5%; foodstuffs, 3.5%, and pharmaceuticals, 6.5%. National spot advertising—Confectionery, 22.7%; cosmetics, 27.9%; pharmaceuticals, 10.0%, and foodstuffs, 9.0%. Local broadcast advertising—Radio sets, 18.1%, and foodstuffs, 31.0%. The most important declines in the national network field occurred in the automotive and clothing groups. National spot financial advertising, national and local soap and kitchen supply advertising, and local automotive volume also declined materially.

Compared with November, 1933, national networks experienced marked gains in the automotive, pharmaceutical, cosmetic, food, confectionery, household equipment, kitchen supply, radio set, and tobacco groups. Both household equipment and soap and kitchen supply advertising

RADIO BROADCAST ADVERTISING VOLUME
 July, 1933, to June, 1935

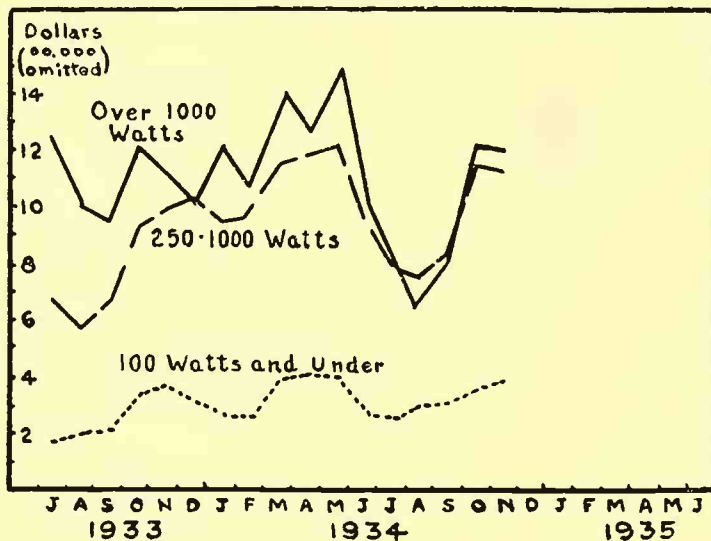


ADVERTISING VOLUME MAJOR MEDIA
 July, 1933, to June, 1935



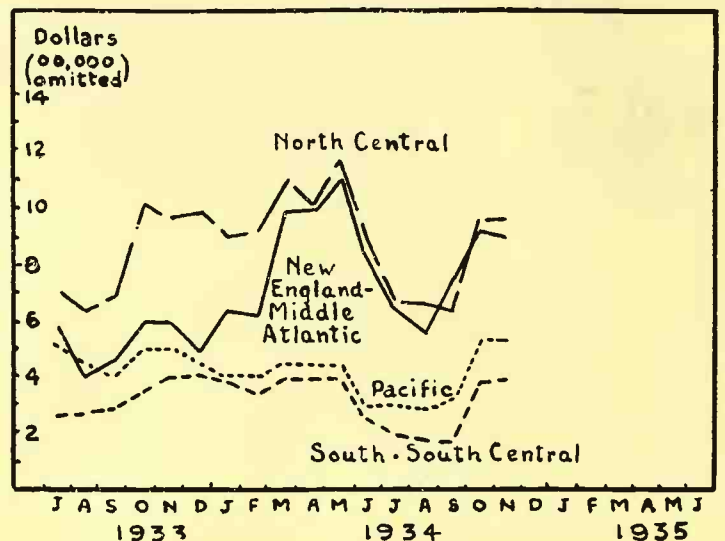
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to June, 1935



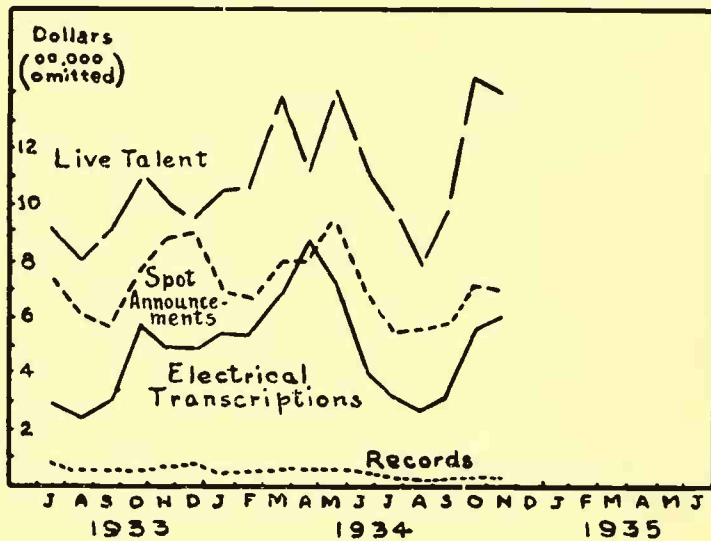
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to June, 1935



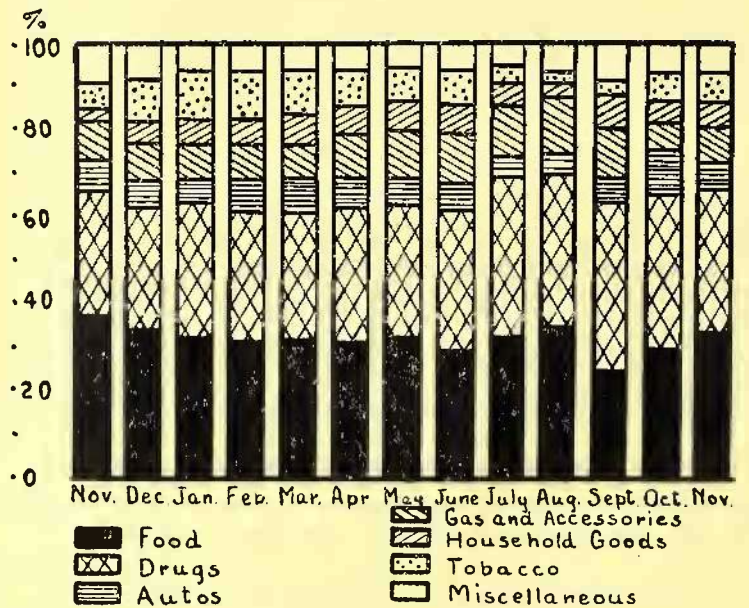
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to June, 1935



NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

Nov., 1933, to Nov., 1934



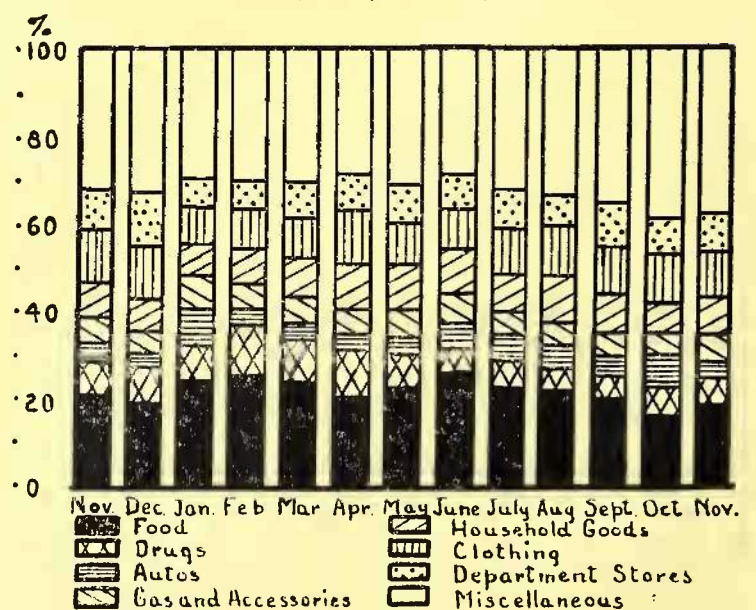
NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS

Nov., 1933, to Nov., 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

Nov., 1933, to Nov., 1934



practically doubled last November. National spot advertising exceeded the same month of last year in the clothing, pharmaceutical, food, household equipment, soap, financial, radio set, department store, and tobacco fields. Department store advertising (mostly mail order branches) rose to three and one-half times last year's level for November, while tobacco advertising increased approximately nine times. Local auto accessory and gasoline, radio set, and department store advertising also rose.

More detailed information as to trends in the various sponsor groups is as follows:

1a. **Amusements.** Little or no change from preceding month. Volume less than half November of last year. National and local both down.

1. **Automobiles.** Network down 48.9% as compared with October, local down 20.0%, and national spot unchanged. Network 14.8% above November, 1933, local unchanged, and national spot down 28.2%.

2. **Accessories, gasoline and oil.** Slight seasonal gains during month in all forms of broadcast advertising. National spot gain greatest with 9.3%. Networks 7.0% above last November, local broadcast advertising 9.0% greater, and national spot 23.3% less.

3. **Clothing and apparel.** Regional volume alone gained over October. National networks down 17.0%, national spot 13.0%, and local 6.6%. National network volume 21.0% below same month last year, and local advertising 5.5% lower. National spot volume up four and one-half times, work-suits being the principal reason.

4. **Drugs and pharmaceuticals.** Network volume 6.5% above October, and national spot volume 10.0% greater. Local down 21.0%. National network advertising 53.6% above November of last year, national spot business 36.6% greater, and local half as great.

5. **Cosmetics.** National network 7.6% below preceding month, local 38.0% lower, and national spot 27.9% greater. National network volume 38.0% above same period of 1933, national spot business half as great, and local volume unchanged.

6. **Foodstuffs.** National network gain over month was 3.7%, national spot 9.0%, and local 31.0%. Regional volume unchanged. Network volume 20.0% greater than in November, 1933, national spot 16.6% greater, and local 15.0% less.

7. **Beverages.** Practically no change from preceding month. Network volume 32.0% below same period of last year, and local volume 10.0% below. National spot business 14.7% greater.

8. **Confectionery.** Other than 22.7% gain in national spot volume, there was little change from preceding month. Network volume 38.2% greater than November, 1933, with some gains in the general field.

9. **Household equipment and appliances.** Network volume unchanged as compared with October, regional network doubled, national spot 34.0% greater, and local 6.0% less, the latter a seasonal trend. Network volume more than doubled same period of last year, with national spot up 50.0% and local business unchanged.

10. **Soap and kitchen supplies.** National networks up 25.5%, national spot down 14.0%, and local down 50.0% as compared with previous month. National network volume one and one-half times November, 1933, national spot volume five and one-half times that level, and local advertising halved.

11. **Financial and insurance.** Slight decrease in network volume as against October, national spot down 10.0%, and local up 6.0%.

12. **Radio sets.** National spot volume double previous month, with local up 18.1% and national network volume unchanged. Network advertising 59.8% above November last year, national spot 34.4% greater, and local more than tripled.

13. **Department and general stores.** Local volume unchanged. National spot more than tripled due to increase in mail order department store business principally.

14. **Tobacco.** National network volume 4.7% lower than preceding month. National spot up 9.0% and local up 31.0%. Compared with last November national network 63.4% greater and national spot nine times greater.

15. **Miscellaneous.** Spot and local business down as against October, with national network volume 38.0% greater. Marked increase in miscellaneous business over all parts of broadcasting structure during past few months indicates trend toward wider interest in radio.

General Retail Advertising. General retail advertising was 3.1% above October and 25.0% greater than in November, 1933. Principal gains during the month occurred in the gasoline and accessory, grocery store, furniture and hardware store, and retail radio fields. Automobile dealer, clothing store, and electrical equipment dealer advertising declined.

Automotive retail advertising was 46.4% greater than in November, 1933, drug store advertising 25.0% above that period, grocery store advertising 50.0% greater, restaurant advertising 61.2%, and furniture store advertising 42.5% above the same period of last year. Hardware store advertising tripled.

Business Conditions

The new year opens with a considerably more optimistic picture than that presented several months ago. The *New York Times* index of business activity on December 29 stood at 83.8% of the 1923-1925 level, as compared with 78.8% at the beginning of the month and 69.9% in December, 1932.

The index of steel activity was 39.0% of the 1923-1925 average, as compared with 30.0% at the close of 1933 and 14.0% at the end of the preceding year. The electric power index continued its gain of recent months, reaching the highest point it has achieved since December, 1930. Automobile production was 47.3% of the 1923-1925 average as compared with 30.3% a year ago. Freight car loadings in recent weeks have declined less than the usual seasonal amount. Rural retail sales in November were 5.0% above the same period of 1933, while grocery chain sales were 3.0% greater. Dollar sales of the two leading mail order companies in November were 23.0% above the preceding year. Preliminary reports of Christmas retail volume has been most encouraging.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS (November, 1934)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Spot	Local	Total
1a. Amusements	—	—	\$772	\$30,460	\$31,232
1-2. Automobiles and Accessories:					
(1) Automobiles	\$263,800	—	28,133	43,217	335,150
(2) Accessories, gas and oils	342,390	\$24,805	139,340	86,022	592,557
3. Clothing and apparel	34,332	1,396	33,190	154,120	223,038
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	598,425	950	364,135	57,602	1,021,112
(5) Toilet goods	854,749	1,417	60,250	23,730	940,146
6-8. Food products:					
(6) Foodstuffs	923,132	25,188	244,317	203,678	1,396,315
(7) Beverages	246,096	9,600	47,180	39,270	342,146
(8) Confections	170,141	2,000	27,265	2,900	202,306
9-10. Household goods:					
(9) Household equipment and furnishings	28,943	5,224	63,150	109,170	206,487
(10) Soap and kitchen supplies	244,932	360	53,900	3,138	302,330
11. Insurance and financial	51,407	2,675	22,846	41,320	118,248
12. Radios	91,231	—	3,855	26,100	121,186
13. Retail establishments	—	—	9,392	125,167	134,559
14. Tobacco products	301,551	2,123	16,690	6,300	326,664
15. Miscellaneous	215,324	31,881	186,210	506,061	939,476
Total	\$4,366,453	\$107,619	\$1,300,625	\$1,458,255	\$7,232,952

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	1934 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
National networks.....	\$4,527,002	\$4,366,453	\$38,196,558
Regional networks.....	95,964	107,259	654,055
National spot business.....	1,251,014	1,300,625	12,310,278
Local broadcast advertising..	1,503,104	1,458,255	14,550,707
Total	\$7,377,084	\$7,232,592	\$65,711,598

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1934 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
Radio broadcasting.....	\$7,377,084	\$7,232,592	\$65,711,598
National magazines ¹	10,953,263	10,524,546	107,724,638
National farm papers.....	453,947	462,593	4,848,184
Newspapers ²	45,079,568	43,366,000	440,693,718
Total	\$63,863,862	\$61,585,731	\$618,978,138

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.

² Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station ¹	1934 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
Over 1,000 watts.....	\$1,232,108	\$1,224,730	\$12,106,308
250-1,000 watts.....	1,167,540	1,145,320	11,120,001
100 watts.....	354,470	388,830	3,634,676
Total	\$2,754,118	\$2,758,880	\$26,860,985

¹ This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Time Sales						
	National Spot		Local		Total		Cumulative Jan.-Nov.
	October	November	October	November	October	November	
Electrical transcriptions.....	\$456,218	\$507,598	\$117,000	\$103,592	\$573,218	\$661,190	\$5,859,100
Live talent programs.....	564,776	570,110	861,050	833,540	1,425,826	1,403,650	12,808,913
Records.....	3,800	2,880	28,850	30,310	32,650	33,190	423,137
Spot announcements.....	226,220	220,037	496,204	490,813	722,424	710,850	7,769,835
Total	\$1,251,014	\$1,300,625	\$1,503,104	\$1,458,255	\$2,754,118	\$2,758,880	\$26,860,985

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1934 Gross Time Sales	
	October	November
Automobiles and accessories:		
Automobile agencies and used car dealers..	\$54,435	\$41,872
Gasoline stations, garages, etc.....	60,307	88,725
Clothing and apparel shops.....	171,900	160,660
Drugs and toilet goods:		
Drug stores.....	22,208	20,992
Beauty parlors.....	5,840	4,845
Food products:		
Grocery stores, meat markets, etc.....	40,420	48,194
Restaurants and eating places ¹	15,605	16,123
Beverage retailers.....	915	830
Confectionery stores, etc.....	2,150	1,344
Household goods:		
Household equipment retailers ²	32,180	23,754
Furniture stores.....	53,095	57,196
Hardware stores.....	10,820	18,260
Radio retailers.....	21,750	26,712
Department and general stores.....	132,046	134,559
Tobacco shops.....	365	937
Miscellaneous.....	58,190	62,945
Total	\$682,226	\$707,948

¹ Exclusive of hotels.

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

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Time Sales		
	October	November	Cumulative Jan.-Nov.
New England-Middle Atlantic Area	\$916,418	\$899,051	\$9,048,346
South Atlantic-South Central Area	381,490	398,251	3,522,560
North Central Area	939,210	946,430	9,911,212
Pacific and Mountain Area ...	517,000	515,148	4,378,867
Total	\$2,754,118	\$2,758,880	\$26,860,985

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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Vol. 3 - - No. 4
JAN. 17, 1935

LEGISLATORS GETTING BUSY

Legislative activity, both Federal and State, is now under way, and already a number of bills have been introduced in connection with broadcasting.

At the head of the Federal list stand the two bills revising the Food and Drug Act, S. 5 and S. 580. S. 5, the Copeland bill, is a redraft of the Copeland bill of last year, and is reproduced below. The McCarran bill (S. 580) attempts much the same thing as the Copeland bill.

H. R. 197, introduced by Congressman Buckbee of Illinois, makes it a misdemeanor to broadcast any advertisement which is untrue, deceptive or misleading. This bill would extend to every form of radio advertising the same general regulations which are now under debate in connection with foods, drugs and cosmetics.

S. 541, introduced by Senator Capper of Kansas, would prohibit all interstate advertising of intoxicating liquors. This would prohibit all use of radio for such advertising.

S. 820, introduced by Senator Neely of West Virginia, provides that in hearings before the Communications Commission on applications which are subsequently denied, the applicants may be required to pay the reasonable costs incurred by the respondents.

H. R. 55, introduced by Congressman Rudd of New York, is identical with the bill in the last session calling for a complete reallocation of all broadcast facilities, and setting aside 25 per cent of all such facilities for the use of non-profit organizations, which would then be permitted to sell time.

H. R. 3252, introduced by Congressman Sauthoff of Wisconsin, prohibits the radio advertising of loan organizations which charge an interest rate of more than 15 per cent annually.

H. Res. 52, introduced by Congressman Dies of Texas, calls for a general investigation of the control of news by the Administration.

State Legislation

State bills which have already been reported to the Association show considerable variety. The most significant one so far is Massachusetts House bill 696, introduced by Representative Bowker, requiring a complete written record of all speeches and statements made over the radio. Each station is required to keep a complete file of such records for one year from the date when the statements are made. This would include a complete transcript of such things as the report of a football game. The bill goes on to declare that any defamatory statement made over the radio is libel.

Another Massachusetts bill, H. 166, introduced by Representative Mary E. Meehan, prohibits the employment of minors under 14 in broadcasting stations.

In Montana a bill to define and regulate the practice of dentistry declares that it is unprofessional conduct and consequently illegal for any dentist to advertise over the radio, but specifically permits such advertising in the press.

There is the usual crop of bills regarding state police radio, but these bills do not directly affect broadcasting.

The National Association of Broadcasters has now established a fairly thorough system of covering current state legislation, but the number of bills introduced in the several state legislatures is enormous, and any broadcaster having information regarding any state legislation affecting broadcasting should report it at once.

FEDERAL COMMUNICATIONS COMMISSION ADOPTS FOUR NEW RULES

The Commission, at a general session, on January 11 adopted the following rules:

"247A. The term 'airway radio obstruction marker station' means a station of low power installed in the vicinity of an obstruction to air navigation and operated for the purpose of giving warning of the presence of that obstruction.

254A. Airway radio obstruction marker stations will not be licensed to use a power greater than 50 watts. The exact power to be authorized is to be determined by the relation between the location of the marker station and the nearest radio range station operated by the Bureau of Air Commerce.

260A. Airway radio obstruction marker stations will be licensed for a carrier frequency of 1200 cycles above or below the assigned frequency of the nearest airway radio range station serving the airway on which the obstruction is located. The marker transmitter carrier shall be one hundred (100) per cent modulated at an audio frequency of 120 cycles per second and automatically keyed by continuously successive groups of 5 dashes each. Operation shall be continuous throughout the 24 hours and the assigned carrier frequency will be maintained within .05 per cent.

260B. The Commission may from time to time, in cooperation with the Bureau of Air Commerce, specify radio stations which may be required to install airway radio obstruction marker stations and will specify the conditions under which such installations will be made."

HOUSE PASSES APPROPRIATION BILL

The House of Representatives has passed the appropriation bill containing the appropriation for the Federal Communications Commission, allowing it \$1,500,000 for the next fiscal year, beginning July 1st.

There was practically no debate on the appropriation except for an amendment offered by Representative Taber of New York who made an effort to have it cut by 20 per cent on the ground that all appropriations are too high. His amendment was defeated by a vote of 62 to 29. The bill now goes to the Senate for action.

CODE AMENDMENTS WITHDRAWN

Withdrawal of three proposed amendments to the radio broadcasting code was announced Tuesday in a letter to Deputy Administrator W. P. Farnsworth, from James W. Baldwin, Washington, D. C., executive officer of the Code Authority.

The proposed amendments would have prohibited special discounts on radio broadcasting facilities sold in combination with other advertising media; discarded the discount rates for "run of schedule time" announcements, and provided a mandatory assessment clause in the code budget.

BALDWIN TESTIFIES AT NIRB PRICE PROVISION HEARING

James W. Baldwin, executive officer of the Broadcasting Industry Code Authority, made a statement at the public hearing before the National Industrial Recovery Board, January 12, testifying as follows:

"I am here to discuss the rate provision contained in the Code of Fair Competition for the Radio Broadcasting Industry. Stripped of all the words and phrases descriptive of the practices at which it is directed, that provision means that each broadcaster is permitted to fix any rate, to allow any discount, and to pay any

commission he chooses. Moreover, having exercised his own discretion in these matters, if he should decide to change any part or all of his rate structure, he may do so. The only requirements are that after fixing his rates, discounts, commissions, etc., he must publish them, file them with the Code Authority, and adhere to them; and he must not make effective any changes until fifteen days after such changes have been filed with the Code Authority. (It is our practice to accept the postmark at the place of origin as the date of filing.)

"Experience of more than one year has proved to us that the provision for open price filing with the fifteen-day waiting period is by far the most important provision in our Code. This is so because of several reasons:

1. It has destroyed the old practice of secret prices, secret commissions, secret rebates and the like.
2. It has served as a protection to at least certain members of the industry against the so-called "hard" or "powerful" buyer; it has stiffened their backs and helped them to say "no" to the genuine chiseler.
3. It has afforded all buyers equal opportunities.
4. It has displaced hasty and ill-considered decisions with that sound judgment that can be exercised only when there is sufficient time for a careful analysis of all the facts.
5. It has stabilized prices.
6. It has through increased stability made it possible for us to meet the increased costs of operation resulting from the Wages and Hours provisions of the Code. We have shown in our Report to you dated in February, 1934, for example, that the employment of broadcast technicians had increased 11.9%; that the weekly hours of labor for broadcast technicians had been reduced 9.8%; and that the weekly payrolls for broadcast technicians had increased 21.1%. New and additional labor costs have been assumed at numerous stations since that report was submitted. Although the total number of stations has decreased, we have in our employ today a greater number of employees than ever before in the history of the industry.

"Notwithstanding the increased stability that has resulted from this provision for open price filing with a waiting period we have, and do now, experience the keenest kind of price competition. This has resulted, we believe, from the increased availability of price information. All broadcasters furnish copies of their current rates to Standard Rate and Data, who publish such rates in a monthly number known as 'Radio Advertising.' In addition, each broadcaster furnishes the Code Authority with three copies of each rate card and these are always open to public inspection. The lack of rigidity in price is evidenced by the number of changes received. During the first nine days of this year we received changes from thirty-six stations—or about 7% of all commercial stations. And, there is nothing unusual in the number received in this particular period.

"We have heard much about monopolies. I believe that the greatest danger of monopoly in the radio broadcasting industry lies in the possible promulgation of governmental regulations which set standards, the level of which greatly restricts either the number or the class of persons who can qualify as the licensee of a station. This result may be obtained by a regulation which either directs that certain things be done or by its nature permits certain things to be done. And, I believe that the removal of the provision in our Code for open price filing with a waiting period and the retention of the present wages and hours provisions would amount to such a regulation because you would thereby aid the financially strong to the injury of those who must meet expenses out of current income.

"I have said that the provision for open filing with waiting period has made it possible for us to meet the increased labor costs arising out of the Code. I should explain also that such provision has not been injurious to the consumer. We investigated this matter last August. The only pre-code data available was that contained in a report of the Federal Radio Commission for November, 1931. By comparison we found that the cost of a quarter hour period (evening and one-time use) was 8.2% less in August, 1934, than in November, 1931. This reduction becomes even more significant when it is realized that the potential radio audience increased from approximately 50,000,000 (12,048,762 families) in 1931 to about 74,000,000 (17,948,162 families) in 1934.

"Mr. Chairman, such has been our experience with open price filing with waiting period. Remove it and you will have taken the heart out of our Code. Remove it and you will have taken from the Radio Broadcasting Industry all there is in it to promote stability of price and to promote the general welfare of its employees. Remove it and you will, in effect, take from us that which earlier was promised us in return for existing labor provisions. Consequently, if this provision is removed we must and do ask that the labor provisions be removed at the same time. It is our hope that you shall not disturb it."

"THE WRECK OF THE OLD 97"

A number of broadcasting stations have received communications from Robert L. Nase, attorney for David Graves George, relative to alleged infringement in the use of the song "The Wreck of the Old 97."

The demand apparently arose because of inaccurate press reports concerning the effect of the decision of the United States Supreme Court, involving a technical point in this case. The facts are as follows:

George claimed authorship of the song, "The Wreck of the Old 97." He brought suit against RCA Victor, and Judge Avis, in the District Court, filed an opinion upholding his claim of authorship. A Master was appointed to assess damages.

An appeal was taken to the Circuit Court of Appeals, which court reversed the findings of Judge Avis as to the authorship of the song. A certiorari was then requested of the United States Supreme Court, which court limited the argument to the technical point as to whether or not the Circuit Court of Appeals had jurisdiction to hear the case before the damages had been assessed. The United States Supreme Court ordered the Circuit Court of Appeals to dismiss the appeal taken to it which brings the case back to the Master for the assessment of damages.

Following this assessment, an appeal will then be taken to the Circuit Court of Appeals which court has already determined that George is not the author of the song.

In view of these facts, the claims for infringement are obviously not well founded.

SENATE CONFIRMS PRALL

The Senate on Tuesday confirmed former Representative Anning S. Prall, of New York, as member of the Federal Communications Commission for the unexpired term of one year from July 1, 1934. This is the membership recently resigned by Hampson Gary.

It is reported that several members of the Senate Interstate Commerce Committee are not at all pleased with the fact that in naming the members of the Commission the President did not choose anyone from the West. It is probable that the nominations of the other members of the Commission may be held up for some time.

The President sent the following names to the Senate for confirmation:

George Henry Payne, of New York, for the term of 2 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Irvin Stewart, of Texas, for the term of 3 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Norman Case, of Rhode Island, for the term of 4 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Paul Walker, of Oklahoma, for the term of 5 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Thad H. Brown, of Ohio, for the term of 6 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Eugene O. Sykes, of Mississippi, for the term of 7 years from July 1, 1934. (Appointed during the last recess of the Senate.)

Anning S. Prall, of New York, to be a member of the Federal Communications Commission for the unexpired term of 1 year from July 1, 1934, vice Hampson Gary.

ANOTHER RADIO BILL

A bill (S. 820) has been introduced in the Senate by Senator Neely, of West Virginia, "relating to costs in radio proceedings before the Federal Communications Commission" and referred to the Senate Committee on Interstate Commerce. The text follows:

"That section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) In any proceeding before the Commission upon an application which involves a contest with the owner or owners of any

existing radio station for the use of all, or any of the facilities of such station, if the Commission dismisses the application, or in any other manner denies the relief sought by the applicant, it shall, in its order of dismissal or denial, direct the applicant to pay to the owner or owners of the station all reasonable counsel fees and other costs which such owner or owners may have expended or incurred in resisting such application. Any such order for the payment of counsel fees or other costs may be enforced in the same manner as an order for the payment of money under section 407."

74th Congress
1st Session

S. 5

IN THE SENATE OF THE UNITED STATES

January 3 (calendar day, January 4), 1935

Mr. Copeland introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics; and for other purposes.

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

CHAPTER I

SECTION 1. That this Act may be cited as the "Federal Food, Drugs, and Cosmetic Act."

CHAPTER II

DEFINITION OF TERMS

SEC. 201. As used in this Act, unless the context otherwise indicates—

(a) The term "food" includes all substances and preparations used for, or entering into the composition of, food, drink, confectionery, or condiment for man or other animals.

(b) The term "drug," for the purposes of this Act and not for the regulation of the legalized practice of the healing art, includes (1) all substances and preparations recognized in the United States Pharmacopœia, Homœopathic Pharmacopœia of the United States, or National Formulary or supplements thereto; and (2) all substances, preparations, and devices intended for use in the cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) all substances, preparations, and devices, other than food, intended to affect the structure or any function of the body.

(c) The term "cosmetic" includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person.

(d) The term "Territory" mean any Territory or possession of the United States, included the District of Columbia.

(e) The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within the District of Columbia or within any other territory not organized with a legislative body.

(f) The term "person" includes individual, partnership, corporation, and association.

(g) The term "Secretary" means the Secretary of Agriculture.

(h) The term "label" means the principal display or displays of written, printed, or graphic matter (1) upon any food, drug, or cosmetic, or the immediate container thereof, and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, or cosmetic.

(i) The term "labeling" includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, or cosmetic.

(j) The term "advertisement" includes all representations of fact or opinion disseminated in any manner or by any means other than by the labeling.

(k) The term "medical profession" means the legalized professions of the healing art; and the term "medical opinion" means the opinion within their respective fields, of the practitioners of any branch of the healing art, the practice of which is licensed by law in the jurisdiction where such opinion is placed in issue in any proceeding under this Act.

(l) The term "official compendium" means the United States Pharmacopœia, Homœopathic Pharmacopœia of the United States, National Formulary, or any supplement thereto, official at the time any drug to which the provisions thereof relate is introduced into interstate commerce.

CHAPTER III

ADULTERATED FOOD

SECTION 301. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it dangerous to health; or (2) if it bears or contains any added poisonous or added deleterious substance prohibited, or in excess of the limits of tolerance prescribed, by regulations as provided by sections 304, 701 and 703; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; or (5) if it is the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed of any poisonous or deleterious substance which may by contamination render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or create a deceptive appearance.

(c) If it is confectionery or ice cream and bears or contains any alcohol, resinous glaze, or nonnutritive substance except coloring, flavoring, natural gum, and pectin: *Provided*, That this paragraph shall not apply to any confectionery or ice cream by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing nonnutritive masticatory substances.

(d) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by sections 304, 701, and 703.

MISBRANDED FOOD

SEC. 302. A food shall be deemed to be misbranded—

(a) If it is offered for sale under the name of another food.

(b) If it is an imitation of another food, and its label fails to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(c) (1) If its container is so made, formed, or filled as to mislead the purchaser, or (2) if its contents fall below the standard of fill prescribed by regulations as provided by sections 303, 701, and 703.

(d) If its labeling is false or misleading in any particular.

(e) If in package form it fails to bear a label containing:

(1) The name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(f) If any word, statement, or other information required on the label to avoid adulteration or misbranding under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by sections 303, 701, and 703, and (1) it fails to conform to such definition and standard, or (2) its label fails to bear the name of the food prescribed in the definition and standard, and if so required by such regulations when such definition and standard permits optional ingredients other than spices, flavors, and coloring, the common names of such optional ingredients as are present in such food.

(h) If it purports to be or is represented as a food for which a standard of quality has been prescribed by regulations as provided by sections 303, 701, and 703, and (1) its label fails to bear a statement of its quality in such terms as the regulations specify, or (2) its quality falls below such standard.

(i) If it is not subject to the provisions of paragraph (g) of this section and its label fails to bear (1) the common or usual name

of the food, if any there be, and (2) in case it is fabricated from two or more ingredients the common or usual name of each such ingredient in order of predominance by weight; except that spices, flavors, and colorings, other than those sold as such, may be designated as spices, flavors, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable because of normal variations in ingredients, or their quantities, usual to good manufacturing or packing practice, exemptions as to packages of assorted food shall be established, and reasonable variations from the stated order of such ingredients shall be permitted, by regulations promulgated by the Secretary: *And provided further*, That exemption to compliance with the requirements of subdivision (2) of this paragraph is given to such foods where the common or usual name of each ingredient has been filed with the Secretary in accordance with regulations promulgated by him.

(j) If it purports to be or is represented for special dietary uses, such as by infants or invalids or for other special nutritional requirements, and its label fails to bear, if so required by regulations as provided by sections 701 and 703, statements concerning its vitamin, mineral, and other dietary properties which fully inform the purchaser as to its nutritional value.

(k) The Secretary is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act small open containers of fresh natural food and also food which is, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is in conformity with the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

DEFINITIONS AND STANDARDS FOR FOOD

SEC. 303. For the effectuation of the purposes of this Act the Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, fixing and establishing for any food a definition and standard of identity, and a reasonable standard of quality and fill of container: *Provided*, That no standards of quality shall be established for fresh natural foods.

TOLERANCES FOR POISONOUS INGREDIENTS IN FOOD AND CERTIFICATION OF COAL-TAR COLORS FOR FOOD

SEC. 304. (a) If an added poisonous or added deleterious substance in or on food is or may be injurious to health, the Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, prohibiting such added substance in or on any food, or establishing tolerances limiting the amount therein or thereon, for the protection of public health, taking into account the extent to which the use of such substances is required in the production of such food and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(b) The Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, for the certification of coal-tar colors which are harmless and suitable for use in food.

PERMIT FACTORIES

SEC. 305. (a) Whenever the Secretary finds that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof, be injurious to health, and such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he is then, and in such case only, authorized to promulgate regulations, as provided by sections 701 and 703, governing the conditions of manufacture, processing, or packing for such temporary periods of time as may be necessary to protect the public health, and requiring manufacturers, processors, and packers of such class of articles to hold permits conditioned on compliance with such regulations.

(b) The Secretary is authorized to issue such permits for such periods of time as he may by regulations prescribe and to make regulations governing the issuance and renewal thereof. The Secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The Secretary shall reinstate the permit whenever, after hearing and an inspection of the establishment, it is found that adequate measures have been taken to comply with and maintain the conditions of the original permit.

(c) Any officer or employee duly designated by the Secretary shall have access to any factory or establishment, the operator

of which holds a permit from the Secretary, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

CHAPTER IV

ADULTERATED DRUGS

Section 401. A drug shall be deemed to be adulterated—

(a) If it is dangerous to health under the conditions of use prescribed in the labeling or advertising thereof.

(b) If its name is the same as or simulates a name recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, and it (1) fails to meet the definition and description set forth therein, or (2) differs from the standard of strength, quality, or purity as determined by the tests or methods of assay set forth therein; except that whenever tests or methods of assay have not been prescribed therein, or such tests or methods of assay as are prescribed are insufficient, for determining whether or not such drug complies with such standard, the Secretary is hereby authorized to bring such fact to the attention of the appropriate body charged with the revision of such compendium and if such body fails within a reasonable time to prescribe tests or methods of assay which are sufficient, then the Secretary may prescribe for the purposes of this Act such tests or methods of assay by regulations as provided by sections 701 and 703. No drug shall be deemed to be adulterated under this paragraph because it differs from the standards of strength, quality, or purity therefor set forth in an official compendium, if its label bears in juxtaposition with the name of the drug a statement indicating wherein its strength, quality, and purity, as determined by the tests or methods of assay applicable under this paragraph, differ from the standards therefor set forth in such compendium. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States and not to those of the United States Pharmacopœia.

(c) If it is not subject to the provisions of paragraph (b) of this section and its identity or strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) If any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

MISBRANDED DRUGS

Sec. 402. A drug shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular. Any representation concerning any effect of a drug shall be deemed to be false under this paragraph if in every particular such representation is not sustained by demonstrable scientific facts or substantial medical opinion.

(b) If in package form it fails to bear a label containing: (1) The name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations, prescribed by the Secretary.

(c) If any word, statement, or other information required on the label to avoid adulteration or misbranding under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(d) If it is for internal use by man and contains any quantity of any of the following narcotic or hypnotic substances: Alpha eucaine, barbital, beta eucaine, bromal, cannabis, carbomal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any narcotic or hypnotic substance chemically derived therefrom, or any other narcotic or hypnotic substance which has been designated as habit forming by regulations as provided by sections 701 and 703, and its label fails to bear the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(e) If it is not designated solely by a name recognized in an official compendium and its label fails to bear (1) a common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients the names and quantity or proportion of each active ingredient: *Provided*, That exemption to compliance with subdivision (2) of this paragraph is given in such cases where the name, quantity, and proportion of each active ingredient is filed with the Secretary in accordance with regulations promulgated by him.

(f) If its labeling fails to bear plainly and conspicuously (1) complete and explicit directions for use, and (2) such warnings in such manner and form as may be prescribed by regulations, as provided by sections 701 and 703, against use in such pathological conditions or by children where its use is contraindicated and may be dangerous to health, or against unsafe dosage or methods or duration of administration or application: *Provided*, That where any requirement of subdivision (1) of this paragraph, as applied to any drug, is not necessary for the protection of the public health, the Secretary shall promulgate regulations, as provided by sections 701 and 703, exempting such drug from such requirement.

(g) If its name is the same as, or simulates, a name recognized in an official compendium and it is not packaged and labeled as prescribed therein. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States, and not to those of the United States Pharmacopœia.

(h) If it has been designated by regulations, as provided by sections 701 and 703, as a drug liable to deterioration, and is not packaged in such form or manner, or its label fails to bear a statement of such precautions, as such regulations require for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the Secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(i) (1) If its container is so made, formed, or filled as to mislead the purchaser; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(j) If it purports to be or is represented as a germicide, bactericide, disinfectant, or antiseptic for any use on or within the body and its labeling fails to bear a plain and conspicuous statement of such use, including the strength or dilution, manner, and duration of application, and when tested by a standard method, it does not have the germicidal effect within the duration so prescribed of a one to eighty dilution of phenol used by a standard testing method for ten minutes at thirty-seven degrees centigrade. All testing methods for the purposes of this paragraph shall be prescribed by regulations as provided by sections 701 and 703: *Provided*, That no drug shall be deemed to be misbranded under this paragraph by reason of failure of its labeling to bear a statement of any advertised use if such advertising is disseminated only to members of the medical and pharmaceutical professions, or appears only in scientific publications of these professions.

(k) If it purports to be or is represented as an inhibitory antiseptic for any use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body, and its labeling fails to bear a plain and conspicuous statement of such use, including strength or dilution and manner of application, and when tested by a standard method, it fails to prevent the growth of microorganisms within the entire time of such duration. All testing methods for the purposes of this paragraph shall be prescribed by regulations as provided by sections 701 and 703: *Provided*, That no drug shall be deemed to be misbranded under this paragraph by reason of failure of its labeling to bear a statement of any advertised use if such advertising is disseminated only to members of the medical and pharmaceutical profession, or appears only in scientific publications of these professions.

(l) The Secretary is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act drugs which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs are in conformity with the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

CHAPTER V

ADULTERATED COSMETICS

Section 501. A cosmetic shall be deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to the user under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

(b) If it bears or contains any poisonous or deleterious substance prohibited, or in excess of the limits of tolerance prescribed, by regulations as provided by sections 503, 701, and 703.

MISBRANDED COSMETICS

Sec. 502. A cosmetic shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form it fails to bear a label containing: (1) The name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required on the label to avoid adulteration or misbranding under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily intelligible to the purchasers and users of such articles under customary conditions of purchase and use.

(d) The Secretary is hereby authorized to promulgate regulations exempting from any labeling or packaging requirement of this Act cosmetics which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such cosmetics are in conformity with the provisions of this Act upon removal from such processing, labeling, or packing establishment.

TOLERANCES FOR POISONOUS INGREDIENTS IN COSMETICS

Sec. 503. (a) If a poisonous or deleterious substance in cosmetics is or may be injurious to health, the Secretary is hereby authorized to promulgate regulations, as provided by sections 701 and 703, prohibiting such substance in or on any cosmetic, or establishing tolerances limiting the amount therein or thereon, for the protection of public health, taking into account the extent to which the use of such substance is required in the production of such cosmetic and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

CHAPTER VI

FALSE ADVERTISEMENT

Section 601. (a) An advertisement of a food, drug, or cosmetic shall be deemed to be false if it is false or misleading in any particular relevant to the purposes of this Act regarding such food, drug, or cosmetic. Any representation concerning any effect of a drug shall be deemed to be false under this paragraph if in every particular such representation is not sustained by demonstrable scientific facts or substantial medical opinion.

(b) It shall be unlawful to advertise for sale in interstate commerce a drug represented to have any therapeutic effect in the treatment of cancer, tuberculosis, venereal diseases, heart and vascular diseases, as well as any other disease which may be added to this list by regulations as provided by sections 701 and 703; except that no advertisement not in violation of paragraph (a) of this section shall be deemed to be false under this paragraph if it is disseminated only to members of the medical and pharmaceutical professions or appears only in the scientific periodicals of these professions, or if it is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs.

CHAPTER VII

GENERAL ADMINISTRATIVE PROVISIONS

POWER TO MAKE REGULATIONS

Section 701. (a) The authority to make regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(h) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe regulations for the efficient enforcement of the provisions of section 714. Such regulations shall be promulgated in such manner and take effect at such time as the Secretary of Agriculture shall determine.

(c) Hearings authorized or required by this Act shall be conducted by the Secretary or such officer or employee as he may designate for the purpose.

COURT REVIEW OF REGULATIONS

Sec. 702. The district courts of the United States are hereby vested with jurisdiction, on complaint of any interested person, to restrain by injunction, temporary or permanent, the enforcement by any officer, representative, or employee of the Department of Agriculture or any regulation promulgated as provided in sections 701 and 703 if it is shown that the regulation is unreasonable, arbitrary, or capricious, or not in accordance with law, and that the petitioner will suffer substantial damage by reason of its enforcement: *Provided*, That nothing in this section shall be deemed to abridge the right of any person against whom a criminal prosecution or suit for injunction shall have been brought under this Act, or who shall intervene as claimant in any proceeding of libel for condemnation to plead that the regulation whose violation is alleged as the ground for such prosecution, suit, or libel is invalid on any of the grounds set forth above.

PUBLIC HEALTH AND FOOD STANDARDS COMMITTEES

Sec. 703. (a) To aid and advise the Secretary in promulgating regulations for the protection of public health, as contemplated by section 301, paragraphs (a) and (d); section 401, paragraph (h); section 501, paragraph (h); section 302, paragraph (j); section 402, paragraphs (d), (f), (h), (j), and (k); sections 304, 305, 503, and section 601, paragraph (b), a Committee on Public Health is hereby provided which shall consist of five members designated by the President with a view to their distinguished scientific attainment and interest in public health and without regard to their political affiliation.

(b) To aid and advise the Secretary in the promulgation of regulations with respect to food, as contemplated by section 302, paragraphs (c), (g), and (h); and section 303, a Committee on Food Standards is hereby provided which shall consist of seven members, three of whom shall be selected from the public, two from the food producing, processing, manufacturing, and distributing industry, and two from the Food and Drug Administration. The members selected from the public and the food industry shall be appointed by the President without regard to political affiliation, and the members from the Food and Drug Administration shall be designated by the Secretary.

(c) Whenever the Secretary deems that any regulation contemplated by the provisions of this Act enumerated in paragraphs (a) and (b) of this section should be established, he shall so advise the appropriate committee. With the approval of a majority of its members, the committee shall recommend to the Secretary a proposed regulation, and the Secretary shall give notice of the proposal and of the time and place of a public hearing to be held thereon not less than thirty days after the date of such notice. After such hearing the Secretary is authorized to make findings of fact and to formulate and promulgate such regulation, but no such regulation shall be promulgated without the approval of a majority of the members of the committee. The regulation so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after its promulgation, and may be amended or repealed in the same manner as is provided for its adoption: *Provided*, That regulations setting up exemptions pursuant to section 402, paragraph (f), may be promulgated without notice or hearing and shall become effective at such time as the Secretary determines.

(d) If any regulation promulgated by the Secretary under section 301, paragraphs (a) and (d); section 501, paragraph (h); section 402, paragraphs (j) and (k); and sections 304 and 503, is declared invalid in any court proceeding, the Secretary may promulgate in substitution therefor a temporary regulation consistent with such decision. Such temporary regulation may be promulgated without notice or hearing and shall become effective at and for such time as the Secretary designates, but in no event longer than 180 days from the effective date thereof. On or before the promulgation of such temporary regulation the Secretary shall institute proceedings, as provided in paragraph (c) of this section, for the establishment of a new regulation.

(e) The term of office of members of the committees provided by paragraphs (a) and (b) of this section, other than members

from the Food and Drug Administration, shall be five years; except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of that term, and of the appointments first made to each committee after approval of this Act, one shall be for one year, one for two years, one for three years, and one for four years, as shall be designated by the President in their respective appointments. The President shall designate the chairmen of the committees. No person who is a member of the Department of Agriculture or who has a financial interest in the manufacture, advertising, or sale of any food, drug, or cosmetic shall be eligible to serve on the Committee on Public Health, or as a member from the public on the Committee on Food Standards.

(f) Each committee shall convene at the call of its chairman at such time and place as he may designate, but action by either committee under this section may be taken by the members thereof acting individually without convening in meeting. In each case in which approval by either committee of a regulation is required under this section, the Secretary shall transmit to each member of such committee a transcript of the record of the public hearing held by him. Members of the committees shall be given due notice of, and may sit with the Secretary or his representatives at, all such public hearings relating to the functions of their respective committees. Each committee on its own motion or at the request of the Secretary may advise him of its views on any question concerning the enforcement of this Act.

ADVISORY COMMITTEES FROM INDUSTRIES

Sec. 704. For the purposes of consultation in formulating general administrative policies for the enforcement of this Act, the Secretary is authorized to appoint an advisory committee from each of the following groups: The food industry, the drug industry, the cosmetic industry, disseminators of advertising, the public. To aid in securing compliance with the requirements of this Act, the Secretary is further authorized to accept plans for such self-regulation of advertising practices as tend to effectuate the purposes of this Act, when presented by associations or groups representative of their industries: *Provided*, That nothing in this paragraph shall be construed as restricting the responsibilities and powers conferred upon the Secretary by this Act, and no plans shall be accepted which are designed to promote monopolies or eliminate or oppress legitimate enterprise.

EXAMINATIONS AND INVESTIGATIONS

Sec. 705. The Secretary is authorized to conduct examinations and investigations for the purposes of this Act through officers and employees of the Department of Agriculture or through any health, food, or drug officer or employee of any State, Territory, or political subdivision thereof, duly commissioned by the Secretary.

RECORDS OF INTERSTATE SHIPMENT

Sec. 706. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving food, drugs, or cosmetics in interstate commerce, shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, drug, or cosmetic, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a definite statement in writing specifying the nature or kind of food, drug, or cosmetic to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further*, That carriers shall not be subject to the provisions of this Act by reason of their receipt, carriage, or delivery of food, drugs, cosmetics or advertising matter in the usual course of business as carriers.

FACTORY INSPECTION

Sec. 707. (a) In order adequately to regulate interstate commerce in food, drugs, and cosmetics, and enforce the provisions of this Act, officers or employees duly designated by the Secretary, after first making reasonable request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter any factory, warehouse, or establishment in which food, drugs, or cosmetics are manufactured, processed, packed, or held for shipment in interstate commerce or are held after such shipment, or to enter any vehicle being used to transport such food,

drugs, or cosmetics, in interstate commerce; and (2) to inspect such factory, warehouse, establishment, or vehicle and all equipment, finished and unfinished materials, containers, and labels there used or stored.

(b) The several district courts of the United States are hereby vested with jurisdiction to restrain by injunction, temporary or permanent, the shipment in interstate commerce or delivery after receipt in interstate commerce of any food, drug, or cosmetic from or by any factory, warehouse, establishment, or vehicle, designated in paragraph (a) of this section if the owner, operator, or custodian thereof has, after reasonable request, denied permission to officers or employees duly designated by the Secretary so to enter and inspect such factory, warehouse, establishment, or vehicle and equipment, finished and unfinished materials, containers, and labels there used or stored. Whenever such permission is granted, the injunction issued pursuant to this paragraph shall be dissolved, or may be continued in force subject to such conditions governing the inspection as the court may order. Violation of any injunction issued pursuant to this paragraph may be summarily tried and punished by the court as a contempt. Such contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney.

PROHIBITED ACTS AND PENALTIES

Sec. 708. (a) The following Acts are hereby prohibited:

(1) The introduction into interstate commerce of any food, drug, or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of any food, drug, or cosmetic in interstate commerce.

(3) The receipt in interstate commerce of any food, drug, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof in the original unbroken package for pay or otherwise.

(4) The dissemination of any false advertisement by radio broadcast, United States mails, or in interstate commerce for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics.

(5) The dissemination of a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics in interstate commerce.

(6) The introduction into interstate commerce of any food, drug, or cosmetic if the manufacturer, processor, or packer does not hold an unsuspended valid permit when so required by regulations under section 305.

(7) The refusal to permit access to or copying of any record as required by section 706.

(b) Any person who violates or causes to be violated any of the provisions of paragraph (a) of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not less than \$100 nor more than \$1,000, or both such imprisonment and fine; and for a second or subsequent offense imprisonment for not more than two years, or a fine of not less than \$100 nor more than \$3,000, or both such imprisonment and fine.

(c) Notwithstanding the provisions of paragraph (b) of this section, in case of a willful offense the penalty shall be imprisonment for not more than three years, or a fine of not less than \$1,000 nor more than \$10,000, or both such imprisonment and fine.

(d) No publisher, radio-broadcast licensee, or other agency or medium for the dissemination of advertising shall be deemed to have violated the provisions of paragraphs (b) or (c) of this section by reason of the dissemination of any false advertisement, but the liability shall rest upon the manufacturer, packer, distributor, or seller who caused the dissemination of such advertisement. Any publisher, radio-broadcast licensee, or other agency or medium for the dissemination of advertising, who, on reasonable request of an officer or employee duly designated by the Secretary, willfully refuses to furnish the name and post-office address of the person who caused him to disseminate any advertisement; or who disseminates any false advertisement where the dissemination thereof has been caused by a person residing in a foreign country, and does not establish a guaranty or undertaking signed by a manufacturer, packer, distributor, or seller of the article advertised, residing in the United States, to the effect that such person assumes full responsibility for any violation of this Act incurred by the dissemination of such advertisement; shall be guilty of a misdemeanor and shall on conviction thereof be subject to the penalties prescribed in paragraph (c) of this section.

(e) No dealer shall be prosecuted under paragraph (b) of this section (1) for having received in interstate commerce an article and in good faith sold it as received unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and all documents pertaining to the delivery of the article to him, or (2) if he establishes a guaranty or undertaking signed by the person residing in the United States from whom he received in good faith the article of food, drug, or cosmetic, or the advertising copy therefor, to the effect that such person assumes full responsibility for any violation of this Act, designating it, which may be incurred by the introduction of such article into interstate commerce or by the dissemination of such advertising. To afford protection, such guaranty or undertaking shall contain the name and address of the person furnishing such guaranty or undertaking, and such person shall be amenable to the prosecution and penalties which would attach in due course to the dealer under the provisions of this Act. No retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which is not distributed or sold in interstate commerce.

(f) Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 305, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not less than \$1,000 nor more than \$5,000, or both such imprisonment and fine.

(g) Any person who uses to his own advantage or reveals, other than to the Secretary or his officers or employees, or to the courts when relevant in the trial of any case under this Act, any information acquired under authority of sections 305 or 707, concerning any method or process which is entitled to protection in equity as a trade secret, shall be guilty of a felony, and shall on conviction thereof be subject to imprisonment for not more than two years or a fine of not more than \$5,000 or both such imprisonment and fine.

LIABILITY OF CORPORATIONS AND THEIR OFFICERS

Sec. 709. (a) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, employee, or agent acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed to be the act, omission, or failure of such person, as well as that of the officer, employee, or agent.

(b) Whenever a corporation or association violates any of the provisions of this Act, such violation shall also be deemed to be a violation by the individual directors, officers, or agents of such corporation or association who personally ordered, or did any of the acts constituting, in whole or in part, such violation.

INSTITUTION OF CRIMINAL PROCEEDINGS

Sec. 710. The Secretary shall, before reporting any violation of this Act to any United States attorney for institution of criminal proceedings thereunder, afford due notice and opportunity for hearing to interested persons in accordance with such regulations as the Secretary shall prescribe.

(b) The report of the Secretary to the United States attorney for the institution of criminal proceedings under this Act shall be accompanied by findings of the appropriate officers and employees, duly authenticated under their oaths. Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel or injunction proceedings minor violations of this Act whenever he believes that the purposes of the Act can best be accomplished by a suitable notice or warning.

SEIZURE

Sec. 711. (a) Any food, drug, or cosmetic in interstate commerce that is adulterated or misbranded, or that has been manufactured, processed, or packed in a factory or establishment, the operator of which did not, at the time of manufacture, processing, or packing, hold an unsuspended valid permit, if so required by regulations under section 305, shall be liable to be proceeded against while in interstate commerce or at any time thereafter on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found. The article shall be liable to seizure (1) by process pursuant to the libel, or (2) if a chief of station or other officer of the Food and Drug Administration, duly designated by the Secretary, has probable cause to believe that the article is so adulterated as to be imminently dangerous to health, then, and in such case only, by

order of such officer, issued under his oath of office, particularly describing the article to be seized, the place where located, and the officer or employee to make the seizure. In case of seizure pursuant to any such order, the jurisdiction of the court shall attach upon such seizure. Any article seized pursuant to any such order shall thereupon be promptly placed in the custody of the court and a libel of information shall be promptly filed for condemnation thereof; and if the court before which the condemnation proceedings are had shall find that there was probable cause for such seizure, it shall issue a certificate of probable cause.

(b) If, in any proceeding against any officer or employee by reason of a seizure pursuant to paragraph (a), subdivision (2), of this section, the court shall find that there was probable cause for the seizure, or if a certificate of probable cause has been issued in the condemnation proceedings, then, in the event of a judgment against such officer or employee, the amount thereof shall, upon final judgment, be paid out of appropriations made for the administration of this Act.

(c) The court shall, by order at any time before trial, allow any party to a condemnation proceeding to obtain a representative sample of the article seized.

(d) Any food, drug, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such article shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the party obtaining release of the article under bond. Any article condemned by reason of the manufacturer, processor, or packer not holding an unsuspended valid permit when so required by regulations under section 305 shall be disposed of by destruction.

(e) The proceedings in cases under this section shall conform, as nearly as may be, to the proceedings in admiralty; except that either party may demand trial by jury of any issue of fact joined in any such case.

(f) When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

(g) To avoid multiplicity of libel for condemnation proceedings without impairing the protection of the public or the opportunity for the prompt trial on the merits of alleged violations, the district courts of the United States are hereby vested with jurisdiction to restrain by injunction, as hereinafter provided, the institution of more than three seizure actions under this section against any article if (1) the alleged violation is one of misbranding only, (2) all current shipments of the article alleged to be misbranded bear the same labeling, (3) such alleged misbranding does not involve danger to health or gross deception, and (4) such misbranding has not been the basis of a prior judgment in favor of the United States in any criminal prosecutions or libel for condemnation proceeding under this Act. Upon motion by claimant of any article seized under this section, the court may order the dismissal of the libel for condemnation thereof if more than three seizure actions have previously been instituted against such article and such claimant would be entitled to injunctive relief as hereinbefore provided.

(h) Any injunction issued pursuant to paragraph (g) of this section shall be dissolved on motion of the United States attorney, (1) upon the presentation by him of a duly certified judgment of condemnation in a seizure case against such article, or (2) at the expiration of the term of court next ensuing after the term in which such injunction issued, unless the complainant files with the court a duly certified judgment rendered upon a determination of the issue of misbranding, and entered pursuant to this section after the issuance of such injunction, or evidence satisfactory to the court of his inability to secure such determination.

INJUNCTION PROCEEDINGS

Sec. 712. (a) In order to avoid multiplicity of criminal prosecutions or libel for condemnation proceedings, the district courts of

the United States are hereby vested with jurisdiction to restrain by injunction, temporary or permanent, any person from the repetitious (1) introduction into interstate commerce of any adulterated or misbranded food, drug, or cosmetic; or (2) dissemination of any false advertisement by radio broadcast, United States mails, or in interstate commerce for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics; or (3) dissemination of a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of food, drugs, or cosmetics in interstate commerce. In such injunction proceedings it shall not be necessary to show on the part of such person an intent to continue the offense.

(b) Violation of any injunction issued pursuant to this section may be summarily tried and punished by the court as a contempt. Such contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney; and process of the court for the arrest of the violator may be served at any place in the United States or subject to its jurisdiction.

DUTIES OF UNITED STATES ATTORNEY

Sec. 713. It shall be the duty of each United States attorney to whom the Secretary reports any violation for institution of criminal, libel for condemnation, or other proceedings under this Act, or to whom any health, food, or drug officer of any State or Territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violation, to cause appropriate proceedings to be instituted in the proper courts of the United States without delay. All suits instituted under this Act other than those pursuant to section 711, paragraph (g), and section 702 shall be by and in the name of the United States.

IMPORTS AND EXPORTS

Sec. 714. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture upon his request, samples of food, drugs, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) any false advertisement of such article has been disseminated in the United States by the importer or exporter thereof, or any person in privity with him, within three months prior to the date such article is offered for import, or (2) such article has been manufactured, processed, or packed under insanitary conditions, or (3) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (4) such article is adulterated or misbranded, then such article shall be refused admission.

(b) The Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any such article refused admission, unless such article is exported by the consignee within three months from the date of notice of such refusal, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee any such article pending examination and decision in the matter on execution of a bond as liquidated damages for the amount of the full invoice value thereof together with the duty thereon, and on refusing for any cause to return such article or any part thereof to the custody of the Secretary of the Treasury when demanded for the purpose of excluding it from the country or for any other purpose, such consignee shall forfeit the full amount of the bond as liquidated damages.

(c) All charges for storage, cartage, and labor on any article which is refused admission or delivery shall be paid by the owner or consignee and in default of such payment shall constitute a lien against any future importations made by such owner or consignee.

(d) A food, drug, or cosmetic intended for export shall not be deemed to be adulterated or misbranded under this Act if it (1) accords to the specifications of the foreign purchaser, (2) complies with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package with the words "For Export." But if such article is sold or offered for sale in domestic commerce, this paragraph shall not exempt it from any of the provisions of this Act.

PUBLICITY

Sec. 715. (a) The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated such information regarding food, drugs, or cosmetics as is necessary to protect against danger to public health or fraud upon the consumer, but such information regarding any brand of food, drug, or cosmetic gained under section 302, paragraph (i), or section 402, paragraph (e), shall not be so disseminated except in cases involving imminent danger to health or gross deception of the consumer: *Provided*, That nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of his Department.

SEPARABILITY CLAUSE

Sec. 716. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE AND REPEALS

Sec. 717. (a) This Act shall take effect twelve months after the date of approval. The Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., title 21, secs. 1-15), shall remain in force until such effective date, and, except as otherwise provided in this paragraph, is hereby repealed effective upon such date: *Provided*, That the provisions of sections 701 and 703 shall become effective on the approval of this Act, and thereafter, the Secretary is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this Act as the Secretary shall direct, and (2) designate prior to the effective date of this Act food having common or usual names and exempt such food from the requirements of subdivision (2) of paragraph (i) of section 302 for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by sections 303, 701, and 703: *Provided further*, That the Act of March 4, 1923 (U. S. C., title 21, sec. 6; 42 Stat. 1500 ch. 268), defining butter and providing a standard therefor, and the Act of July 24, 1919 (U. S. C., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form, shall remain in force and effect and be applicable to the provisions of this Act: *And provided further*, That amendment to the Food and Drugs Act, section 10A, approved June 22, 1934, shall remain in force and effect and be applicable to the provisions of this Act.

(b) The provisions of this Act shall not be held to modify or repeal any of the existing laws of the United States except as provided by paragraph (a) of this section.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 21, 1935

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Renewal of license, license to cover C. P.; 940 kc., 500 watts, daytime.

APPLICATIONS GRANTED

NEW—Attala Broadcasting Corp., Clarksdale, Miss.—Granted C. P. to erect a new station to operate on 1210 kc., 100 watts, unlimited time.

WREN—Jenny Wren Company, Lawrence, Kans.—Granted C. P. to install new equipment and increase day power from 1 to 5 KW.

WSVA—Marion K. Gilliam, Staunton, Va.—Granted modification of C. P. to extend completion date to April 4, 1935.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of C. P. to install new equipment, increase power from 100 watts to 100 watts night, 250 watts day; also to make change in specified hours.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted license to cover C. P. authorizing changes in equipment and increasing daytime power from 100 to 250 watts, on 1420 kc., 100 watts night, unlimited.

WPAX—H. Wimpy, Thomasville, Ga.—Granted license to cover C. P. authorizing changes in equipment, change in hours of operation, and authority to move transmitter to new site; 1210 kc., 100 watts, daytime.

WTRC—Truth Radio Corp., Elkhart, Ind.—Granted license covering C. P. authorizing changes in equipment; 1310 kc., 50 watts night, 100 watts day, unlimited.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted license to cover C. P. authorizing installation of new equipment; 1200 kc., 100 watts, shares with WFAM.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 to 250 watts day; 1200 kc., 100 watts night, unlimited time.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted license to cover C. P. authorizing installation of new equipment; 1070 kc., 500 watts, specified hours.

WPHR—WLBG, Inc., Petersburg, Va.—Granted modification of C. P. extending commencement date to January 15, 1935, and completion date to February 15, 1935.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Granted renewal of license; 700 kc., 50 KW, unlimited time.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted modification of license to increase specified hours of operation.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted extension of special experimental authorization to operate with 250 watts daytime.

WGCM—Grace Jones Stewart, d/b Great Southern Land Co., Gulfport, Miss.—Granted modification of license to move studio from Gulfport to Mississippi City, which is same location as main transmitter. Also granted consent to voluntary assignment of license to WCGM, Inc.

W8XCE—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted renewal of special experimental station license for experimental service, in exact conformity with existing license.

W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Granted renewal of general experimental station license for experimental service, for period January 24, 1935, to June 1, 1935, in exact conformity with existing license.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted modification of license to increase day power from 2½ KW to 5 KW.

SET FOR HEARING

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—C. P. to increase hours of operation to unlimited using 1 KW night, and change in antenna.

NEW—Paul Sullivan Andrews, Lewiston, Me.—C. P. for new station, 560 kc., 250 watts, daytime, site to be determined.

WCAE—WCAE, Inc., Pittsburgh, Pa.—C. P. to make changes in equipment and increase day power from 1 KW to 5 KW.

NEW—Evangeline Broadcasting Co., Lafayette, La.—C. P. for new station, 1310 kc., 100 watts, unlimited time.

NEW—Eugene DeBogory, d/b as Paris Broadcasting Co., Paris, Tex.—C. P. for new station, 1500 kc., 100 watts, daytime, site to be determined.

NEW—Nashville Broadcasting Corp., Nashville, Tenn.—C. P. for new station, 1370 kc., 100 watts, unlimited time.

KADA—C. C. Morris, Ada, Okla.—C. P. to install new equipment, increase power from 100 watts day to 100 watts night, 250 watts day, and hours from daytime to unlimited.

NEW—KWIL Broadcasting Co., Partnership, D. A. Gibbs, Jr., and E. H. Shemorry, Williston, N. Dak.—C. P. for new station, 1500 kc., 100 watts, specified hours.

NEW—National Battery Broadcasting Co., Minneapolis, Minn.—C. P. for new station, 1370 kc., 100 watts, unlimited time, site to be determined.

WLBC—Donald A. Burton, Muncie, Ind.—C. P. for changes in equipment; increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day; and time of operation from simultaneous day, S-WTRC night, to unlimited.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—C. P. for new station, 1010 kc., 1 KW, unlimited time, site to be determined.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Calif.—C. P. to install new equipment; change power from 250 watts daytime to 250 watts night, 500 watts day; and hours of operation from daytime to unlimited.

WNEW—Woodam Corp., near Carlstadt, N. J.—Modification of license to increase daytime power from 2½ to 5 KW.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to increase day power from 500 watts to 1 KW.

NEW—East Texas Broadcasting Co., Dallas, Tex.—C. P. for new station, 1500 kc., 100 watts, simultaneous day with KGKB

and specified hours night from 8 p. m. to midnight (contingent upon application below).

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Modification of license to change hours of operation from specified to unlimited day, specified night, from LS to 8 p. m. (contingent upon application listed above).

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Modification of license to increase day power from 2½ to 5 KW.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license to increase day power from 2½ to 5 KW.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—C. P. to move station locally, site to be determined subject to approval of Commission; install new equipment; change frequency from 1230 kc. to 830 kc.; increase power from 1 KW night and 2½ KW day to 5 KW, unlimited time; assume facilities of WHDH and transfer present facilities of WNAC to WHDH. To be heard before the Broadcast Division March 27, 1935.

NEW—J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—C. P. amended so as to request location: American Legion Building, Lake Evans, Fairmont Park, Riverside, Calif., as transmitter location, and to request 250 watts instead of 100 watts; frequency 820 kc., hours of operation daytime.

NEW—Richard Field Lewis, Del Monte, Calif.—C. P. amended so as to request transmitter location at Polo Field, Del Monte, Calif., and to request unlimited time; frequency 1210 kc., 100 watts.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Modification of license to increase power from 50 KW to 500 KW.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-14: T. H. Barton, El Dorado, Ark.—Granted permission to erect a new radio station at El Dorado to operate on 1370 kc., 100 watts, unlimited time, sustaining Examiner R. H. Hyde.

MISCELLANEOUS

KBOD (formerly KFXF)—Colorado Radio Corp., Denver, Colo.—Denied petition requesting Commission to reconsider its action of October 9, 1934, designating for hearing application to increase daytime power from 500 watts to 1 KW. Also denied petition requesting Commission to reconsider action of December 11, 1934, designating for hearing application of KPOF, Denver, Colo., which also requests increase in daytime power from 500 watts to 1 KW. Denied request to cancel said hearings and grant both applications.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted permission to intervene in the hearing of the application of Jack Powers et al., doing business under the name of Utah Broadcasting Co., for C. P. for radio broadcasting station at Salt Lake City, Utah.

NEW—William G. Demuth, Uhrichsville, Ohio.—C. P. for new station, 1420 kc., 100 watts, daytime, heretofore set for hearing, was denied as in case of default for failure to file an appearance and statement of facts under Rule 48B.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from 1230 kc. to 830 kc., 1 KW unlimited time, heretofore set for hearing, was dismissed because a new application has been filed to be substituted in place thereof.

KLS—S. W. Warner and E. W. Warner, d/b as Warner Bros., Oakland, Calif.—Modification of license, 1440 kc., 250 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license, 560 kc., 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license, 680 kc., 500 watts, 1 KW LS, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Special experimental authorization, 1500 kc., 250 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

WSOC—WSOC, Inc., Charlotte, N. C.—Special experimental authorization, 880 kc., 250 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—C. P., 1360 kc., 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

APPLICATIONS RECEIVED

First Zone

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate simultaneously with KTHS on 1060 kc. from 6 a. m. to local sunset at Hot Springs, Ark., from local sunset at Hot Springs to 9 p. m., EST, and from 9 p. m. to synchronize with WJZ on 760 kc., 2½ KW, for the period 2-1-35 to 8-1-35.

NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time.

NEW—Cumberland Broadcasting Co., Inc., Portland, Maine.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time.

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time.

WMBQ—Paul J. Gollhofer and Lillian E. Kiefer, co-partners, d/b as Radio Station WMBQ, Brooklyn, N. Y.—Involuntary assignment of license from Paul J. Gollhofer to Paul J. Gollhofer and Lillian E. Kiefer, co-partners, d/b as Radio Station WMBQ.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts, move transmitter locally.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Modification of license to increase hours of operation from daytime to unlimited, using 100 watts power at night.

WJAR—The Outlet Company, Providence, R. I.—Extension of special experimental authorization for additional power of 250 watts night for the period 3-1-35 to 9-1-35.

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of license to increase power from 50 KW to 500 KW.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Construction permit to make changes in equipment.

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

Third Zone

NEW—Eugene DeBogory and Mildred English, d/b as Dallas Broadcasting Co., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, daytime, amended re transmitter location and to change hours of operation to specified (day and night), 100 watts.

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, specified hours, amended to request daytime hours of operation.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit to move transmitter, change frequency, and increase power and hours of operation, amended to request a special experimental authorization to change frequency from 1370 kc. to 940 kc., increase power from 100 watts to 1 KW, and hours of operation from S-KONO to unlimited, make changes in equipment and move transmitter to Rural, near San Antonio, Tex.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Authority to determine operating power by direct measurement of antenna.

WPTF—WPTF Radio Co., Raleigh, N. C.—License to use the old W.E. 6-B, 1-KW transmitter as an auxiliary.

WPTF—WPTF Radio Co., Raleigh, N. C.—Special experimental authorization to use the old W.E. 6-B, 1-KW transmitter as an auxiliary during the period as authorized by special experimental authorization (to 11 p. m., EST), for period ending 2-1-35.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of special experimental authorization to use 5 KW power during period as authorized by special experimental authorization (to 11 p. m., EST), for period ending 2-1-35.

NEW—Pope Foster, Mobile, Ala.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, daytime, amended to request 1500 kc., 100 watts, unlimited time.

NEW—Neth L. Leachman, Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time, amended as to change name of applicant to Centennial Broadcasting Corp.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to operate on 1240 kc., 1 KW, from 1 a. m. to 6 a. m., CST, for period 1-13-35 to 1-31-35 (see KTAT below).

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authorization to operate on 570 kc., 500 watts, from 1 a. m. to 6 a. m., CST, for period 1-13-35 to 1-31-35 (see KGKO above).

NEW—Educational Radio, Inc., Spartanburg, S. C.—Construction permit to erect a new broadcast station to be operated on 1420 kc., 100 watts, unlimited time, amended as to equipment.

Fourth Zone

NEW—Duluth Broadcasting Co., Duluth, Minn.—Construction permit to erect a new broadcast station at Duluth, Minn., to be operated on 1200 kc., 100 watts, unlimited time, amended to request 1500 kc.

NEW—KGBX, Inc., St. Joseph, Mo.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts night, 250 daytime, unlimited time, amended to request 100 watts day and night.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Modification of license to increase hours of operation from daytime to un-

limited and power from 2½ KW daytime to 500 watts night, 2½ KW daytime.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to make changes in equipment, move transmitter locally, and increase power from 250 watts night, 1 KW daytime, to 1 KW day and night.

Fifth Zone

NEW—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Construction permit to erect a new broadcast station to be operated on 610 kc., 250 watts, unlimited time.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to install new equipment, change frequency from 1200 kc. to 1260 kc., and increase power from 100 watts to 1 KW, amended requesting move of transmitter and further equipment changes.

NEW—Eagle Rock Broadcasting Co., Charles A. Butler, E. Kaufman, Eagle Rock, Calif.—Construction permit to erect a new broadcast station to be operated on 1160 kc., 250 watts, daytime, amended re transmitter site.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Construction permit to make changes in equipment.

KRKO—Pioneer Broadcasters, Inc., Everett, Wash.—Construction permit to make changes in equipment and move transmitter and studio locally.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of construction permit authorizing changes in equipment, change in frequency from 1370 kc. to 1200 kc., and increase in power from 100 watts to 250 watts, to request further change in frequency to 1260 kc. and extend commencement and completion dates, amended to request 1390 kc.

The National Association of Broadcasters

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

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FCC OPPOSES PERCENTAGE ALLOCATIONS

The Federal Communications Commission on January 22 sent to Congress a report recommending that no fixed percentages of radio broadcast facilities be allocated by statute to particular types or kinds of non-profit groups and served notice that it intends to call within the near future a general conference of educators and broadcasters for the purpose of developing a cooperative radio education program.

The report and recommendations were in response to Section 307 (c) of the Communications Act of 1934 concerning the proposal that Congress, by statute, allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities. Extensive hearings were held on the issue from October 1 to 20 and from November 7 to 12, the NAB appearing for the organized broadcasters.

The Commission proposes to hold a conference at an early date between broadcasters and educators with a view to aiding in the development of a general program for increased use of broadcasting facilities for education and discussion purposes.

The report, one of the most important ever submitted to the Congress on the subject of broadcasting, should be read carefully by every broadcaster. While it holds that there is no necessity for legislation on the subject, it nevertheless definitely commits the Commission to a program under which broadcasters and educators must cooperate. The Commission feels, says the report, that it has all the power that is necessary to make such cooperative program effective, adding that there remains to be developed a proper technique for preparation and presentation of educational programs. "Broadcasting has a much more important part in the educational program of the country than has yet been found for it," says the report.

A proposal that provisions be made by the Commission to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established stations, is included in the report. Such preliminary examination would be for the purpose of determining whether or not such application violates any provisions of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Applications found inconsistent with law or regulation would be refused without requiring the presence of licensees of existing stations at hearings.

TEXT OF FCC REPORT

"The Communications Act of 1934, Section 307 (c) provides:

"The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs, or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same."

"Under existing law, the Federal Communications Commission is charged with the responsibility of licensing stations if public interest, convenience and necessity will be served thereby and with effecting an equal allocation of facilities to the zones and a fair and equitable allocation of facilities to the states according to population.

"As a means of studying the proposal, the Broadcast Division, by direction of the Commission, held public hearings from October 1-20 and from November 7-12, 1934. Notices of the hearings, 1,535 in all, were mailed directly to all parties of record at the

Commission, to twenty-one administrations, departments, commissions and offices of the government, and wide newspaper publicity was given the matter so that anyone interested might be informed of the hearings. One hundred and thirty-five witnesses testified at the hearings and approximately 14,000 pages of testimony were presented for the Commission's consideration in addition to several thousand pages of exhibits.

"The broadcasting industry, including the licensees of broadcast stations and the manufacturers of radio equipment, expressed opposition to the proposal. Much of the testimony presented to the Commission by the industry was directed to the purpose of showing the service rendered by broadcasters to particular types or kinds of non-profit activities. Representatives of the National Association of Broadcasters presented statistics from 269 stations representing 77 per cent of the so-called commercial radio stations. The total investment of these stations, as reported, is \$25,041,327.00 and the total cost of operating the stations for the period from January 1, 1934, to June 30, 1934, was \$12,833,302.00. The total broadcasting time of these stations for the same period was 669,000 hours, of which 75,773 hours or 11.3 per cent of the total broadcasting time was devoted to program matter of the character referred to in the proposal, a large percentage of which were night hours. It was asserted that a greater percentage of the time might be considered as being devoted to educational purposes, using the term "educational" in its broadest sense to embrace all programs having a cultural or informative value. These general statistics were supported by reference to particular services of particular stations. Representatives of some of the most important institutions of learning were definite in their statements that they had ample opportunity for the development of their radio activities under present arrangements, and they were likewise definite in their opposition to any re-arrangement which would place the burden of maintaining broadcast stations upon educational institutions.

"Most of the witnesses who testified in behalf of the non-profit groups expressed the belief that the interests of such institutions would be best served by a more efficient use of the radio facilities maintained at the present time and a more extensive use of the resources and audiences of stations now licensed.

"It is clearly established by the Commission's study of the problem, that no allocation of facilities for special services could be effected by the authorizing of new stations to make up the proportion of facilities proposed to be allocated to special services. Limitations of physical laws on the number of available frequencies absolutely prevent any general enlargement of the number of broadcast stations. The addition of any appreciable number of new stations must necessarily result in interference with existing stations and in consequent reduction of service areas with the tendency to limit broadcast service to areas immediately surrounding the location of transmitters. But notwithstanding the fact that there are so many stations now that changes in one station almost invariably affect services of other stations, it is a fact that there are large areas of the United States in which there is not one radio service of dependable signal quality available to residents. Before undertaking to provide special services through the addition of new stations, it would seem a fundamental requirement that the general public throughout the whole country be provided with at least one radio service of general interest and dependable signal quality lest there be discrimination against areas not receiving any service.

"Practically all types of non-profit organizations were represented in this comprehensive study of the aims and purposes of radio broadcasting, but no unanimity of thought or plan on the part of these organizations is apparent from the record. While the hearings were conducted to determine whether statutory allo-

cation was desirable, there were few definite proposals that such allocation be made. There were many statements made by prominent educators and leaders asking that no definite allocation be made by statute, hoping thereby to protect the present cooperative effort being carried on between the commercial stations and the non-profit organizations. Commercial stations are now responsible under the law, to render a public service, and the tendency of the proposal would be to lessen this responsibility.

"They further stated that such organizations were not equipped and were not financially able to build and maintain their own broadcasting stations if facilities were allocated to them. The Commission feels that present legislation has the flexibility essential to attain the desired ends without necessitating at this time any changes in the law.

"Among those appearing for the non-profit organizations were representatives of labor, education, religion and civic groups. The labor representatives did not favor a specific allocation of facilities but were interested mostly in the maintenance of the facilities that they now enjoy. Representatives of various educational institutions seemed to favor the present system while offering certain improvements which apparently can be accomplished under existing law. Most of the representatives of religious groups seem to favor the continuance of the present system. In general, representatives of non-profit groups expressed the opinion that the best results would be brought about by cooperation between the broadcasters and their organizations under the direction and supervision of the Commission, and not by an allocation of fixed percentages.

Recommendation:

"THE FEDERAL COMMUNICATIONS COMMISSION RESPECTFULLY RECOMMENDS THAT AT THIS TIME NO FIXED PERCENTAGES OF RADIO BROADCAST FACILITIES BE ALLOCATED BY STATUTE TO PARTICULAR TYPES OR KINDS OF NON-PROFIT RADIO PROGRAMS OR TO PERSONS IDENTIFIED WITH PARTICULAR TYPES OR KINDS OF NON-PROFIT ACTIVITIES.

Reasons:

"There is no need for a change in the existing law to accomplish the helpful purposes of the proposal.

"Flexibility in the provisions of the law is essential to regulation if growth and development in the art of broadcasting is to be encouraged and regulated for the best interests of the public as a whole.

"There are insufficient broadcast facilities available in the present development of the art to provide for specialized broadcast services consistent with a fair and equitable distribution of facilities and services throughout the country.

"No feasible plan for a definite allocation of broadcast facilities to non-profit organizations has been presented.

"The hearings developed no evidence of a real demand on the part of the great body of non-profit organizations or on the part of the general public for the proposed allocation of definite percentages of broadcast facilities to particular types or kinds of non-profit activities.

"It would appear that the interests of the non-profit organizations may be better served by the use of the existing facilities, thus giving them access to costly and efficient equipment and to established audiences, than by the establishment of new stations for their peculiar needs. In order for non-profit organizations to obtain the maximum service possible, cooperation in good faith by the broadcasters is required. Such cooperation should, therefore, be under the direction and supervision of the Commission.

Proposed Action:

"In order to offer constructive thought and assistance in accomplishing the wholesome ends sought to be attained by Congress in directing the submission of this report, the Commission outlines a course of action which it will undertake at once and which it believes will accomplish these desirable ends.

"The Commission proposes to hold a national conference at an early date in Washington, at which time plans for mutual cooperation between broadcasters and non-profit organizations can be made, to the end of combining the educational experience of the educators with the program technique of the broadcasters, thereby better to serve the public interest. The Conference should also consider such specific complaints as might be made by non-profit

groups against the actions of commercial broadcasters in order that remedial measures may be taken if necessary.

"The Commission intends also actively to encourage the best minds among broadcasters and educators alike in order to develop a satisfactory technique for presenting educational programs in an attractive manner to the radio listener. Cooperation with the United States Commissioner of Education and other governmental agencies already established to assist in building helpful radio programs will be sought to an even greater degree than it now exists. The results of the broadcast survey, which is now being conducted by the Commission to determine the amount and quality of secondary service of large metropolitan broadcasting stations in remote sections of the United States as well as by broadcast stations generally, will be studied with the thought in mind of providing the best possible service to every American radio listener and to provide him with a well-balanced selection of non-profit and public-interest programs. The results of a direct questionnaire survey now under way will be studied with the same thought definitely in mind.

"The Commission feels, in particular, that broadcasting has a much more important part in the educational program of the country than has yet been found for it. We expect actively to assist in the determination of the rightful place of broadcasting in education and to see that it is used in that place.

"There have been protests, particularly by persons interested in the preservation of the broadcasting facilities of educational institutions, against the procedure under which licensees are required to defend their assignments in hearings upon applications of other parties. The Commission now proposes that provisions be made to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established stations, to determine whether the application violates any provisions of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Under such a provision, applications found inconsistent with law or regulation and applications of those found not qualified to operate stations will be refused without requiring the presence of licensees of existing stations at hearings.

"It is the earnest belief of the Commission that the action planned by it will accomplish results which will prove of lasting benefit to the broadcast structure as well as to the American radio public. The Commission seeks to accomplish the purposes for which the non-profit interests and the broadcasters are earnestly working without the necessity of any radical reallocation, which would precipitate dissatisfaction and chaos and which would tend only to complicate and impede true progress in the broadcast public service.

"In making this report, the Commission is not unmindful of the sincerity with which the well-considered arguments were presented by the non-profit organizations supporting the proposal of a statutory allocation as well as by the broadcasters generally. The fine spirit and cooperation were most helpful. The Commission does not wish to seem to disregard the requests of the non-profit organizations. It is to effectuate these requests and to accomplish the greatest and the widest good that the Commission will undertake the action outlined in this report. It is our firm intention to assist the non-profit organizations to obtain the fullest opportunities for expression. Every sound, sensible and practical plan for the betterment of the broadcast structure will be speedily effected.

"Respectfully submitted,

E. O. SYKES, Chairman,
"Federal Communications Commission."

CONFIRMATION HEARINGS HELD

The Senate Committee on Interstate Commerce on Wednesday of this week began hearings on the confirmation of six of the seven commissioners of the Federal Communications Commission. Former Representative Anning S. Prall was confirmed by the Senate about two weeks ago.

Senator Theodore Bilbo of Mississippi appeared before the Committee and protested the confirmation of Judge Sykes on the grounds that he had opposed him in the Mississippi elections.

During the questioning of Judge Sykes, FCC Chairman, Senator Wheeler of Montana stated that he does not personally favor government ownership of broadcasting stations, but served notice that the demand for government ownership will increase if small stations continue to be drowned out by the powerful clear channel stations, thus depriving rural listeners of their only service.

In reply to a question, Judge Sykes stated that in his opinion the sale of a broadcasting station for an amount greater than the value of the physical equipment could be justified, on the basis of the recognized value of a going business.

Senator Wheeler stated that it is his intention to introduce an amendment to the Communications Act of 1934 providing that at least one of the seven commissioners must be appointed from each of the five zones. The fourth and fifth zones are not represented on the present Commission.

Numerous questions were asked relative to the Commission's report on the proposed merger of telegraph companies.

The prevailing opinion is that the commissioners will be confirmed.

Other appointees who were heard briefly by the Committee were Commissioners Brown, Case, Walker, Stewart and Payne.

PRALL TAKES OATH

Former Representative Anning S. Prall, of New York, was sworn in this week as member of the Federal Communications Commission. His term expires on July 1st next and he takes the place left vacant by the resignation of Hampson Gary. No broadcasting division meeting was held on Tuesday of this week to allow the new Commissioner to familiarize himself with some of the Commission procedure.

DAVIS AMENDMENT REPEAL ASKED

In legislative recommendations sent to Congress this week by the Federal Communications Commission it is recommended that the Davis Amendment be repealed and that there be substituted therefor (Section 307 (b)) a provision similar to Section 9 of the old Radio Act of 1927. If the recommendation is adopted the Commission's unit system would fall into discard.

The NAB has consistently opposed a mathematical distribution of facilities and has always favored repeal of the Davis Amendment and abolition of the unit system.

The proposed substitute for Section 307 (b) as submitted by the Commission follows:

"In considering applications for licenses, or modifications and renewals thereof, when and in so far as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same."

In its supporting reasons the Commission says:

"With slight changes this is Section 9 of the Radio Act of 1927 prior to its amendment. The existing provision, we believe, has been administered in accord with its requirements, and the administration of it has reached the point where equality has been achieved in so far as possible under its terms. The present law is contrary to natural laws and results in concentration of the use of frequencies in centers of population and a restriction of facilities in sparsely populated states even though one or more additional stations could be operated without interference from any other station. Because of the size of the zones, this distribution results in providing ample broadcasting service in the small zones and lack of service in the large zones. An absolute 'equality of radio broadcasting service' is not possible under the existing guide. In the provision suggested, *service* is made an important criterion, making it possible to carry out the statutory provisions of public interest, convenience and necessity without artificial restrictions."

COLORADO SPRINGS GETS NAB MEETING

The 1935 NAB membership meeting will be held at Broadmoor, Colorado Springs, Colo., July 6, 7, 8, 9 and 10, it was announced this week by the Executive Committee of the NAB.

Agreement was reached among President Ward, Treasurer Levy and Managing Director Loucks, constituting the Executive Committee, this week while the Managing Director was in Nashville for the purpose of organizing the Tennessee State NAB Committee. Treasurer Levy in Philadelphia was contacted by telegram.

This decision follows the recommendations of the membership as expressed in a resolution adopted at the Cincinnati convention and also a motion adopted by the Board of Directors at its December meeting.

The Broadmoor Hotel has confirmed the convention dates and plans for the meeting will go forward without delay.

SPENCE AGAIN CONVENTION CHAIRMAN

Ed Spence, WPG, Atlantic City, N. J., has been named chairman of the General NAB Convention Committee by President

Ward. Spence has served as chairman of NAB convention committees for the past five years and, through his efforts, the Association has had its most successful meetings. He has been authorized by President Ward to name his own committee.

FCC FAVORS PRELIMINARY HEARINGS

Included in the legislative recommendations of the Federal Communications Commission submitted to Congress this week is a proposed section (amendment to first paragraph of Section 309 (a)) relating to preliminary hearings.

The proposed new section reads as follows:

"However, if it appears upon examination of any such application that the granting thereof will, in the opinion of the Commission, adversely affect the service of any existing radio station, the Commission may, pursuant to such rules and regulations as it may prescribe, conduct an informal and preliminary hearing thereon. If as a result of such informal and preliminary hearing, the Commission is of the opinion that the application violates any provision of this Act or the rules and regulations of the Commission, or that the applicant is not legally, financially or technically qualified, or that the applicant is not in a position financially, technically or otherwise to contest the use of a radio facility with the licensee of an existing station, and that such application should be refused, the Commission may enter its final order refusing such application, stating the reasons therefor."

Supporting this new provision, the Commission gives the following reasons:

"It is believed that under the present law in Section 309 (a) the Commission is authorized to conduct a preliminary or *ex parte* hearing and to promulgate a regulation governing the procedure thereon. The matter, however, is not free from considerable doubt for the reason that the determination of the question depends upon the kind of 'a hearing' provided for in the second sentence of this paragraph. On the one hand, a formal hearing of which all parties interested would receive notice may be the requirement, while on the other hand an *ex parte* or preliminary hearing involving only the applicant may be authorized. It is believed sound policy to obtain specific legislation where there is doubt as to the authority conferred.

"Under the present procedure pursuant to the Communications Act of 1934, as well as that followed under the Radio Act, anyone, regardless of his own financial or technical circumstances, may, by the filing of proper application forms requesting the facilities of any existing station, cause such existing station to be put to considerable expense in defending its assignment. This is proper so long as the application is made in good faith and the applicants are themselves qualified, technically and financially, to carry on a public service. However, in many cases it has developed that the applicants have not filed their applications in good faith, or with any hope of favorable outcome but *for purposes of annoyance* and expense to the existing station and services, while, in other cases, the applications were made in good faith but, upon a hearing, it was developed that the applicants were so entirely lacking in the necessary qualifications, financial and technical, as to be unworthy of favorable consideration. Nevertheless, this would not appear until *after* a hearing had been had at which time licensees whose facilities had been requested, were compelled to appear and participate in that hearing with the consequent inconvenience and expense.

"A large part of all applications filed directly affect existing services and compel defense to be made from time to time. The suggested amendment above will give the Commission authority to eliminate at the outset applicants whose applications are made in bad faith or whose own qualifications, technical and financial, are such as to be unworthy of favorable consideration *on their own merits*. In other words, applicants requesting the facilities of an existing station will first have to prove to the Commission at a preliminary hearing that they are in good faith and qualified to operate, from a technical and financial standpoint, the facilities they request in the public interest. Thus, the existing station will not be required to go to the expense of a hearing needlessly."

SUSPENSION POWER SOUGHT BY FCC

Power to suspend licenses for periods of 30 days is sought by the Federal Communications Commission in its legislative recommendations to Congress.

The amendment proposed by the Commission to Section 312 (b) of the Communications Act is as follows:

"Sec. 312 (a). Any station license may be revoked or *suspended for a period of not to exceed 30 days* for false state-

ments either in the application or in the statement of fact which may be required by Section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violations of or failure to observe any of the restrictions and conditions of this Act or any regulations of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided, however,* That no such order of revocation or suspension shall take effect until 15 days' notice in writing thereof, stating the cause for such proposed revocation or suspension has been given to the licensee. Such licensee may make written application to the Commission at any time within said 15 days for a hearing upon such order, and upon the filing of such written application, said order of revocation or suspension shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing, the Commission may affirm, modify or revoke said order of revocation or suspension."

Reasons for the recommendation given by the Commission in its report to Congress are as follows:

"There are many instances where the revocation of a license is too drastic a punishment, but where some admonitory action should be taken. In most cases these are instances of violations of Commission regulations which could be properly punishable by a short suspension. Under the existing law, however, the Commission does not have power to suspend, but only to revoke or deny a renewal application, if and when filed."

The NAB has opposed a similar provision in the law in the past and has asked to be heard in the event hearings are held upon the suspension proposal.

WOULD CHANGE APPEALS SECTION

In the event the Congress amends the law to empower the Federal Communications Commission to suspend licenses, the Commission suggests the following amendment to Section 402 (a):

(Except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, or any order of the Commission suspending an existing radio station license.)

Section 402 (b) should be amended by adding after paragraph (2) another paragraph as follows:

(3) By any licensee whose radio station license has been suspended.

The following reasons are given by the Commission for this change in the law:

"If Section 312 of the Act is amended so as to authorize the Commission to suspend a radio station license the right of appeal from the order of suspension should be afforded. The right to appeal from an order of revocation is now afforded under Section 402 (a) authorizing appeal from orders of the Commission to special three-judge courts. (District Court Jurisdiction Act) Appeal from orders suspending a station license should be under Section 402 (b) providing for appeal in certain radio cases to the *Court of Appeals of the District of Columbia*. That Court has for some time past and until approval of the Communications Act had exclusive jurisdiction of radio appeal cases, now has jurisdiction over the large majority of such appeals, is required by the Statute to give preferential handling in point of time to them, and there will be involved in suspension cases violations of the many technical regulations of the Commission with which said Court has had experience."

WOULD CREATE ACCOUNTING DIVISION

A bill to create an accounting division in the Federal Communications Commission (S. 1336) was introduced in the Senate on January 22 by Senator Wheeler of Montana, chairman of the Senate Interstate Commerce Committee. The bill has been referred to the Senate Interstate Commerce Committee.

The bill follows the recommendation of the Commission which point out that "in rate regulation and in utility investigations, accounting is necessarily of first consideration; hence the importance of securing the best accounting talent available." "Failure to make the same provision in the law for a chief accountant and assistant chief accountants as is made for a chief engineer and

assistant chief engineers is an insurmountable handicap to the Commission and prevents the securing of needed accountant of nationally recognized ability," says the Commission.

The text of the Wheeler bill follows:

"To amend paragraph (f) of section 4 of the Communications Act of 1934.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (f) of section 4 of the Communications Act, 1934, is hereby amended by adding after the words 'a chief engineer and not more than three assistants,' the words 'a chief accountant and not more than three assistants,' and by adding after the words 'and the chief engineer,' the words 'and the chief accountants,' and by adding after the word 'engineers' the word 'accountants'; so that paragraph (f) of section 4, as amended, will read as follows:

"(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$4,000. The general counsel and the chief engineer and the chief accountant shall each receive an annual salary of not to exceed \$9,000; the secretary shall receive an annual salary of not to exceed \$7,500; the director of each division shall receive an annual salary of not to exceed \$7,500; and no assistant shall receive an annual salary in excess of \$7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions."

NRA POLICY HEARINGS

The National Recovery Administration this week announced that the second of a series of policy hearings will deal with employment provisions in codes. The hearing will be convened on January 30 at which there will be consideration of proposed modifications or confirmations of policy on major problems now confronting the Board.

STATE LEGISLATION

In the past week a number of additional state bills affecting broadcasting have been reported.

California Assembly Bill 188, introduced by Representative Boyle, prohibits the false advertising by radio of foods, drugs and cosmetics. The bill is so drafted that it is not clear whether or not the broadcasting station is jointly liable with the advertiser. In various respects this bill differs from any of the bills for federal legislation on the subject.

Massachusetts House Bill 1270, introduced by Representative O'Brien, is another effort to deal with the question of defamation by radio. Like Massachusetts House Bill 696, noted last week, this bill requires each station to keep a transcript of every word uttered, but this bill goes one step farther and requires a record of every word whether spoken or sung. Furthermore, the record must be attested. On the other hand, this new bill defines defamation by radio as slander, whereas the earlier bill defined it as libel.

Missouri House Bill 135, introduced by Representative Russell, prohibits the distribution by radio of any information regarding horse races.

New York Senate Bill 186, introduced by Senator Berg, provides that every employer operating a place where dramatic and musical productions are given, and which operates seven days a week, must give each employee twenty-four consecutive hours of rest each week. It is not clear whether this bill would apply to broadcasting studios.

Pennsylvania House Bill 241, introduced by Representative Weiss, requires colleges and other educational institutions to permit the broadcasting of home football games if reasonable compensation is offered.

Texas Senate Bill 62, introduced by Senator Dugan, levies a tax of $2\frac{3}{4}$ per cent on the gross receipts of radio broadcasting companies. This same issue has arisen in other states, but to date the decisions of the courts are to the effect that all broadcasting is interstate commerce, and that consequently it cannot be taxed by the states.

FOOD AND DRUGS BILL INTRODUCED

The only important piece of Federal legislation introduced in the past week is H. R. 3972, by Congressman James M. Mead of New York. This is a bill amending the Food and Drug Act, and is in most respects the most constructive and soundest bill on this subject. From the standpoint of broadcasting, its most important feature is that it specifically puts the regulation of all advertising where it now is, in the hands of the Federal Trade Commission.

The text of the measure follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is hereby amended in title to read "An Act to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drugs, and cosmetics; to prevent the false advertising of foods, drugs, and cosmetics; and to regulate traffic therein"; and in the several sections thereof to read as follows:

"SECTION 1. This Act may be cited as the 'Federal Food, Drug, and Cosmetic Act.'

"DEFINITION OF TERMS

"SECTION 2. As used in this Act, unless the context otherwise indicates—

"(a) The term 'food' includes (1) all articles used for food, drink, or condiment by man or other animals; and (2) all articles used for confection or chewing gum by man; and (3) any substance or preparation intended for use as an ingredient in the composition of any such article.

"(b) The term 'drug' includes (1) all substances and preparations recognized in the United States Pharmacopoeia, National Formulary, or any supplement thereto official at the time of investigation, and intended for use as or in medicine for man or other animals; (2) all substances and preparations intended to be used for the cure, mitigation, treatment, or prevention of disease of either man or other animals; (3) all substances and preparations, other than food, intended to affect the structure or any function of the body; and (4) all devices intended to be used for the cure, mitigation, treatment, or prevention of disease, or to affect the structure or function of the body of either man or other animals.

"(c) The term 'cosmetic' includes all substances and preparations intended for external or orificial application in cleansing or altering the appearance of, or promoting the attractiveness of, the person.

"(d) The term 'label' means the principal label or labels (1) upon the immediate container of any food, drug, or cosmetic; and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, or cosmetic.

"(e) The term 'labeling' includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, or cosmetic.

"(f) The term 'advertisement' includes all advertisements and all representations of fact or opinion therein or commercially disseminated in any manner or by any means other than by the labeling.

"(g) The terms 'interstate commerce' or 'commerce' mean (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within the District of Columbia or within any other territory not organized with a legislative body.

"(h) The term 'territory' means any territory or possession of the United States, including the District of Columbia, but excluding the Canal Zone.

"(i) The term 'person' shall be construed to import both the plural and the singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations.

"(j) The term 'Secretary,' unless otherwise indicated, means the Secretary of Agriculture.

"MANUFACTURE WITHIN TERRITORIES OR DISTRICT OF COLUMBIA

"SEC. 3. It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food, drug, or cosmetic, which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and for each offense shall upon conviction thereof, be fined not to exceed \$500, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense and conviction

thereof shall be fined not to exceed \$1,000, or sentenced to not more than two years' imprisonment, or both such fine and imprisonment, in the discretion of the court.

"SHIPMENT IN INTERSTATE COMMERCE

"SEC. 4. The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food, drug, or cosmetic, which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, or to a foreign country; or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded, within the meaning of this Act; or any person who shall sell or offer for sale in the District of Columbia, or the territories of the United States any such adulterated or misbranded food, drug, or cosmetic, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor and for such offense be fined not exceeding \$500 for the first offense, and upon conviction for each subsequent offense not exceeding \$1,000, or by imprisonment not exceeding two years, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

"DISSEMINATION OF FALSE ADVERTISING

"SEC. 5. False advertisements of food, drugs, and cosmetics within the meaning, and for the purposes, of this Act are hereby declared unlawful.

"(a) The Federal Trade Commission is hereby empowered and directed to prevent such advertisements in the same manner as that whereby it is empowered and directed to prevent unfair methods of competition in commerce by an Act of Congress approved September 26, 1914, entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes';

"(b) The Secretary shall report to the Federal Trade Commission all violations of this section, and shall furnish the said Commission, upon its request, scientific information as to the properties, qualities, and effect of any food, drug, or cosmetic;

"(c) Upon a showing satisfactory to the court that any advertisement so reported to the Federal Trade Commission is false or deceptive in manner or degree to render said advertisement, or the article of food, drug, or cosmetic in the sale of which said advertisement is disseminated, imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain the dissemination of said advertisement pending the final determination of the proceeding in the Federal Trade Commission.

"ADULTERATED FOOD

"SEC. 6. A food shall be deemed to be adulterated—

"(a) If it is dangerous to public health;

"(b) (1) If it bears or contains any added poisonous or other added deleterious substances which may render such food injurious to health; or (2) if its container bears or is composed of any poisonous or deleterious substances which may by contamination render such food injurious to health; or (3) in the case of an ingredient, if its use in the composition of a food, as defined in section 2 (a) (1) and (2) of this Act, would render such food injurious to health;

"(c) (1) If it consists, in whole or in part, of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or (2) if it is the product of a diseased animal, or one that has died otherwise than by slaughter; or (3) if it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth; or (4) in the case of an ingredient, if its use in the composition of a food, as defined in section 2 (a)

(1) and (2) of this Act, would render such food unfit for consumption;

"(d) (1) If any valuable constituent of the article has been, wholly or in part, abstracted; or (2) if any substance has been substituted, wholly or in part, for the article; or (3) if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; or (4) if any substance has been added to it or mixed or packed with it so as to increase its bulk or weight, whereby such food is deceptive; or (5) if any substance has been added to it or mixed or packed with it in any way so as to create a deceptive appearance, or (6) if damage or inferiority has been concealed in any manner;

"(e) If it contains a coal-tar color other than one from a batch certified by the Secretary under this Act. The Secretary is hereby authorized to promulgate, after a duly advertised public hearing, regulations for the certification of coal-tar colors which are harmless and suitable for use in food;

"(f) If it is confectionery or ice cream and bears or contains any alcohol, harmful resinous glaze, or nonnutritive substance except masticatory substances in chewing gum, coloring, flavoring, natural gums, gelatin, and pectin.

"ADULTERATED DRUGS

"SEC. 7. A drug shall be deemed to be adulterated—

"(a) If, when sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, or supplements thereto, it differs from the standard of strength, identity, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopoeia or National Formulary, or supplements thereto, shall be deemed to be adulterated under this provision if the standard of strength, identity, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that laid down in the United States Pharmacopoeia or National Formulary;

"(b) If its strength, identity, or purity differs from the professed standard or quality under which it is sold.

"ADULTERATED COSMETICS

"SEC. 8. A cosmetic shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substances in such quantity as may render it injurious to the user under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

"MISBRANDED FOOD

"SEC. 9. A food shall be deemed to be misbranded—

"(a) (1) If its labeling is false or misleading in any particular;

"(b) If its container is so made, formed, or filled, as to mislead the purchaser. In construing and applying this paragraph, as to the fill of a container, reasonable variations and tolerances shall be permitted, which allow for subsequent shrinkage or expansion of the food and for discrepancies due to a natural or other cause beyond reasonable control in good commercial practice;

"(c) If it is offered for sale under the name of another food;

"(d) If it bear a copy, counterfeit, or colorable imitation of the trade mark, label, or identifying name or device of another person;

"(e) If it is an imitation of another food, except that no imitation shall be deemed to be misbranded under this paragraph if its label bears the word 'imitation' in juxtaposition with, and in type of, the same size and prominence as the name of the food imitated;

"(f) If in package form, and it fails to bear a label plainly and correctly stating (1) the name and address of the manufacturer, packer, distributor, or seller; and (2) the quantity of the contents in terms of weight, measure, or numerical count. In construing and applying subdivision (2) of this paragraph reasonable variations and tolerances shall be permitted, which allow for discrepancies due to a natural or other cause beyond reasonable control in good commercial practice; and reasonable exemption of small packages shall be made;

"(g) (1) If it is a food for which the Secretary has prescribed a minimum standard of identity, quality, and/or fill, under this subdivision, and it falls below such standard, unless its label plainly indicates that fact. The Secretary is hereby authorized to prescribe one minimum standard of identity, quality, and/or fill for each generic class of food, which is reasonable in character and necessary for the purposes of this Act, as and to the extent hereinafter defined: *Provided*, That nothing in this subdivision shall be construed or applied to prevent or restrict commerce in any proprietary food sold in compliance with the other provisions of this Act: *Provided further*, That in prescribing such standard the Secretary

shall follow good commercial practice, if and to the extent he can do so consistently with the public interest;

"(2) Whenever the Secretary shall determine upon such a minimum standard he shall first submit it to a public hearing, held not less than thirty days after the date of published notice thereof. If, after such hearing, the Secretary shall conclude that the standard should be prescribed by him under this subdivision he shall promulgate the standard accordingly. The standard so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after the date of promulgation. Any such promulgated standard may be amended or repealed, by the same procedure;

"(h) If it is for a special dietary or nutritional use and its label does not contain a plain and correct informative statement which is adequate in the circumstances;

"(i) A food put up at one establishment and labeled at another shall be exempt from the labeling requirements of this Act while in transit from the former to the latter establishment.

"GENERAL—MISBRANDED DRUGS AND COSMETICS

"SEC. 10. A drug or cosmetic shall be deemed to be misbranded—

"(a) If it fails to bear a label containing a statement of the name and address of the manufacturer, packer, seller, or distributor;

"(b) If it bear a copy, counterfeit, or colorable imitation of the trade-mark, label, or identifying name or device of another person;

"(c) If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package;

"(d) If it is dangerous to health under the conditions of use prescribed in the labeling thereof;

"(e) If its labeling is false or misleading in any particular;

"(f) A drug or cosmetic put up at one establishment and labeled at another shall be exempt from the labeling requirements of this Act while in transit from the former to the latter establishment.

"MISBRANDED DRUGS

"SEC. 11. A drug shall be deemed to be misbranded—

"(a) If it is offered for sale under the name of another drug;

"(b) If it is an imitation of another drug;

"(c) If its labeling fails to state plainly and conspicuously complete and explicit directions for use, except, however, in the case of a drug advertised only to physicians, veterinarians, dentists, and pharmacists when such statement would involve danger to health;

"(d) If it is for internal use by man and contains any quantity of any of the following narcotic or hypnotic substances: Alpha eucaine, barbituric acid compounds, beta eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any narcotic or hypnotic substance chemically derived therefrom, and its label fails to bear the name and quantity or proportion of such substance or derivative in juxtaposition with the statement, 'Warning—May be habit forming';

"(e) If it contains any quantity of (1) any of the stimulant-depressant substances, ethyl alcohol, ethyl ether, chloroform or isopropyl alcohol; or (2) any of the sedative substances, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, bromides, hyoscine, or hyoscyamine; or (3) any of the cumulative substances: arsenic, digitalis glucosides, mercury, ouabain, strophanthin, or strychnine; or (4) any chemical compound of any substance named above possessing stimulant-depressant, sedative, or cumulative properties; and its label fails to bear a statement of the name and quantity or proportion of such substance;

"(f) If it is a drug liable to deterioration and its label fails to bear an appropriate precautionary statement;

"(g) If its labeling shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or misleading.

"FALSE ADVERTISEMENTS—FOODS, DRUGS, AND COSMETICS

"SEC. 12. An advertisement of a food, drug, or cosmetic shall be deemed to be false if it is false or misleading in any particular relative to the purposes of this Act regarding such food, drug, or cosmetic.

"REGULATIONS

"SEC. 13. The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations, which shall be printed and published, for carrying out the provisions of this Act, including the collection and examination of specimens of food, drugs, or cosmetics manufactured or offered for sale in the District of Columbia, or in any Territory

of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

"EXAMINATION OF SPECIMENS

"SEC. 14. The examinations of specimens of foods, drugs, and cosmetics and the advertisements thereof shall be made in the Food and Drug Administration of the Department of Agriculture, or under the direction and supervision of such Administration, for the purpose of determining from such examinations whether such articles are adulterated, or misbranded, or falsely advertised within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated, or misbranded, or falsely advertised within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the manufacturer or distributor thereof, if known, and if not known, then to the party from whom such sample was obtained, which said notice shall state such violation in sufficient detail to indicate specifically the nature of the offense charged. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, or, in the case of false advertisements, to the Federal Trade Commission, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, or of the Federal Trade Commission, as the case may be, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"DUTY OF DISTRICT ATTORNEY

"SEC. 15. It shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"EXEMPTION OF DEALERS

"SEC. 16. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

"SEIZURE AND INJUNCTION

"SEC. 17. (a) Any article of food, drug, or cosmetic that is adulterated or misbranded within the meaning of this Act and is being transported from one State, Territory, District or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia, or the territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any District Court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation: *Provided, however,* That not more than one seizure action shall be instituted under this paragraph against any

article of food, drug, or cosmetic if (1) the alleged violation is one of misbranding or labeling only; (2) all current shipments of the article alleged to be misbranded bear the same labeling; and (3) such misbranding has not been the basis of a prior judgment in favor of the United States in any criminal prosecution or libel for condemnation proceeding under this Act; *And provided further,* That said single seizure action shall be instituted in, or removed for trial to, a district of reasonable proximity to the residence of the manufacturer, distributor or claimant of the article seized.

"(b) Any article of food, drug or cosmetic condemned as being adulterated or misbranded, within the meaning of this Act, shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may, by order, direct that such article be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of, and in the name of, the United States.

"(c) The court shall, by order, at any time before trial, allow any party to a condemnation proceeding, to obtain a representative sample of the article seized.

"(d) In the event any article of food, drug, or cosmetic, seized pursuant to the provisions of subsection (a) of this section, is condemned as being adulterated or misbranded within the meaning of this Act; or if no claimant appear for such article of food, drug, or cosmetic so seized; or if, having appeared, such claimant defaults, and default and judgment as of condemnation be thereupon entered, then, and in any such event, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain by injunction the shipment in interstate commerce of such article of food, drug, or cosmetic when so adulterated or misbranded.

"(e) Upon a showing satisfactory to the court that the labeling of any article of food, drug, or cosmetic seized pursuant to the provisions of subsection (a) of this section is false or deceptive in manner or degree to render such article imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain by temporary injunction, pending the final adjudication of the libel for condemnation, the shipment in interstate commerce of such article of food, drug, or cosmetic when so labeled; provided that no injunction shall be granted under this paragraph except on motion and after notice to the manufacturer, distributor, or claimant of such article.

"(f) Upon a showing satisfactory to the court that the labeling of any article of food, drug, or cosmetic seized pursuant to the provisions of subsection (a) of this section is false or deceptive in manner or degree to render such article imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with the further jurisdiction to order the seizure or impounding of such article when so labeled pending the final adjudication of the single seizure action authorized in subsection (a), when such article, having been transported from one State, Territory, District, or insular possession to another for sale, remains unloaded, unsold, or in original unbroken packages: *Provided,* That no order shall be granted under this paragraph except on motion and after notice to the manufacturer, distributor, or claimant of such article.

"REPETITIOUS VIOLATIONS

"SEC. 18. The repetitious introduction into interstate commerce of any adulterated or misbranded food, drug, or cosmetic, or the repetitious dissemination of false advertisements, within the meaning and purposes of this Act, are hereby declared to be unfair methods of competition in commerce within the meaning of an Act of Congress approved September 26, 1914, entitled 'An Act to create a Federal Trade Commission, to define its power and duties, and for other purposes.'

"INSPECTION

"SEC. 19. (a) If it cannot be determined by an examination of a food, drug, or cosmetic, after it has entered commerce, whether it is adulterated or misbranded within the meaning of this Act;

and if an officer or employee of the Department duly designated by the Secretary for the purpose, is refused permission to enter and inspect any factory or establishment where such article is manufactured, processed, or packed, and all equipment, finished and unfinished materials, containers and labels there used or stored, to the extent deemed necessary to determine whether it is adulterated or misbranded within the meaning of this Act; then the Secretary is authorized to apply to the District Courts of the United States or to the Supreme Court of the District of Columbia, in the district wherein such manufacture, processing, or packing is done, for an order effective to secure such inspection. Said courts are hereby vested with jurisdiction in the premises. Any order issued hereunder shall duly provide against disclosure of any secret method, process, or formula.

"(b) Any carrier transporting a food, drug, or cosmetic in commerce, and any person receiving a food, drug, or cosmetic in commerce or from shipment in commerce, which article is subject to investigation under this Act, shall inform the Secretary or his representative duly designated for the purpose, of the record of such transportation or receipt, upon his written request for such information. It shall be unlawful for any carrier or person to refuse or fail to give such information, upon such request therefor: *Provided*, That evidence obtained under this paragraph shall not be used in any criminal proceeding under this Act against the person from whom it was obtained. Any carrier or person willfully violating this paragraph shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than \$500 for each violation.

"(c) The Secretary of Agriculture, upon application of any packer of any sea food sold in interstate commerce, may at his discretion designate supervisory inspectors to examine and inspect all premises, equipment, methods, materials, containers, and labels used by such applicants in the production of such food. If the food is found to conform to the requirements of this Act, the applicant shall be authorized, in accordance with regulations prescribed by the Secretary of Agriculture, to mark the food so as to indicate such conformity. Services to any applicant under this section shall be rendered only upon payment of fees to be fixed by regulations of the Secretary of Agriculture in such amount as to cover the cost of the supervisory inspection and examination, together with the reasonable costs of administration incurred by the Secretary of Agriculture in carrying out this section. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than \$1,000 nor more than \$5,000, or both such imprisonment and fine.

"(d) Any person who uses to his own advantage or reveals, other than to the Secretary or his officers or employees, or to the courts when relevant in the trial of any case under this Act, any information acquired under authority of this section concerning any secret method, process or formula, shall be guilty of a felony, and shall, on conviction thereof, be subject to imprisonment for not more than two years or a fine of not more than \$5,000, or both such imprisonment and fine.

"IMPORTS

"SEC. 20. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods, drugs and cosmetics which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food, drug, or cosmetic offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending

examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods, for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importations made by such owner or consignee.

"CONSTRUCTION

"SEC. 21. (a) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by, any individual, corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"(b) Whenever a corporation, company, society, or association violates any of the provisions of this Act, such violation shall also be deemed to be a violation of the individual directors, members, officers, or agents of such corporation, company, society, or association who personally ordered, or did, any of the acts constituting, in whole or in part, such violation.

"(c) When construing and enforcing the provisions of this Act with respect to labeling and advertisements, the term 'antiseptic' shall be deemed to have the same meaning as the word 'germicide', except, however, in the case of a drug purporting to be, or represented as, an inhibitory antiseptic for use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

"(d) When construing and enforcing the provisions of this Act with respect to labeling and advertisements, any representation regarding the value or effect of a food, drug, or cosmetic shall be deemed to be false if such representation is not supported by demonstrable scientific facts or by substantial medical or scientific opinion.

"(e) When construing and enforcing the provisions of this Act reasonable allowances, consistent with the purposes of the Act, shall be made for (1) abnormal individual reactions to foods, drugs, and cosmetics, and (2) harmless trade claims recognized by and under the common law.

"(f) Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel, injunction, or Federal Trade Commission proceedings minor violations of this Act wherever he believes the purposes of the Act can be accomplished by suitable notices, warnings, or stipulations.

"SEPARABILITY CLAUSE

"SEC. 22. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act, and the applicability thereof to other persons and circumstances, shall not be affected thereby.

"EFFECTIVE DATE AND REPEALS

"SEC. 23. This Act shall take effect January 1, 1936. All provisions of the Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., title 21, secs. 1-15), not herein reenacted, are hereby repealed effective upon such date: *Provided*, That the Act of March 4, 1923 (U. S. C., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and providing a standard therefor; and the Act of July 24, 1919 (U. S. C., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form shall remain in force and effect and be applicable to the provisions of this Act. This Act shall not be held to modify or repeal any of the existing laws of the United States except as provided in this section."

FIVE STATE COMMITTEES FORMED

Completing the first leg of a nationwide trip for the purpose of organizing state NAB Committees, Managing Director Loucks returned to Washington this week where he will spend a few days before resuming organization activities. Just as soon as accumulated work and correspondence can be cleared away, the Managing Director will embark upon the second leg of the trip.

WHEELAHAN LOUISIANA CHAIRMAN

Harold Wheelahan, WSMB, New Orleans, was elected chairman of the Louisiana NAB Committee and John C. McCormack, KTBS,

Shreveport, vice chairman. The meeting was held at Hotel Roosevelt, New Orleans, on Tuesday, January 15. The Committee discussed state legislation, copyright, telephone line charges, and other industry matters. Those present in addition to Wheelahan and McCormack were: Joseph H. Uhalt and P. K. Ewing, WDSU; Capt. A. C. Pritchard and Al. Foster, WWL; Dwight Northup, KWKH; J. C. Liner, KMLB; and Managing Director Loucks.

ALABAMA COMMITTEE MEETS

The Alabama NAB Committee held a meeting at the studios of WAPI, Birmingham, Ala., Friday, January 17. Gordon Persons, chairman of the Committee, presided. State legislation pending in the state legislature and other general industry matters were discussed during the session. Those present were: Chairman Persons, Campbell, WSGN; Hopson, WAPI; Smith, WBRC; Cisler, WJBY; and Managing Director Loucks.

TENNESSEE COMMITTEE ORGANIZED

Harry Stone, WSM, Nashville, was elected chairman of the Tennessee NAB Committee at a meeting held at Hotel Andrew Jackson, Nashville, Tenn., on January 19. Harry Slavick, WMC, Memphis, was named vice chairman. Discussion of state legislation, copyright, and other problems common to state broadcasters occupied most of the time devoted to the meeting. In addition to Stone, those present were: President Ward, WLAC, Nashville; Draughton, WSIX, Springfield; Wooten, WREC, Memphis; Wilson, WOPI, Bristol; Saumenig, WNOX; and Managing Director Loucks.

KENTUCKY GROUP FORMS COMMITTEE

L. B. Wilson, WCKY, Covington, was named chairman and Credo F. Harris, WHAS, Louisville, was named co-chairman of the Kentucky NAB Committee at a meeting held at the Brown Hotel, Louisville, January 21. The session was devoted to a discussion of national and state broadcasting problems. Those present were: Harris, WHAS, Louisville; Eaton, WHAS, Louisville; Coulson, WHAS, Louisville; Pierce E. Lackey, WPAD, Paducah; W. Prewitt Lackey, WPAD, Paducah; Lord, WAVE; Clark, WLAP, Lexington; and Managing Director Loucks.

FCC HIGH FIDELITY STANDARDS

The Engineering Department of the Federal Communications Commission has adopted a set of tentative standards for reference use when considering high-fidelity transmitting plants. The informal standards, which have not been proposed as a regulation until more experience has been gained, are as follows:

Audio distortion: The total audio frequency distortion from microphone terminals (including microphone amplifier) to antenna output shall not exceed 5 per cent rms. harmonic content when modulating from 0 to 85 per cent, and not more 10 per cent rms. harmonic content when modulating 95 per cent. The distortion is to be measured with modulating frequencies of 50, 400, 100, 5000, and 7500 cycles.

Frequency range: The audio frequency transmitting characteristics of the equipment from the microphone terminals to the audio component of the rectified antenna current shall not depart more than 2 decibels from that at 1000 cycles between 50 and 7500 cycles. The transmitter should be equipped in the last audio stage or as near thereto as practicable with two band-pass filters, one to cut off at 5500 cycles and the other at 8500 cycles respectively to 40 decibels below normal level. These filters shall be used as follows: The 8500-cycle cut-off filter at all times, and the 5500-cycle cut-off filter when the program transmission is such that no desired signal above 5000 cycles reaches the transmitter. The frequency characteristics should be measured with the filters in place.

Noise level: The carrier hum and extraneous noise level (exclusive of microphone noises) should be at least 60 decibels below 100 per cent modulation in the frequency band between 150 and 5000 cycles, and at least 40 decibels down outside this range.

Volume range: The volume range from carrier noise and main studio extraneous sounds to 100 per cent modulation shall be 60 decibels.

Modulation meter: A modulation meter should be provided for visually indicating from 110 per cent modulation to 40 per cent, or less, and should indicate also on the same scale in decibels above and below 100 per cent modulation. The accuracy of this instrument should be within 2 per cent. A peak indicating device should be provided for operation from 75 to 100 per cent modulation, or over a greater range so that peaks above any set value will be indi-

cated and will be capable of being recorded if desired. The amplitude indicator should be high speed and highly damped, having a natural period of not greater than 0.1 second.

QUOTA FACILITIES AS OF JANUARY 8, 1935

First Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Conn.	2.13	1.90	— 0.23	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	— 10
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.33	— 0.29	— 47
N. J.	5.36	4.085	— 1.275	— 24
N. Y.	16.69	18.13	+ 1.44	+ 8
R. I.	0.91	0.80	— 0.11	— 12
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.205	— 1.795	— 5

First Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Conn.	3.85	3.34	— 0.51	— 13
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	1.00	— 0.16	— 14
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	3.80	— 0.11	— 3
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	4.985	— 4.685	— 48
N. Y.	30.14	20.58	— 9.56	— 32
R. I.	1.65	0.80	— 0.85	— 52
Vt.	0.86	0.86	— 0.0	— 0
Total	65.00	44.645	— 20.355	— 31

Second Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.88	+ 1.30	+ 15
Penna.	12.43	12.42	— 0.01	— 0
Va.	3.13	4.75	+ 1.62	+ 52
W. Va.	2.23	1.93	— 0.30	— 13
Total	36.00	37.98	+ 1.98	+ 6

Second Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.28	— 5.00	— 44
Ohio	15.50	12.06	— 3.44	— 22
Penna.	22.45	14.75	— 7.70	— 34
Va.	5.64	6.34	+ 0.70	+ 12
W. Va.	4.03	3.90	— 0.13	— 3
Total	65.00	47.58	— 17.42	— 27

Third Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ala.	3.32	2.745	— 0.575	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.21	+ 0.57	+ 16
La.	2.63	5.10	+ 2.47	+ 94
Miss.	2.52	0.99	— 1.53	— 61
N. Cor.	3.97	4.28	+ 0.31	+ 8
Okla.	3.00	3.36	+ 0.36	+ 12
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.09	+ 3.79	+ 52
Total	36.00	45.445	+ 9.445	+ 26

INFORMATION WANTED

An NAB member wishes information concerning the address of Mr. Gordon Hyam, a radio personality known as "Bob White, the Old Lamplighter." Anyone having this information is requested to inform NAB headquarters.

**COMMUNICATIONS COMMISSION
APPROPRIATIONS**

The Senate has passed the Independent Office appropriation bill which contains the appropriation for the Federal Communications Commission for the next fiscal year amounting to \$1,500,000. There was no discussion at all in connection with this sum. The House has already passed the bill so that effective July 1 next the Commission will have this amount to work with.

The House also has passed a deficiency appropriation bill which contains an appropriation of \$480,000 for the Commission for the present fiscal year ending June 30. While the activities of the Commission have been very materially increased under the change from the old Radio Commission Congress had not appropriated any additional money for its use, therefore the need for the deficiency.

ACCOUNTING FORMS IN PREPARATION

Special forms, designed for use with the system of accounts sent recently to stations, are now in process of preparation and will be mailed to NAB members as soon as they become available. It is suggested that all questions regarding forms to be used with the uniform accounting system be held until these have been received and examined.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act: Avocalon Mining Syndicate, Toronto, Canada (2-1251, Form A-1) Seneca Plumas Gold Mining Company, Reno, Nev. (2-1252, Form A-1) Protective Committee for Lord's Court Bldg., New York City (2-1253, Form D-1). Whippoorwill Realty Company, Inc., New York City (2-1254, Form E-1) Protective Committee for Eleventh & Baltimore Corp, Kansas City, Mo. (2-1255, Form D-1) Viking Oil Company, Los Angeles, Cal. (2-1256, Form A-1) Pinellas Water Company, St. Petersburg, Fla. (2-1257, Form A-1) Riverside Drive—82nd. St. Corp., New York City (2-1259, Form E-1)

**EXAMINER REPORTS ON PENNSYLVANIA
STATIONS**

Broadcasting Station WBAX, Wilkes-Barre, Pa., operating with 100 watts specified hours on a frequency of 1210 kilocycles asked the Federal Communications Commission for full time operation with 250 watts power until local sunset. It shares time with Station WKOK, Sunbury, Pa., also using 100 watts power. This station also asked full time.

Ralph L. Walker (E.) in his Report No. 1-18 this week recommends that the application of WBAX and its license renewal be denied and that the application of WKOK be granted including license renewal. The Examiner found that station WBAX "has been unsuccessful from a financial viewpoint in operation as a commercial enterprise, and that it cannot under its present management be successfully operated from that point of view." On the other hand, he found that, concerning WKOK, "it appears that this station is well managed."

**FEDERAL COMMUNICATIONS COMMISSION
ACTION**

HEARING CALENDAR

Monday, January 28, 1935

- WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Renewal of license; 1200 kc., 100 watts, specified hours.
- WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Assignment of license to Voice of Southwestern Pennsylvania, Inc.; 1200 kc., 100 watts, specified hours.
- WNBO—John Brownlee Spriggs, Silver Haven, Pa.—C. P. to move transmitter to near Elco, Pa.; 1200 kc., 100 watts, specified hours.

Third Zone—Day

State	Due	Assigned	Units		Percentage	
			Over or Under	Over or Under	Over or Under	Over or Under
Ala.	5.99	4.685	—	1.305	—	22
Ark.	4.19	4.75	+	0.56	+	13
Fla.	3.32	4.85	+	1.53	+	46
Ga.	6.58	4.95	—	1.63	—	25
La.	4.75	5.40	+	0.65	+	14
Miss.	4.55	2.11	—	2.44	—	54
N. Car.	7.17	4.85	—	2.32	—	32
Okla.	5.42	4.90	—	0.52	—	10
S. Car.	3.93	2.60	—	1.33	—	34
Tenn.	5.92	7.35	+	1.43	+	24
Texas	13.18	13.61	+	0.43	+	3
Total	65.00	60.055		— 4.945		— 8

Fourth Zone—Night

State	Due	Assigned	Units		Percentage	
			Over or Under	Over or Under	Over or Under	Over or Under
Ill.	10.14	11.06	+	0.92	+	9
Ind.	4.30	3.42	—	0.88	—	20
Iowa	3.28	5.22	+	1.94	+	59
Kans.	2.50	2.49	—	0.01	—	0
Minn.	3.41	4.18	+	0.77	+	23
Mo.	4.82	5.04	+	0.22	+	5
Nebr.	1.83	2.21	+	0.38	+	21
N. Dak.	0.90	1.40	+	0.50	+	56
S. Dak.	0.92	0.86	—	0.06	—	7
Wisc.	3.90	3.05	—	0.85	—	22
Total	36.00	38.93		+		+

Fourth Zone—Day

State	Due	Assigned	Units		Percentage	
			Over or Under	Over or Under	Over or Under	Over or Under
Ill.	18.30	14.94	—	3.36	—	18
Ind.	7.77	5.52	—	2.25	—	29
Iowa	5.93	7.86	+	1.93	+	33
Kans.	4.51	3.32	—	1.19	—	26
Minn.	6.15	5.77	—	0.38	—	6
Mo.	8.70	8.49	—	0.21	—	2
Nebr.	3.30	5.92	+	2.62	+	79
N. Dak.	1.63	2.10	+	0.47	+	29
S. Dak.	1.66	2.13	+	0.47	+	28
Wisc.	7.05	5.86	—	1.19	—	17
Total	65.00	61.91		— 3.09		— 5

Fifth Zone—Night

State	Due	Assigned	Units		Percentage	
			Over or Under	Over or Under	Over or Under	Over or Under
Ariz.	1.32	1.17	—	0.15	—	11
Calif.	17.18	18.82	+	1.64	+	10
Colo.	3.13	4.61	+	1.48	+	47
Idaho	1.35	1.50	+	0.15	+	11
Mont.	1.63	1.75	+	0.12	+	7
Nev.	0.27	0.35	+	0.08	+	30
N. Mex.	1.28	1.13	—	0.15	—	12
Ore.	2.89	4.04	+	1.15	+	39
Utah	1.54	3.30	+	1.76	+	114
Wash.	4.73	7.28	+	2.55	+	54
Wyo.	0.68	0.40	—	0.28	—	41
Total	36.00	44.35		+		+

Fifth Zone—Day

State	Due	Assigned	Units		Percentage	
			Over or Under	Over or Under	Over or Under	Over or Under
Ariz.	2.38	1.79	—	0.59	—	25
Calif.	31.02	22.32	—	8.70	—	28
Colo.	5.66	5.08	—	0.58	—	10
Idaho	2.43	2.05	—	0.38	—	16
Mont.	2.94	2.55	—	0.39	—	13
Nev.	0.49	0.35	—	0.14	—	29
N. Mex.	2.31	2.90	+	0.59	+	26
Ore.	5.21	6.09	+	0.88	+	17
Utah	2.78	3.30	+	0.52	+	19
Wash.	8.54	8.74	+	0.20	+	2
Wyo.	1.24	0.40	—	0.84	—	68
Total	65.00	55.57		— 9.43		— 15

Wednesday, January 30, 1935

- NEW—Utah Radio Educational Society, Salt Lake, Utah.—C. P., 1450 kc., 1 KW, unlimited time.
- NEW—Louis H. Callister, Provo, Utah.—C. P., 1200 kc., 100 watts, unlimited time.
- NEW—Paul Q. Callister, Salt Lake City, Utah.—C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Great Western Broadcasting Assn., Inc., Logan, Utah.—C. P., 1500 kc., 100 watts, unlimited time.
- NEW—Great Western Broadcasting Assn., Inc., Provo, Utah.—C. P., 1200 kc., 100 watts, unlimited time.
- NEW—Munn Q. Cannon, Logan, Utah.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Jack Powers, Frank C. Carman, David G. Smith, and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

- WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to make equipment changes and increase day power from 1 KW to 5 KW.
- WICC—Southern Connecticut Broadcasting Corporation, Bridgeport, Conn.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW night and day.
- WJAR—The Outlet Co., Providence, R. I.—Construction permit to make equipment changes and move transmitter from Outlet Co. Bldg., 176 Weybosse St., Providence, R. I., to junction Newport Ave. and Ferris Ave. (Rumford), East Providence, R. I.
- WESG—Cornell University, Ithaca, N. Y.—Modification of license to change frequency from 1040 kc. to 850 kc.
- WTBO—Associated Broadcasting Corporation, Cumberland, Md.—Transfer of control of Corporation from Herbert Lee Blye; 74 shares to Frank V. Becker, 75 shares to Roger W. Clipp.
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Special experimental authorization to make equipment changes, operate on 1280 kc., 1 KW power, unlimited time, using directional antenna, period ending 4-1-35.
- WLWL—Missionary Society of St. Paul the Apostle, New York, N. Y.—Modification of license to increase time from specified hours to unlimited and change frequency from 1100 kc. to 810 kc., facilities of WNYC, amended also request facilities of WCCO.
- WKEM—American Radio News Corp., Portable and Mobile, initial location 235 E. 45th St., New York, N. Y.—Modification of license to change name to "Hearst Radio, Inc."
- NEW—Clarence Wheeler, Rochester, N. Y.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts power, daytime, amended to request change in hours of operation from 100 watts to 250 watts.
- WCAO—The Monumental Radio Co., Baltimore, Md.—Construction permit to make changes in antenna equipment and increase power from 500 watts, 1 KW LS, to 1 KW.
- WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—License to cover construction permit (1-P-B-3300) to install new equipment and increase power.
- WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—License to cover construction permit (B1-P-41) to increase power and make changes in equipment.
- WOCL—A. E. Newton, Jamestown, N. Y.—Voluntary assignment of license to Edward J. Doyle.
- WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Extension of special experimental authorization to use additional 250 watts power night from 3-1-35 to 9-1-35.

Second Zone

- WMBG—Havens and Martin, Inc., Richmond, Va.—Construction permit to change frequency from 1210 kc. to 1350 kc.; install new equipment; increase power from 100 watts (construction permit for 100 watts night, 250 watts day) to 500 watts; and change location of transmitter from 914 W. Broad St., Richmond, Va., to intersection of Broad St. Road and Staples Mill Rd., near Richmond, Va. (Consideration under Rule 6 (g).)
- WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of special experimental authorization to use power of 500 watts, using transmitter of W8XO, for period ending 8-1-35.

- WPHR—WLBG, Inc., Petersburg, Va.—Modification of construction permit authorizing for transmitter location northeast corner Franklin and Adams St., Petersburg, Va., and extending commencement and completion dates; amended: site changed to 1½ miles northeast of Petersburg, Va.
- NEW—P. A. McBride, Ironton, Ohio.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts, unlimited.
- WLEU—Leo J. Omelian, Erie, Pa.—Modification of construction permit authorizing construction of new station to be operated on 1420 kc., 100 watts, 250 watts daytime, unlimited, to request further change in equipment.
- WADC—Allen T. Simmons, Akron, Ohio.—License to cover construction permit (2-P-B-3295) as modified to install new equipment, increase power from 1 KW to 1 KW, 2½ KW daytime.
- W8XCQ—A. M. Rowe, Inc., Portable-Mobile.—License to cover construction permit for 31100, 34600, 37600, 40600 kc., 10 watts. General experimental.

Third Zone

- WMC—Memphis Commercial Appeal, Memphis, Tenn.—Authority to determine operating power by direct measurement of antenna.
- WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit authorizing changes in equipment and increase in power from 100 watts to 100 watts, 250 watts day, to request extension of completion date from 10-10-34 to 2-15-35.
- WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—License to cover construction permit (3-P-B-3034) as modified to increase daytime power and make equipment changes.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours (no increase).
- WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts day, and change hours of operation from daytime and specified hours Sunday to daytime only.
- WDAE—Tampa Times Company, Tampa, Fla.—Modification of special experimental authorization to install new equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, for period ending 4-1-35.
- WREC—WREC, Inc., Memphis, Tenn.—Construction permit to increase power from 500 watts night, 1 KW day, to 1 KW, 2½ KW day; make equipment changes; amended: omit request for increase in power.
- Harris County Broadcast Co., Houston, Tex.—Construction permit for general experimental relay broadcast station for 9510, 11770, 15150 kc., 500 watts.
- WREC—WREC, Inc., Memphis, Tenn.—Extension of special experimental authorization to operate with 1 KW, 2½ KW day, from 3-1-35 to 9-1-35.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of construction permit authorizing new station on 1370 kc., power 100 watts, daytime, to request extension of completion date from 2-11-35 to 4-11-35.
- KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special authorization to operate unlimited time on 1100 kc.
- WFLA—WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Petersburg and Clearwater, Fla.—Extension of special experimental authorization to operate on 1 KW, 5 KW day, for period ending 9-1-35.
- NEW—G. L. Burns, Brady, Tex.—Construction permit for new station on 1500 kc., 100 watts, 250 watts day, limited time; amended: requesting 1210 kc., 100 watts power, daytime. Studio and transmitter sites to be determined, Brady, Tex.
- KWKH—International Broadcasting Corp., Shreveport, La.—License to cover modification of special authorization to operate unlimited on 1100 kc.

Fourth Zone

- WDAF—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit to increase power to 5 KW, make

- equipment changes, to extend commencement date to 30 days after grant and completion date to 90 days thereafter; amended: change from modification of construction permit to a construction permit and to omit request for extension of commencement and completion dates.
- WDAF**—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit (4-P-B-3294) to increase power from 1 KW to 1 KW, 2½ KW day, also install new equipment, to further request change in equipment and extend completion date from 10-30-34 to 1-30-35.
- 610**
- WDAF**—The Kansas City Star Co., Kansas City, Mo.—License to cover construction permit (4-P-B-3294) as modified to install new equipment and increase power.
- 610**
- WIBW**—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Modification of license to use old 1-KW transmitter as auxiliary when licensed for 2½ KW.
- 580**
- WCBS**—WCBS, Inc., Springfield, Ill.—Modification of license to change from 1210 kc. to 1370 kc., change hours of operation from share with WTAX to unlimited.
- 1370**
- KGBX**—KGBX, Inc., Springfield, Mo.—Extension of special experimental authorization for operation on 1230 kc., 500 watts, from local sunset to midnight, period ending 6-1-35.
- 1230**
- WLBF**—WLBF Broadcasting Co., Kansas City, Kans.—Transfer of control of corporation from WLBF Broadcasting Co. to the Kansas City Kansan.
- 1420**
- WNAX**—The House of Gurney, Inc., Yankton, S. Dak.—Modification of construction permit authorizing increase in power, change of equipment, and move of transmitter, to request extension of commencement date to 4-18-35 and completion date to 7-18-35.
- 570**
- WLBF**—WLBF Broadcasting Co., Kansas City, Kans.—Construction permit to move transmitter and studio from 905 N. Seventh St. to 901 N. 8th St., Kansas City, Kans., and make equipment changes (antenna).
- 1420**
- NEW**—Walker Jamar, Duluth, Minn.—Construction permit to erect a new station on 1200 kc., 100 watts power, unlimited time.
- 1200**
- KSO**—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to move transmitter from 715 Locust St., Des Moines, Iowa, to north of Des Moines, Iowa.
- 1320**
- NEW**—W. B. Greenwald, Hutchinson, Kans.—Construction permit to erect a new station to be operated on 1420 kc., 100 watts, unlimited time.
- 1420**
- NEW**—Robert K. Herbst, Fargo, N. Dak.—Construction permit to erect a new station to be operated on 1310 kc., 100 watts power, unlimited time.
- 1310**
- NEW**—Head of the Lakes Broadcasting Co., Virginia, Minn.—Construction permit to erect a new broadcast station to be operated on 1370 kc., 100 watts power, unlimited time.
- 1370**
- NEW**—Milwaukee Broadcasting Co., Milwaukee, Wis.—Construction permit for new station on 1310 kc., 100 watts power, daytime.
- 1310**
- WBBM**—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit to increase power from 25 KW to 50 KW, make equipment changes; amended: change hours of operation from simul-day, shares with KFAB night, to unlimited day and synchronize with KFAB nighttime.
- 770**
- KGBX**—KGBX, Inc., Springfield, Mo.—Modification of special experimental authorization for approval of transmitter site Rural (Melville and Bolivar Roads), Springfield, Mo.
- 1230**

Fifth Zone

- NEW**—LeRoy Haley, Durango, Colo.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts power, unlimited time.
- 1370**
- KGDM**—E. F. Pepper, Stockton, Calif.—Modification of license to operate on 250 watts from 9 p. m. to 12 p. m., PST; amended: requesting 1 KW power, limited time.
- 1100**
- NEW**—Paul R. Heitmeyer, Salt Lake City, Utah.—Construction permit to erect a new station to be operated on 1210 kc., 100 watts power, daytime.
- 1210**
- KGDX**—E. E. Krebsbach, Wolf Point, Mont.—Modification of license to change specified hours (no increase).
- 1310**
- KFPY**—Symons Broadcasting Co., Spokane, Wash.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.
- 1340**
- KYA**—Pacific Broadcasting Corp., San Francisco, Calif.—Construction permit to install new equipment, increase power from 1 KW to 1 KW, 5 KW day.
- 1230**
- KIT**—Carl E. Haymond, Yakima, Wash.—Modification of construction permit authorizing equipment changes, increase daytime power from 100 to 250 watts, to request further extension of commencement date from 11-10-34 to 1-10-35, and completion date from 2-11-35 to 4-11-35.
- 1310**
- KVL**—KVL, Inc., Seattle, Wash.—Modification of license to change frequency from 1370 kc. to 1070 kc., hours of operation from shares with KRKO to daytime only.
- 1070**
- NEW**—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts power, unlimited.
- 1370**
- NEW**—W. L. Gleason, Sacramento, Calif.—Construction permit for new station to be operated on 1490 kc., 5 KW, daytime, as amended.
- 1490**
- KTFI**—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license to change frequency from 1240 kc. to 630 kc.
- 630**
- W6XAI**—Pioneer Mercantile Co., Bakersfield, Calif.—License for 1550 kc., 1,000 watts.
- 1550**
- KIFO**—Nichols & Warinner, Inc., Portable.—Construction permit for 1566, 2478 kc., 200 watts; amended to 1622, 2150 kc.
- 1566, 2478**

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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SENATE DELAYS CONFIRMATIONS

The Senate Committee on Interstate Commerce indefinitely postponed action on confirmation of Commissioners Sykes, Brown, Stewart, Payne, Walker and Case this week after going extensively into the dismissal of former Supervisor Van Nostrand and Inspector George Llewellyn of the Atlanta office.

The investigation into these cases came as a result of charges made before the Committee by Senator Bilbo of Mississippi, who is opposing confirmation of Chairman Sykes because of the part he is alleged to have taken in the Mississippi elections.

Following the investigation by the Committee, the Commission decided to give a hearing to Mr. Llewellyn this week.

Each of the Commissioners was called before the Committee and asked questions bearing upon his qualifications for appointment. Principal attention was given, however, to the Bilbo charges against Sykes and the facts and circumstances surrounding the separation from the service of Mr. Llewellyn and Mr. Van Nostrand.

Ben S. Fisher, former assistant general counsel of the Commission, appeared before the Committee and told of his investigation of the charges against Van Nostrand.

The charges made against Judge Sykes by Senator Bilbo were denied by the Commissioner and it was shown that he was abroad attending the Madrid conference at the time of the Llewellyn dismissal.

The Committee also indicated that it intended to go into the question of license assignments and transfers and indicated that it was interested in the Commission's policy with respect to newspaper ownership of stations and multiple ownership.

Senator Wheeler, chairman of the Committee, took an active part in the questioning of witnesses and the sessions were well attended by members of the Committee.

FCC REGULATES ATTORNEYS

The Federal Communications Commission on January 26 issued the following statement:

"At the hearing of the Senate Interstate Commerce Committee yesterday, January 25, 1935, when the confirmations of the Federal Communications Commissioners were being reviewed, Commissioner George Henry Payne told Senator Wheeler, Chairman of the Committee, and other members, that, inasmuch as there had been criticism of the attorneys practicing before the Commission, he would introduce a resolution preventing such practices.

"At today's meeting Commissioner Payne introduced this resolution and it was unanimously passed.

"The resolution is as follows:

"Resolved that when the rules and regulations governing practice and procedure before this Commission are adopted there be included the following paragraphs setting forth the effect of previous connection with this Commission:

"(a) No former officer or employee of the Federal Communications Commission shall act as attorney or agent, or as the employee of an attorney or agent, or shall appear as an officer or employee of an individual, partnership, or corporation, in any matter or controversy pending before the Federal Communications Commission during the period of his employment therein within two years after the termination of such employment; provided, however, that the foregoing shall not be construed to prevent appearances as witnesses.

"(b) This rule shall not apply to persons who have severed their connections with the Federal Communications Commission prior to 60 days after its effective date."

STAY ORDER ISSUED IN WLW CASE

The Court of Appeals for the District of Columbia on January 30 issued a stay order against the Federal Communications Commission preventing the enforcement of the Commission's order requiring Station WLW, Cincinnati, Ohio, to reduce its nighttime power from 500 kilowatts to 50 kilowatts on February 1. The order is to remain in effect until February 11, on which day the court will hear argument on the issues raised by the station's appeal.

On January 25 the Commission made public its decision authorizing WLW to continue operating with 500 kilowatts during daytime hours but dismissed the application "in so far as it requested special temporary experimental authorization to operate nighttime hours." The Commission's decision was based upon the following conclusions:

"(1) That the Commission is without legal authority to grant the application in so far as it requests an extension of the nighttime use, between local sunset and 12 midnight, of 500 kilowatts power;

"(2) That the instant application, in so far as nighttime operation is concerned, involves only a question of law to be determined by application of the Treaties and Agreement now in force;

"(3) That no purpose would be served by conducting a hearing on the application as it is incumbent upon the Commission to deny a part of the authority requested in the application, and this duty could not be altered by any facts which the applicant might attempt to establish at a hearing. That the law does not require the holding of a hearing where, as in the instant case, it would be entirely futile and of no avail whatsoever to applicant.

"(4) That the express condition contained in the authority issued coupled with applicant's acquiescence therein by operating thereunder, especially in view of the notice given on December 21, 1934, reserves to the Commission the authority to dismiss or deny that portion of the application which the Commission is of the opinion cannot be legally granted."

Immediately WLW applied to the Court for a stay order, alleging that the Commission rendered its decision without previously giving the applicant notice of a time and place for hearing; that the Commission had no power under the Communications Act to deprive the applicant of its right to notice and opportunity to be heard; that the Commission acted contrary to law in so far as it proceeded upon the assumption that its decision was required or justified by any provision of the International Telecommunication Convention of Madrid, 1932; that the Commission erred in so far as it proceeded upon the assumption that its decision was required or justified by any provision of the Agreement of May 5, 1932, between the United States and Canada; that the decision was contrary to the public interest, convenience and necessity; that no finding of fact by the Commission is supported by any evidence and the findings are arbitrary and capricious; and that the decision deprives applicant of its property without due process of law.

The notice of appeal states that the Canadian agreement is invalid and contrary to the requirements of Article II, Section 2, of the Constitution of the United States in that it is a treaty, and, although being a treaty, was not made by the President of the United States and was not made by and with the advice and consent of the Senate. The notice of appeal alleges that Station CFRB, Toronto, Canada, the station with which interference is claimed, is not operated by the best methods and procedure and has not been kept abreast of scientific and technical progress and that much of the receiving apparatus in general use in the area surrounding Toronto is obsolete, non-selective, and below modern standards. It is further claimed that the Commission's decision deprives vast areas of the United States of satisfactory broadcast service; it closes

the door to scientific and technical progress in the effective use of clear channels; it renders ineffective and virtually useless an expenditure of over \$450,000; it discourages all other licensees from making same or similar expenditures, and deprives citizens and corporations licensed by the Commission of any forum where their claims may be heard when the protest of a foreign government is involved.

PROBE CHARGES AGAINST HILL

During hearings on confirmation of Commissioners Sykes, Brown, Stewart, Case, Payne and Walker, before the Senate Committee on Interstate Commerce, reference was made by Senator Bilbo, Mississippi, to the activities of Examiner George Hill during the Mississippi elections. After this, Commissioner Anning S. Prall, the only Commissioner confirmed so far, made the following motion which was unanimously adopted:

"In view of the charges lodged against George Hill, Examiner, by a member of the United States Senate, I move that the Commission immediately investigate the charges made."

Chairman Sykes voted for the motion but excused himself from participating in the investigation.

CLEAR CHANNEL SURVEY BEGINS

During the current week the Federal Communications Commission will mail to approximately 70,000 rural residents of the United States and to 34,000 fourth-class postmasters post cards on which their use of secondary coverage and radio service in general may be described. The mail analysis is on part of the survey of secondary coverage being undertaken by the Commission in cooperation with most of the clear channel licensees.

The post cards bear the following questionnaire: (1) Do you own a radio set?..... Make..... Model No..... Number of tubes..... When purchased..... Is it now in operating condition?..... (2) Name your favorite radio stations by call letters in the order of your preference: (1)..... (2)..... (3)..... (4)..... (3) What is your post-office address?..... County..... State.....

Space is reserved for comments on radio broadcasting in general.

The analysis of the mail response is expected to furnish considerable information concerning the actual use made of clear channel and other signals. The analysis will probably require several months.

The remainder of the clear channel survey program is soon to begin operation. Contributions from clear channel and other licensees sufficient to operate 58 fixed field intensity recorders have been received, and delivery of the apparatus has commenced. The actual operation of the measurement program will begin as rapidly as delivery of apparatus permits.

Field intensity recorders will be maintained in Boston, New York, Washington, Atlanta, Dallas, Chicago, Grand Island, Salt Lake City, Los Angeles, Seattle, and Portland, for an initial period of about three months.

LEGISLATIVE ACTIVITIES

No new legislation directly affecting broadcasting has been introduced in either House of the Federal Congress during the past week. There has, however, been a considerable crop of state legislation.

California Assembly Bills 1281 and 1282, introduced by Representative Williamson, both prohibit the false advertising of foods and drugs, and specify radio as one of the media involved. In view of pending Federal legislation on this subject, the possibility of serious confusion between Federal and State laws is apparent.

California Assembly Bill 344, introduced by Representative Voight, provides for the construction of two radio broadcasting stations and the maintenance and operation thereof by the University of California, and makes an appropriation for such purposes.

Missouri Senate Bill 33, introduced by Senator Shotwell, establishes a sales tax which includes a tax on all advertising.

Oregon House Bills 147 and 148, introduced by Representative Harrison, prohibit the advertising of alcoholic beverages and cigarettes in any form. House Bill 147 specifically prohibits the advertising of cigarettes over the radio in the State of Oregon.

North Dakota House Resolution E, introduced by Representatives Schauss and Parkinson, declares that there is a demand and necessity for a State-owned and operated broadcasting station. Under the terms of this resolution a Committee has been appointed to investigate the subject, this Committee to report at some subsequent date.

Tennessee Senate Bill 168, introduced by Senators Graves and Atchley, levies a tax of 1 per cent on the gross receipts of all businesses and professions. This bill has had its second reading in the House, where it appears as House Bill 265, introduced by Representatives Cross and George.

Texas House Bill 200, introduced by Representative Colquitt, amends the existing State laws with regard to political advertising. The text of this bill has not yet been received.

Washington Senate Bill 8, introduced by Senator Miller, provides a series of graduated license fees for various occupations and services, including advertising agencies.

BUSINESS INDEX SAMPLE EXPANDED

Beginning with the January report, the sample of stations contributing to the NAB reports on broadcast advertising volume will be increased to include all NAB members.

The December report, to be published next week, marks the close of the first calendar year for which detailed figures regarding non-network as well as network advertising have been available to broadcasters and advertisers. Widespread interest has been shown by both advertisers and agencies in the NAB broadcast advertising reports and the Association is receiving a constantly increasing number of inquiries for this information.

The number of stations contributing information for the NAB broadcast advertising index reached a new high level in December. Stations are urged to see to it that their reports are received at the NAB office not later than the 20th of the month following the one for which the report provides information. If this practice is followed consistently by all stations it will be possible to publish the NAB advertising reports ten days earlier than is now done, and to increase their promotional value accordingly.

SECURITIES ACT REGISTRATION

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

La Grange Placer Mines, Ltd., Weaverville, Calif. (2-1260, Form A-1)

Pittcock Block, Inc., Portland, Ore. (2-1262, Form D-1A)

Pittcock Block, Inc., Portland, Ore. (2-1263, Form E-1)

Lyons-Mid Continent Corporation, New York City. (2-1264, Form C-1)

The Old Maryland Rye Distilling Co., Inc., Laurel, Md. (2-1265, Form A-1)

Peacock Special Machine & Drilling Co., Paola, Kans. (2-1266, Form A-1)

REPORT ON WBNX APPLICATION

Broadcasting Station WBNX, New York City, applied to the Federal Communications Commission for special experimental authorization for a license to cover construction permit and for license renewal. Ralph L. Walker (e), in Report No. I-19, recommended that the application for license renewal and license to cover construction permit be granted but that the application for special experimental authorization be denied.

The station has been licensed on a regular basis using 1350 kilocycles, 250 watts power, sharing time with WAWZ. The Federal Radio Commission in December, 1933, issued a construction permit authorizing the installation of a new transmitter and a local move of the studio. Subsequently complaints about the station's programs were received. The station also filed an application for special experimental authorization to use 500 watts power.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, February 5, 1935

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of C. P., 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, daytime.

Wednesday, February 6, 1935

NEW—David H. Cannon, Pasadena, Calif.—C. P., 1480 kc., 100 watts, daytime.

Thursday, February 7, 1935

- NEW—Herbert H. Fette, Meriden, Minn.—C. P., 1310 kc., 100 watts, daytime.
NEW—Edward Hoffman, St. Paul, Minn.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P., 1310 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- NEW—The Ashland Broadcasting Co., Ashland, Ky.—Granted 1310 C. P. for new station, 1310 kc., 100 watts, unlimited time.
WHBD—The Vee Bee Corp., Mount Orab, Ohio.—Granted C. P. 1370 to make changes in equipment and move transmitter and studio from Mount Orab to Portsmouth, Ohio (site to be determined, subject to approval of Commission).
WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted 920 C. P. to install new equipment; move transmitter to site to be determined by Commission; increase day power from 1 KW to 5 KW; 920 kc., 1 KW night, unlimited time.
NEW—James R. Doss, Jr., Decatur, Ala.—Granted C. P. for new 1370 station, 1370 kc., 100 watts, daytime.
KGVO—Moxby's, Inc., Missoula, Mont.—Granted C. P. to install 1260 new equipment; move transmitter locally; change frequency from 1200 kc. to 1260 kc.; increase power from 100 watts to 1 KW.
WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted modification of license to increase daytime power from 500 watts to 1 KW.
WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted 610 modification of C. P. to make changes in equipment and extend completion date to January 30, 1935. Also granted license to cover C. P., 610 kc., 1 KW night, 2½ KW day, unlimited.
WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted 580 license to cover C. P., 580 kc., 1 KW night, 2½ KW day, share with KSAC.
WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted 580 C. P. to increase day power from 2½ KW to 5 KW.
WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—590 Granted C. P. to move transmitter to site to be determined subject to approval of Commission, make changes in equipment, and increase day power from 2½ KW to 5 KW day. Application to increase night power to 5 KW was set for hearing.
WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted 610 C. P. to increase day power from 1 KW to 5 KW and make changes in equipment. Application to increase night power set for hearing.
KFRU—KFRU, Inc., Columbia, Mo.—Granted modification of 630 license to increase day power from 500 watts to 1 KW.
KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted extension of special experimental authority to operate with additional 250 watts nighttime for period beginning January 25, 1935, and ending not later than March 26, 1935.
WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted 610 special experimental authorization to increase power from 500 watts to 1 KW for period of three months.
KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authorization to operate synchronously with WBBM from local sunset at Lincoln to midnight, CST.
WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted extension of special experimental authorization to operate synchronously with station KFAB, from LS at KFAB to midnight, for period not to exceed August 1, 1935.
KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—710 Granted renewal of license for a period of 3 months; 710 kc., 500 watts, limited time.
WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authorization to operate unlimited time on frequency 850 kc., 10 KW power, for period February 1 to August 1, 1935.
KWKH—International Broadcasting Corp., Shreveport, La.—1100 Granted extension of special experimental authorization to operate on 1100 kc., 10 KW, daytime, with conventional non-directional antenna, and at night with directional antenna, for period ending August 1, 1935.
WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted 1180 special authority to operate from 7:15 p. m., EST, January 30, 1935, to 1 a. m., EST, January 31, 1935, in order to broadcast Birthday Ball for President.
WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—1250 Granted modification of C. P., giving exact transmitter site (¼ mile north on County Road on Snelling Ave., Rose Township, Minn.); extend commencement date from 1-18-35 to 10 days after grant and extend completion date from 4-18-35 to 90 days thereafter.
KWTN—The Greater Kameska Radio Corp., Watertown, S. Dak. 1210 —Granted modification of C. P. to extend completion date from 1-1-35 to 2-15-35.
KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted 900 modification of C. P. extending commencement date from 11-2-34 to 2-1-35 and extending completion date from 2-2-35 to 5-1-35.
KFRC—Don Lee Broadcasting System, San Francisco, Calif.—610 Granted modification of C. P. extending commencement date from 11-2-34 to 2-1-35 and extending completion date from 2-2-35 to 5-1-35.
WLBK—WLBK Broadcasting Co., Kansas City, Kans.—Granted 1420 C. P. to move transmitter and studio locally.
WNEL—Juan Piza, San Juan, P. R.—Granted license to cover 1290 C. P.; 1290 kc., 500 watts, unlimited time.
KSEI—Radio Service Corp., Pocatello, Idaho.—Granted license to 890 cover C. P. authorizing installation of new equipment, increase in daytime power, change frequency from 900 kc. to 890 kc., and moving transmitter to new site locally; 250 watts night, 500 watts day, unlimited.
KGBX—KGBX, Inc., Springfield, Mo.—Granted extension of special experimental authorization to operate from local sunset to midnight on frequency 1230 kc., 500 watts.
WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted 1280 extension of special experimental authorization to operate with 500 watts additional night power, employing directional antenna, for period January 30 to April 1, 1935.
WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted renewal of license for period of 3 months; 970 kc., 1½ KW, limited time.
WHBL—Press Publishing Co., Sheboygan, Wis.—Granted C. P. to 1410 install new equipment.
WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—1420 Granted authority to install automatic frequency control.
WDRC—WDRC, Inc., Hartford, Conn.—Granted authority to de-1330 termine operating power by direct measurement.
KSL—Radio Service Corp. of Utah, Salt Lake City.—Granted authority to determine operating power by direct measurement of antenna.
KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted 830 authority to determine operating power by direct measurement of antenna.
KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modification of C. P. to make changes in equipment, extend commencement date from 12-6-34 to 10 days after grant, and extend completion date from 2-1-35 to 150 days thereafter.
KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted license 1270 covering local move of station, changes in equipment, and increase in daytime power; 1270 kc., 1 KW night, 2½ KW day, unlimited.
KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—1010 Granted license to cover C. P. authorizing installation of new equipment, increase in power from 500 watts to 1 KW; 1010 kc., unlimited time.
WINS—American Radio News Corp., New York City.—Granted 1180 modification of license to change name from American Radio News Corp. to Hearst Radio, Inc.
WISN—American Radio News Corp., Milwaukee, Wis.—Granted 1120 modification of license to change name from American Radio News Corp. to Hearst Radio, Inc.
KOIN—KOIN, Inc., Portland, Ore.—Granted modification of 940 license to increase day power from 2½ to 5 KW.
WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted 1210 consent to transfer of control of Anderson Broadcasting Corp. at Anderson, Ind. (licensee of WHBU), from the Citizens Bank, Anderson, Ind., to Leo M. Kennett. License expires June 1, 1935, and authorized operation on 1210 kc., 100 watts, unlimited.
WPTF—WPTF Radio Co., Raleigh, N. C.—Granted license to use 680 old equipment as auxiliary. Also granted authority to use

- W. E. 6-B transmitter as an auxiliary during the hours of operation as authorized by S.E.A. (that is, to 11 p. m., EST), subject to check by engineers.
- KFBB**—Battery Broadcast, Inc., Great Falls, Mont.—Granted special experimental authorization to change frequency from **610 1280 kc.** to **610 kc.** for remainder of license period ending April 1, 1935.
- WJZ**—National Broadcasting Co., Inc., New York.—Granted extension of special authorization for the next license period ending August 1, 1935, to operate with 50 KW.
- WORK**—York Broadcasting Co., York, Pa.—Granted extension of **1320** special authorization for period ending August 1, 1935, to operate on **1320 kc.**, 1 KW night, 1 KW day, unlimited.
- KGA**—Louis Wasmer, Spokane, Wash.—Granted petition that **1470** Commission reconsider and grant on a regular basis the renewal application which was set for hearing October 30, 1934.
- WHJB**—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted **620** C. P. to make changes in equipment.
- NEW**—Bell Telephone Laboratories, Inc., Whippany, N. J.—**560** Granted C. P., exp.-spec. exp. serv., **560, 900, 1340 kc.**, **900** 5 KW; time of operation, 12-6 a. m. Also granted license **1340** covering same.
- NEW**—A. H. Belo Corp., Portable-Mobile (Texas).—Granted C. P. (exp. gen. exp.), **31100, 34600, 37600, 40600 kc.**, 3 watts.
- W2XHI**—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. extending commencement date to 2-27-35 and completion date from 3-27-35 to 5-27-35.
- NEW**—A. M. Rowe, Inc., Fairmont, W. Va.—Granted C. P. (gen. exp.), frequencies **31000, 35600, 38600, 41000, 86000-400000 kc.**, 25 watts. Location, Hotel Fairmont, Fairmont, W. Va. Authority is granted to transmit regular programs in order to carry out the proposed program of research and obtain estimate on number of listeners and their reactions to high fidelity programs transmitted on very high frequencies, subject to understanding that authority is on temporary basis only and may be cancelled without notice or hearing, etc., and station shall not be used to re-broadcast programs of any other station or to transmit any commercial sponsored programs or communication involving advertising either directly or indirectly.
- W8XCQ**—A. M. Rowe, Inc., Portable-Mobile, in conjunction with **WMMN**, Fairmont, W. Va.—Granted license to cover C. P. (gen. exp.), **31100, 34600, 37600, 40600 kc.**, 10 watts.
- W10XG**—National Broadcasting Co., Inc., Schooner *Seth Parker*.—Granted modification of license for additional 1-KW transmitter and 1-KW operating power.
- WKEM**—American Radio News Corp., Portable-Mobile (New York).—Granted modification of license (temporary broadcast pickup) to change name from American Radio News Corp. to Hearst Radio, Inc.
- subject to whatever action may be taken on renewal application, and upon application of Superior Broadcasting Service, Inc.
- KFBI**—The Farmers & Bankers Life Ins. Co., Abilene, Kans.—**1050** Designated application for renewal for hearing to be heard on issues set forth in bill of particulars, and pending outcome of hearing a temporary conditional license was granted for term February 1 to August 1, 1935, subject to whatever action may be taken on renewal application pending before Commission.
- WPFB**—Otis P. Eure, Hattiesburg, Miss.—Designated renewal application for hearing and directed that a special temporary authorization be issued for the term February 1 to July 1, 1935, subject to Commission's action on application for renewal of license of this station now pending before it.
- David Stern**, New York City.—Granted application for continuance of hearing set for February 13, 1935, which requests permission to erect a new station to operate on **810 kc.**, 500 watts, 6 a. m. to LS, and asks for the facilities of **WNYC** and **WGCO**. The date of the hearing will be fixed by the Docket Section.
- Van Campen Adams**, Rochester, Minn.—Granted application to intervene in the proceedings on the hearing of the Southern Minnesota Broadcasting Co., set for February 7, 1935. This is an application for a new station to operate on **1310 kc.**, 100 watts day and night, at Rochester, Minn. Denied application for continuance of the hearing.
- Utah State Federation of Labor**, Salt Lake City, Utah.—Denied petition to intervene at the hearing of the application of the Utah Radio Educational Society for a new station at Salt Lake City. Petitioner will be permitted to offer any competent evidence available.
- NEW**—American Broadcasting Co., Washington, D. C.—C. P. re-**830** questing frequency **830 kc.**, 100 watts night, 100 watts day, unlimited time, heretofore set for hearing, was dismissed at applicant's request.
- WHK**—Radio Air Service Corp., Cleveland, Ohio.—Modification of **1390** license, **1390 kc.**, 5 KW night, 5 KW day, unlimited time, heretofore set for hearing, was dismissed at applicant's request.
- NEW**—National Battery Broadcasting Co., St. Paul, Minn.—C. P. **680** to erect new station, **680 kc.**, 500 watts night, 1 KW LS, unlimited time, heretofore set for hearing, was dismissed at applicants' request.
- NEW**—S. H. Patterson, Portable.—Application for C. P. for broadcast pickup station, heretofore granted, was retired to closed files for want of prosecution.
- WKFA**—WJMS, Inc., Portable.—Application for C. P. for broadcast pickup station, heretofore granted, was retired to closed files for want of prosecution.

SET FOR HEARING

- WEAN**—Shepherd Broadcasting Service, Providence, R. I.—**780** Denied application to increase night power to 500 watts on a permanent basis. This station is now permitted to use 250 watts additional power at night on an experimental basis. Application for license for increased power on a permanent basis set for hearing.
- KWTO**—KGBX, Inc., Springfield, Mo.—Denied petition requesting **560** application heretofore designated for hearing be reconsidered and granted. The application requests an increase in daytime power from 1 KW to 5 KW; normally licensed on **560 kc.**, 1 KW daytime; and to install new equipment.
- WKBF**—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—**1400** Denied petition requesting application which was designated for hearing be reconsidered and granted without a hearing. The application requested an increase in power from 500 watts to 1 KW daytime.
- KTUL**—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Denied petition requesting application which was designated for hearing be reconsidered and granted without a hearing. The application requested an increase in power to 1 KW.
- WJAY**—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—**610** Denied special authority to operate from 6 to 7 p. m., EST, for period February 1 to February 28, 1935.
- WDZ**—James L. Bush, Tuscola, Ill.—Designated application for **1070** renewal of license for hearing, and directed that a conditional license be issued for the period March 1 to August 1, 1935,
- KARK**—Arkansas Radio & Equipment Co., Little Rock, Ark.—**890** C. P. to make changes in equipment; increase night power from 250 watts to 500 watts and day power from 500 watts to 1 KW; also change location to site to be determined.
- NEW**—Eugene DeBogory, d/b as Dallas Radio Research Engineers, Dallas, Tex.—C. P. (exp. broadcast), **1550** **1550 kc.**, 1 KW night, 1 KW day, unlimited.
- NEW**—Eugene DeBogory and Mildred English, d/b as Dallas **1500** Broadcasting Co., Dallas, Tex.—C. P. for new station, **1500 kc.**, 100 watts daytime and specified hours night.
- NEW**—Price Siever, O. L. Balyess, and J. W. Steele, Jr., Duncan, **1500** Okla.—C. P. for new station, **1500 kc.**, 100 watts, unlimited time.
- NEW**—J. L. Scroggin, St. Joseph, Mo.—C. P. for new station, **1500** **1500 kc.**, 100 watts, unlimited time.
- NEW**—W. R. Cramer and C. A. Anderson, d/b as Omaha Broad- **1500** casting Co., Omaha, Nebr.—C. P. for new station, **1500 kc.**, 100 watts, unlimited time (site to be determined).
- NEW**—Mississippi Valley Broadcasting Co., Inc., Hannibal, Mo.— **1310** C. P. for new station, **1310 kc.**, 100 watts, unlimited time (site to be determined).
- NEW**—William B. Scullin, Salem, Ore.—C. P. for new station, **1440** **1440 kc.**, 500 watts, unlimited time.
- NEW**—WMAN Broadcasting Co. (a partnership), John F. Weimer, **1370** Eugene Altwies, Gerald C. Roberts, and Rose Altwies, Mansfield, Ohio.—C. P. for new station, **1370 kc.**, 100 watts, unlimited time (site to be determined).

WISN—Hearst Radio, Inc., Milwaukee, Wis.—C. P. to move station 1120 locally, install directional antenna, and increase nighttime power from 250 watts to 1 KW.

NEW—Eagle Rock Broadcasting Co. (Chas. A. Butler, E. Kaufman), Eagle Rock, Calif.—C. P. for new station, 1160 kc., 250 watts, daytime hours.

KYA—Pacific Broadcasting Corp., San Francisco, Calif.—C. P. to 1230 install new equipment; increase power from 1 to 5 KW.

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P. to 1450 change equipment; move transmitter site; change frequency from 1210 kc. to 1450 kc. and power from 100 watts to 500 watts.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification of C. P. to extend commencement date from 10-11-34 to within 30 days after grant and extend completion date from 1-11-35 to 120 days after grant.

NEW—Wm. A. Schall, Omaha, Nebr.—C. P. (already in hearing 1420 docket) amended so as to request 1500 kc. instead of 1420 kc.

NEW—Norman F. Storm, Centralia, Wash.—C. P. (already in hearing docket) amended so as to request daytime operation instead of unlimited time.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Modification 1310 of license to increase hours of operation from daytime to unlimited.

KFRU—KFRU, Inc., Columbia, Mo.—Modification of license to 630 change hours of operation from sharing with WGBF, WOS, simultaneous day with WGBF, to share with WGBF, simultaneous day with WGBF.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—570 Modification of special experimental authorization to operate with 1 KW night (normally licensed on 570 kc., 250 watts night, 1 KW day. Has special experimental authorization to use 500 watts night).

KGBX, Inc., St. Joseph, Mo.—C. P. (already in hearing docket) 1500 amended so as to request 1500 kc., 100 watts, unlimited, instead of 250 watts day.

NEW—Harris County Broadcast Co., Houston, Tex.—C. P. (experimental relay broadcasting), 9510,* 11770, 15150 kc., 500 watts. (* Main frequency.)

WDRC, Inc., Hartford, Conn.—C. P. for new station, 1200 kc., 100 1200 watts, unlimited time (site to be determined).

NEW—Brothers & England, Mansfield, Ohio.—C. P. for new station, 1370 1370 kc., 100 watts, unlimited time.

NEW—Jesse H. Jay, Miami, Fla.—C. P. for new station, 1200 kc., 1200 100 watts, unlimited time (site to be determined).

NEW—KGBX, Inc., Sedalia, Mo.—C. P. for new station, 1210 kc., 1210 100 watts, unlimited time (site to be determined).

NEW—Mississippi Valley Broadcasting Co., Inc., Jefferson City, 1310 Mo.—C. P. for new station, 1310 kc., 100 watts, daytime (site to be determined).

NEW—Joplin Broadcasting Co., Pittsburgh, Kans.—C. P. for new 1200 station, 1200 kc., 100 watts, daytime.

WHFC—WHFC, Inc., Cicero, Ill.—C. P. to install new equipment 1420 and increase day power from 100 watts to 250 watts.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. D.—780 Modification of license to change frequency from 1110 kc. to 780 kc.; decrease night power from 2½ KW to 1 KW; change hours of operation from limited to unlimited (except when KFDY operates). No change in 2½-KW daytime power.

APPLICATIONS RECEIVED

First Zone

WFAS—Westchester Broadcasting Corp., White Plains, New York. 1210 —Construction permit to install new equipment, increase power from 100 watts to 100 watts, 250 watts day.

NEW—Edward Mirante and Arthur Faske, d/b as Connecticut 1370 Broadcasting Co., New Britain, Conn.—Construction permit to erect a new station on 1270 kc., 100 watts, unlimited time. Amended to change frequency to 1370 kc.

NEW—Rochester Broadcasting Co., Inc., Rochester, N. Y.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 250 watts, daytime.

NEW—Bell Telephone Laboratories, Inc., Whippany, N. J.—Construction permit for special experimental station on 560, 900, 900 1340 kc., 5 KW. 1340

Bell Telephone Laboratories, Inc., Whippany, N. J.—License to cover construction permit to erect a new special experimental station to be operated on 560, 900, 1340 kc., 5 KW.

Second Zone

WJMS—WJMS, Inc., Ironwood, Mich.—Construction permit to 1420 move transmitter from 215 S. Suffolk St., Ironwood, Mich., to Douglas Blvd. and U. S. No. 2, Ironwood, Mich.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—1420 Special experimental authorization to operate simultaneously night with WEED for period of 60 days.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Modification of 560 license to change hours of operation from shares WLIT to unlimited. Requests facilities of WLIT.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit authorizing changes in equipment and increase of day power from 500 watts to 2½ KW, requesting extension of commencement date from 10-29-34 to 1-29-35 and completion date from 1-29-35 to 4-29-35.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Construction permit to install new equipment and increase power from 250 watts to 250 watts, 500 watts day.

WCBA—B. Bryan Musselman, Allentown, Pa.—Extension of special 1440 experimental authorization to operate with additional 250 watts (licensed for 250 watts) from 1-25-35 to 3-26-35.

WSAN—WSAN, Inc., Allentown, Pa.—Extension of special experimental authorization to operate on 500 watts from 1-25-35 to 3-26-35.

Third Zone

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Modification of 1420 construction permit to erect a new station on 1420 kc., 100 watts, unlimited time, requesting move of transmitter and studio from 153 Magnolia Ave., Daytona Beach, Fla., to 126½ Magnolia Ave., Daytona Beach, Fla., and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

WQER—Georgia School of Technology, Portable.—License to cover construction permit for broadcast pickup station on 1622, 2190 kc., 5 watts.

WQET—Georgia School of Technology, Portable.—License to cover construction permit for 1622, 2190 kc., 15 watts.

A. H. Belo Corporation, Portable-Mobile.—Construction permit for a general experimental station to operate on 34600 kc., 3 watts. Amended for 31100, 34600, 37600, 40600 kc.

KFPL—C. C. Baxter, Dublin, Tex.—Construction permit to make 1310 changes in equipment and increase power from 100 watts to 100 watts, 250 watts day. (Consideration under Rule 6(g)).

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, 920 Spartanburg, S. C.—Modification of construction permit (3-P-B-3039) authorizing move of transmitter locally, changes in equipment, change frequency from 1420 kc. to 920 kc.; increase power from 100 watts, 250 watts day, to 1 KW, and hours of operation from unlimited to daytime, requesting further changes in equipment.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Extension of 1400 special experimental authorization to operate with 500 watts night for period from 1-25-35 to 3-26-35.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special 680 experimental authorization to operate until 8 p. m. PST, on 1 KW for period ending 8-1-35.

WWL—Loyola University, New Orleans, La.—Extension of special 850 experimental authorization to operate unlimited time from 2-1-35 to 8-1-35.

WAMC—Raymond C. Hammett, Tuscaloosa, Ala.—Modification of construction permit (3-P-B-2858) as modified to request move of transmitter and studio from 10th and Noble Streets, Anniston, Ala., to 2330 Broad Street, 1st National Bank Bldg., Tuscaloosa, Ala.; make changes in equipment and extend commencement date to 15 days after grant and completion date to 90 days thereafter.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit to move transmitter 200 feet from present location (one mile east of city of Kosciusko, Miss.).

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of construction permit as modified authorizing erection of a new station on 1370 kc., 100 watts, daytime, requesting approval of transmitter site at 320 N. Front Street and studio,

Hotel Wilmington, Wilmington, N. C.; install new frequency monitor and extend commencement date to 5 days after grant.

Fourth Zone

NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres., 1370 Rapid City, S. Dak.—Construction permit to erect a new station on 1370 kc., 100 watts, unlimited time.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Authority 610 to determine operating power by direct measurement of antenna.

NEW—Ray J. Arend, Rochester, Minn.—Construction permit to 1200 erect a new station on 950 kc., 100 watts, unlimited. Amended to change frequency from 950 kc. to 1200 kc. and make changes in equipment.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension 1280 of special experimental authorization to operate with 500 watts additional power night, period ending 4-1-35.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Special experi- 1380 mental authorization to operate on frequency of 1380 kc., 250 watts, with directional antenna, for period of six months.

Fifth Zone

NEW—Joseph H. Hallock, Vancouver, Wash.—Construction per- 1500 mit to erect a new station on 1500 kc., 100 watts, daytime.

NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect 1500 a new station on 1500 kc., 100 watts, 250 watts day, un- limited.

E. R. Irely and F. M. Bowles, Portable.—Construction permit for general experimental (for broadcast pickup) station to op- erate on 31100, 40600 kc., 30 watts. Amended to change frequencies to 31100, 34600, 37600 and 40600 kc.

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Modification of construc- 1310 tion permit to erect a new station on 1310 kc., 100 watts, unlimited time, requesting approval of transmitter site and to move studio from 211 San Francisco Street to same as new transmitter site, 759 Cerillos Road, U. S. Highway 66 and 85, Santa Fe, New Mex.; and extend commencement date to 10 days after grant.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.— 610 Construction permit to increase night power from 1 KW to 5 KW, and move transmitter to site to be determined.

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BROADCAST ADVERTISING IN DECEMBER

Developments of the Month

TOTAL volume of broadcast advertising remained comparatively unchanged in December as compared with the preceding month. Gross time sales of the medium amounted to \$7,176,211, and were 8/10 of one per cent less than in November.

National network advertising continued to gain, rising 1.9% above the November level. National spot volume declined 6.0% as compared with the previous month, while local broadcast advertising decreased 1.9%. At least a portion of these declines was in the nature of a seasonal trend. There was a marked decline in regional network volume, due to a cessation of political advertising.

Comparison with 1933

December broadcast advertising exhibited a marked improvement over that of the same month of 1933. Gross revenues of the medium were 16.6% greater than in December 1933. National spot volume registered the greatest increase, standing 30.3% above the level of the same period of the previous year. National network volume was 20.4% greater than during December 1933, while local broadcast advertising remained at practically the same level. Regional network advertising declined somewhat.

Comparison with Other Media

National magazines declined 13.4% as compared with November, the drop in revenues being due mainly to normal seasonal factors. Magazine advertising for the month was 10.3% above that of the same period of 1933. Newspaper volume remained steadier than usual during the month and was 11.7% greater than during December of the previous year. According to the Weld-Printers' Ink index, the gain for this medium was 9.3% after corrections had been made for seasonal trend. National farm

paper advertising was 25.2% less than in November, but 30.9% higher than during December of the preceding year.

Other Trends of the Month

Gross time sales of non-network business for stations of over 1,000 watts in power, increased 6.2% over November and were 18.0% greater than in December 1933. Non-network revenues of other class stations declined approximately 10% during the month, and stood but slightly ahead of December of the preceding year.

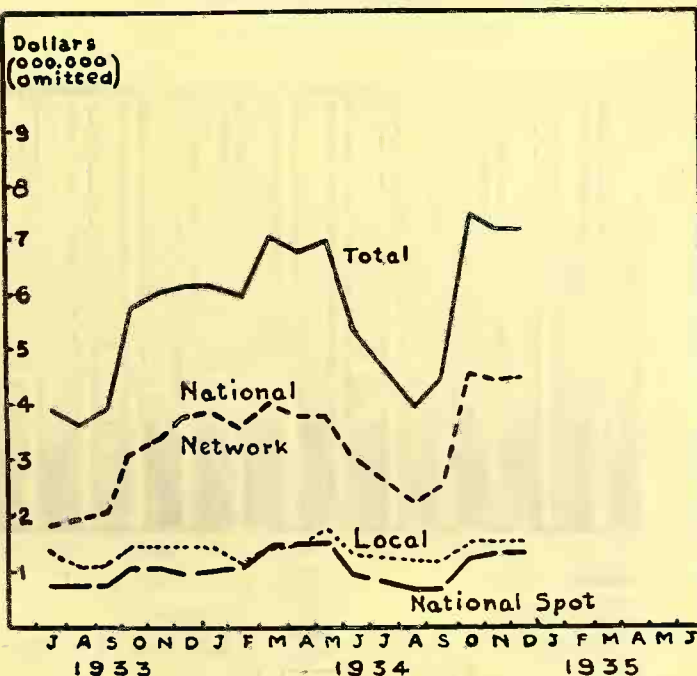
New England-Middle Atlantic and Mid-Western non-network business declined slightly during the month, while Southern and Far Western advertising increased. New England-Middle Atlantic business, however, showed a gain of 28.1% over the preceding December, with gains ranging about 4% in other districts.

Electrical transcription volume declined 15.5% in the national spot field during the month and rose slightly in the local field. National spot transcription volume was 14.4% above December 1933, local volume showing a slight decrease. National live talent business continued to increase, showing a gain of 7.8% over November, and reaching a level 70.0% higher than in December of the previous year. Local spot announcement volume rose 11.8% during the month. Announcement business was generally lower than during the same month of 1933, local business being 15.6% below that level and national business 32.8% lower.

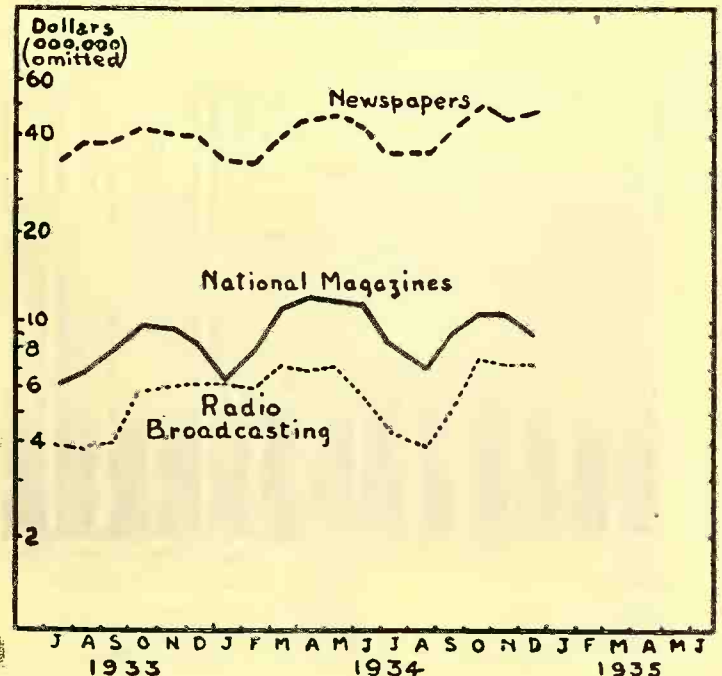
Sponsor Trends in December

Principal gains as compared with the preceding month included one of 27.1% in national network automotive volume and a doubling of national spot volume in the same field; a rise of 70.0% in national spot confectionery volume and of 44.3% in tobacco advertising in the same field; a rise of 24.0% in local apparel advertising, 41.6% in local drug advertising, 20.0% in local household equipment advertising and of 24.8% in department store vol-

RADIO BROADCAST ADVERTISING VOLUME
 July, 1933, to June, 1935

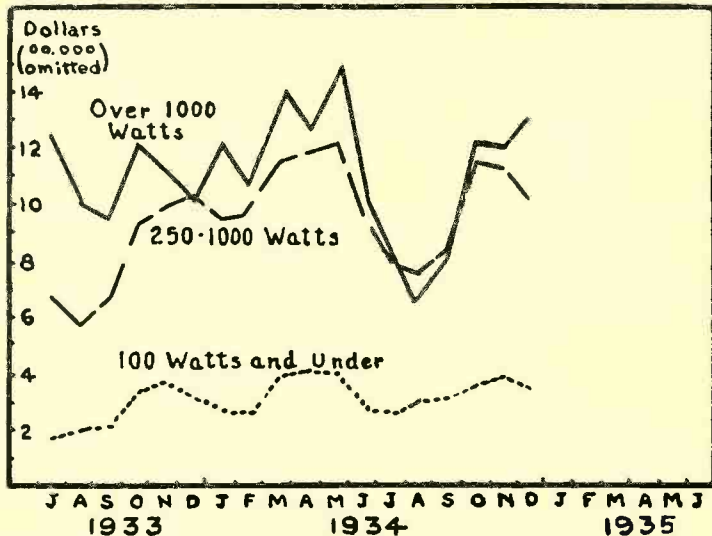


ADVERTISING VOLUME MAJOR MEDIA
 July, 1933, to June, 1935



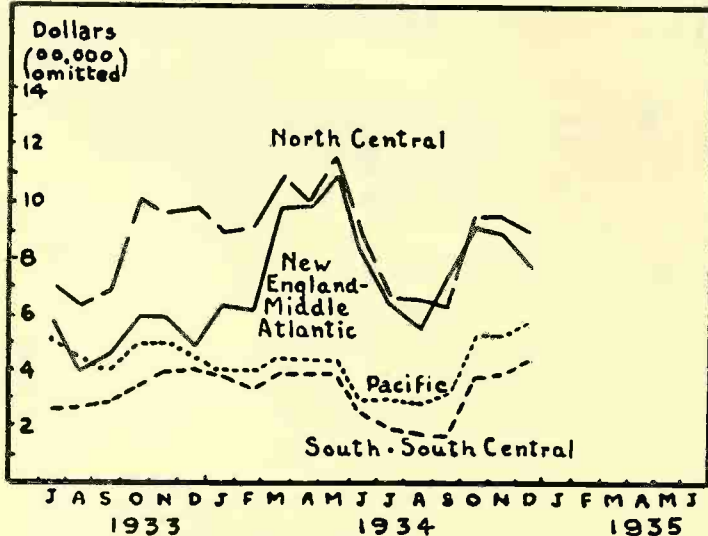
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to June, 1935



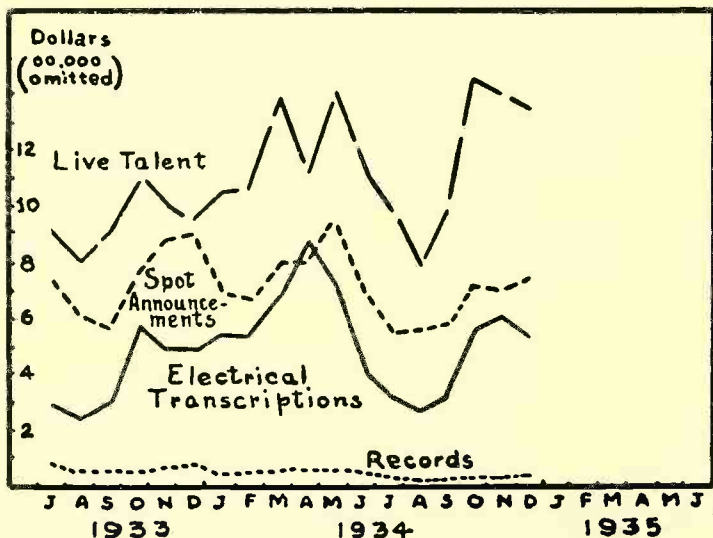
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to June, 1935



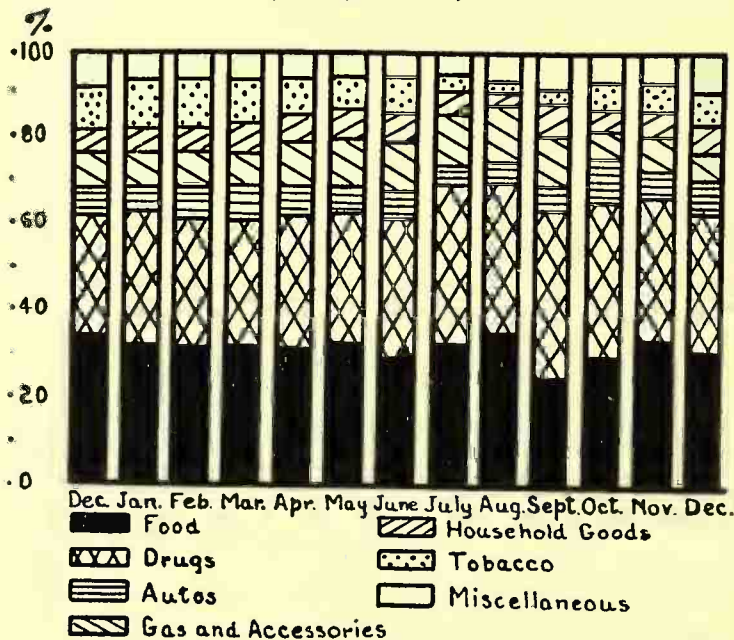
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to June, 1935



NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

Dec., 1933, to Dec., 1934



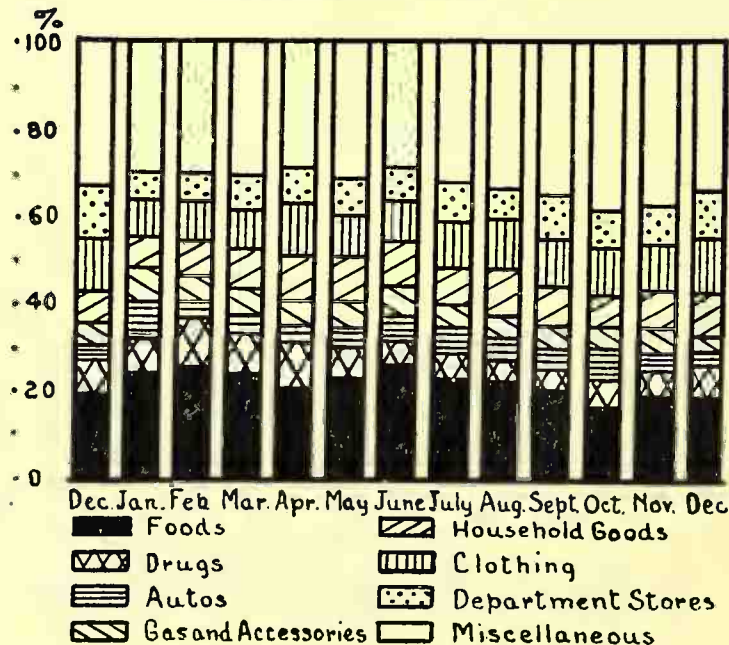
NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS

Dec., 1933, to Dec., 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

Dec., 1933, to Dec., 1934



ume. Sharp declines occurred in national network and national spot household equipment advertising, local automotive accessory and gasoline volume, network clothing, national spot cosmetic, and national spot and local radio set advertising.

The chief gains in national network advertising over December of the previous year included one of 45.5% in automotive advertising, 40.9% in drug and pharmaceutical volume, and 54.2% in soap and kitchen supply advertising. Beverage advertising was 24.4% lower than the previous December, household equipment 78.5% lower and financial volume 24.6% less.

A marked increase in clothing, beverage and financial national spot advertising, and a strong rise in accessory and gasoline, drug, food and household equipment volume in this field, also was experienced, as compared with the same period of last year. In the local field, the principal development was a 42.4% rise in household equipment advertising over that of December 1933.

A summary of trends for the various industrial groups utilizing broadcast advertising is as follows:

1a. **Amusements.** Increase of 22.7% as compared November. Decline of 26.1% compared to same month of previous year. National spot decline particularly heavy.

1. **Automotive.** National network increase 27.1% over previous month, national spot volume doubled, and local advertising up 14.5%. Increase also in regional network field. Network volume 45.5% above December previous year, national spot volume 28.8% below, and local volume unchanged.

2. **Gasoline and accessories.** National network decline 9.9% compared November. Local down 40.7%, and national spot unchanged. Regional down 58.1%. Network volume 7.6% above preceding year, national spot up 40.0%, and local down 44.0%.

3. **Clothing.** National network gained slightly over November. National spot down 15.1% and local up 24.0%. Regional gain 35.0%. Regional volume double same period 1933, national network down 16.3%, national spot increase six-fold, local increase 9.0%.

4. **Drugs and pharmaceuticals.** Network volume up 10.2%, regional volume four and one-half times preceding month, local advertising up 41.6%, and slight gain in national spot field. Regional advertising 63.0% ahead December, 1933, national spot 18.2% higher, national network 40.9% above, and local 23.1% below.

5. **Toilet goods:** Networks 4.8% below November, national spot 13.3% below, and slight gain in local business. National networks 18.5% above preceding December, local 50.0% higher, and national spot 20.0% lower. Regional business gained.

6. **Foodstuffs.** Networks 5.5% above previous month, with slight gain in regional business. National spot 3.0% ahead, and local 4.2% above. National network volume 26.0% above previous December, national spot 44.2% ahead, and local 10.1% above same period of preceding year.

7. **Beverages.** National network volume gained slightly over November, regional volume declined markedly, national spot volume decreased slightly, and local advertising rose 15.0%. Network volume 24.4% below same period 1933, due principally to decreased soft drink advertising. National spot volume three times greater and local volume up 33.1%.

8. **Confectionery.** National network volume down 2.3% compared previous month, regional business up 10.0%, national spot volume gained 70.0%, and local business tripled. Network volume 27.0% greater than preceding December, while national spot and local business doubled.

9. **Household appliances.** National network decrease 40.3% as compared November, national spot down 17.1%, regional down 4.7%, and local up 20.0%. Networks 78.5% below previous year, national spot 62.5% above, and local 42.4% above.

10. **Soap and kitchen supplies.** Networks 4.9% above previous month, national spot 24.5% lower, and slight gain in local business. Networks 54.2% ahead of preceding December, national spot increase four-fold, and local decline 50.0%.

11. **Insurance and financial.** Networks 10.0% below November, national spot even, and local gain 25.3%. Regionals 3.4% below. Networks 24.6% lower than same period 1933, national spot volume double, and local lower by 15.7%.

12. **Radio.** National networks 9.6% higher than November, national spot and local down 23.0%. Network gain over previous December 77.7%, local volume up 25.0%, and slight decrease national spot business.

13. **Department and general stores.** Local volume up 24.8% and national spot volume down slightly. Total volume 9.0% below

December preceding year. Total retail volume 13.2% greater than November and 23.0% higher than December, 1933.

14. **Tobacco products.** National network volume 5.6% higher than previous month. National spot business 44.3% above, and local volume down slightly. Network volume 16.3% lower than preceding December, national spot business five times greater, and local decline 50.0%.

15. **Miscellaneous.** Network decrease 20.1% compared November, regional volume down 50.0% due to lapse of political sponsorship, national spot down 23.6%, and local down 10.4%. Slight gain national network and local volume compared with preceding year, with 30.0% decrease in national spot business.

Retail Advertising. General retail advertising increased 13.2% over the preceding month and 23.0% over the same period of 1933. Principal gains during the month included automotive, 34.8%; drugs, 39.8%; restaurants, 37.0%; beverage retailers, tripled; household appliance, 57.4%; and miscellaneous, 55.0%. The chief gains over December of the preceding year included automotive, 32.0%; gasoline and accessory retailers, 52.0%; drugs, 83.7%; furniture, 56.2%; radio retailers, 49.7%; and miscellaneous, 70.0%.

General Business Conditions

General business conditions during December and January were the most encouraging in some time. Industrial production, according to the Federal Reserve Board index, rose in December to equal the 1930 level for that period. The rise has been a regular one in recent months, the *New York Times* index rising from 78.8% of the 1923-25 average to 86.2%. Employment and payrolls both showed increases, contrary to the usual seasonal trends. Automobile production rose from 55.1% of the 1923-25 average at the beginning of January to 88.1% on January 19. Steel reflected the increased automobile activity, the ingot production index rising from 39.5 on December 8 to 65.8 on January 19. Wholesale prices rose in January to the highest point reached since 1930, increased food and farm product prices being in the main responsible.

Distribution showed encouraging trends. Car loadings declined by less than their usual seasonal amount. Grocery chain store sales increased over the preceding month and were slightly greater than during December, 1933. Rural retail sales in December were 132.6% of the 1929-31 average, while variety store sales were 163.3% of that average. Automobile financing was 33.5% greater than during the same month of the previous year.

While business is still spotty, as evidenced by the lag in the construction industries and similar fields, continued improvement should be recorded during the next few months.

TOTAL BROADCAST ADVERTISING

Class of Business	1934 Gross Time Sales		Cumulative Jan. Dec.
	November	December	
National networks	\$4,366,453	\$4,450,523	\$42,647,081
Regional networks	107,259	63,702	717,117
National spot business	1,300,625	1,231,492	13,541,770
Local broadcast advertising	1,458,255	1,430,494	15,981,201
Total	\$7,232,592	\$7,176,211	\$72,887,169

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station ¹	1934 Gross Time Sales		Cumulative Jan. Dec.
	November	December	
Over 1,000 watts	\$1,224,730	\$1,302,276	\$13,408,584
250-1,000 watts	1,145,320	1,012,300	12,132,301
100 watts	388,830	347,410	3,982,086
Total	\$2,758,880	\$2,661,986	\$29,522,971

¹ This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Time Sales						Cumulative Jan. Dec.
	National Spot		Local		Total		
	November	December	November	December	November	December	
Electrical transcriptions	\$507,598	\$427,510	\$103,592	\$112,580	\$661,190	\$540,090	\$6,399,190
Live talent programs	570,110	614,952	833,540	731,534	1,403,650	1,346,486	14,155,399
Records	2,880	4,330	30,310	35,660	33,910	39,990	463,127
Spot announcements	220,037	184,700	490,813	550,720	710,850	735,420	8,505,255
Total	\$1,300,625	\$1,231,492	\$1,458,255	\$1,430,494	\$2,758,880	\$2,661,986	\$29,522,971

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1934 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
Radio broadcasting	\$7,232,592	\$7,176,211	\$72,887,169
National magazines ¹	10,524,546	9,115,326	116,268,492
National farm papers	462,593	349,108	5,200,067
Newspapers ²	43,366,000	44,788,000	485,481,718
Total	\$61,585,731	\$61,428,645	\$679,837,446

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.

² Estimated.

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Time Sales		
	November	December	Cumulative Jan.-Dec.
New England-Middle Atlantic Area	\$899,051	\$767,349	\$9,815,695
South Atlantic-South Central Area	398,251	422,090	3,944,650
North Central Area	946,430	911,233	10,822,445
Pacific and Mountain Area	515,148	561,314	4,940,181
Total	\$2,758,880	\$2,661,986	\$29,522,971

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1934 Gross Time Sales	
	November	December
Automobiles and accessories:		
Automobile agencies and used car dealers	\$41,872	\$54,630
Gasoline stations, garages, etc.	88,725	57,946
Clothing and apparel shops	160,660	193,030
Drugs and toilet goods:		
Drug stores	20,992	29,515
Beauty parlors	4,845	6,743
Food products:		
Grocery stores, meat markets, etc.	48,194	38,400
Restaurants and eating places ¹	16,123	22,460
Beverage retailers	830	2,060
Confectionery stores, etc.	1,344	2,686
Household goods:		
Household equipment retailers ²	23,754	35,958
Furniture stores	57,196	74,945
Hardware stores	18,260	10,535
Radio retailers	26,712	20,294
Department and general stores	134,559	163,952
Tobacco shops	937	210
Miscellaneous	62,945	95,360
Total	\$707,948	\$808,724

¹ Exclusive of hotels.

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

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS (December, 1934)

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Spot	Local	Total
1a. Amusements	—	—	\$644	\$39,030	\$39,674
1-2. Automobiles and Accessories:	\$332,805	\$530	51,602	50,626	435,563
(1) Automobiles	311,901	11,342	140,000	51,054	514,297
(2) Accessories, gas and oils	35,740	2,160	27,470	191,080	256,450
3. Clothing and apparel					
4-5. Drugs and toilet goods:	659,638	4,353	371,166	82,600	1,117,757
(4) Drugs and pharmaceuticals	813,147	1,060	51,785	22,740	888,732
(5) Toilet goods					
6-8. Food products:	971,084	25,467	250,720	212,235	1,459,506
(6) Foodstuffs	253,676	1,600	45,050	45,240	345,566
(7) Beverages	166,908	2,200	16,310	10,227	195,645
(8) Confections					
9-10. Household goods:	17,232	4,981	51,665	131,930	205,808
(9) Household equipment and furnishings	255,720	—	39,270	4,436	299,426
(10) Soap and kitchen supplies	46,346	2,000	20,480	54,535	123,361
11. Insurance and financial	95,608	—	2,700	20,251	118,559
12. Radios	—	—	8,400	155,552	163,952
13. Retail establishments	318,602	—	13,315	5,666	337,583
14. Tobacco products	172,116	8,009	140,915	353,292	674,332
15. Miscellaneous					
Total	\$4,450,523	\$63,702	\$1,231,492	\$1,430,494	\$7,176,211

The National Association of Broadcasters

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

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BROADCAST ADVERTISING IN 1934 First Comprehensive Report

The 1934 report of broadcast advertising volume makes available for the first time comprehensive data regarding all forms of radio advertising for a full calendar year. Established in July 1933, the statistical reports of the National Association of Broadcasters constitute the only source where information is available for national and local non-network and regional network advertising, in addition to the usual national network figures. The appreciation of the officers and board of the Association is extended to those stations whose cooperation has made possible the compilation and publication of these statistics.

Total Broadcast Advertising in 1934

Total broadcast advertising in 1934 amounted to \$72,887,169 and constituted a gain of 27.0% above the estimated gross time sales of the medium for the preceding year. Advertising revenues of the industry equalled, if they did not actually exceed the previous peak year of 1931, when according to estimates by the Federal Radio Commission, corrected for duplications, the total gross revenues ranged between \$70,000,000 and \$73,000,000.

The proportion of total broadcast advertising represented by national and regional networks, and by national and local non-network business is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING (1934)

Class of Business	Gross Time Sales	
National networks.....	\$42,647,081	58.5%
Regional networks.....	717,117	.9%
National spot business.....	13,541,770	18.6%
Local broadcast advertising.....	15,981,201	22.0%
Total	\$72,887,169	100.0%

National network advertising experienced the most rapid rise of any portion of the broadcasting structure. Gross time sales by national networks exceeded the 1933 level by 35.3%, and were 9.2% greater than the volume of advertising experienced during the previous peak year of 1932. Regional network volume declined slightly during the year.

Since data regarding non-network broadcast advertising is available only following July 1933, comparisons in this field must be restricted to the last six months of the year. National non-network advertising, often referred to as national spot advertising, was 16.8% greater during the latter half of 1934 than during the same period of the preceding year.

Local broadcast advertising, on the other hand, failed to register any gains. Gross time sales of this class of business were 3.2% less during the last six months of 1934 than during the corresponding portion of 1933. Improvement occurred during the latter months of the year. Whereas local advertising was 20.4% less in July 1934 than during the same month of the previous year, monthly volume either equalled or slightly exceeded that of 1933 from September to the close of the year. Improvement in retail trade and on the part of the smaller business establishments during the coming year, should aid materially in correcting the present unfavorable local situation.

National network volume has increased in relative importance in the past several years. In 1931 broadcast advertising of this type constituted but 51.2% of total radio advertising, and since then rose to 58.5%. National non-network advertising has increased slightly in importance while the proportion of total broad-

cast advertising represented by local business declined from 26.6% during the latter half of 1933, to 22.0% during 1934.

Comparison with Other Media

With the exception of farm papers, whose advertising revenues increased 29.0%, radio broadcast advertising experienced the greatest improvement of any medium. National magazine advertising rose 21.0% during 1934 as compared with the preceding year, while newspaper advertising increased approximately 10.0%. Radio broadcasting has been the only advertising medium to exceed the level of its previous peak year.

Advertising volume of various major media for the year of 1934 is found in Table II. It should be noted that some estimates of newspaper advertising volume are slightly higher than the one presented here, the *Editor and Publisher* estimate being \$490,000,000.

TABLE II
 ADVERTISING BY MAJOR MEDIA
 (1934)

Advertising Medium	Gross Time Sales	
Radio broadcasting	\$72,887,169	10.8%
National magazines ¹	116,268,492	17.1%
National farm papers	5,200,067	.8%
Newspapers ²	485,481,718	71.3%
Total	\$679,837,446	100.0%

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.

² Estimated.

Non-Network Advertising

The proportion of total broadcast advertising represented by non-network business in 1934 was 40.6%. The distribution of this business among stations of various power and in different sections of the country is found in Tables III and IV, respectively.

TABLE III
 NON-NETWORK BROADCAST ADVERTISING
 BY POWER OF STATION
 (1934)

Power of Station ¹	Gross Time Sales	
Over 1,000 watts	\$13,408,584	45.4%
250-1,000 watts	12,132,301	41.1%
100 watts	3,982,086	13.5%
Total	\$29,522,971	100.0%

¹ This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

TABLE IV
 NON-NETWORK ADVERTISING BY
 GEOGRAPHICAL DISTRICTS
 (1934)

Geographical District	Gross Time Sales	
New England-Middle Atlantic Area	\$9,815,695	33.2%
South Atlantic-South Central Area	3,944,650	13.5%
North Central Area	10,822,445	36.4%
Pacific and Mountain Area	4,940,181	16.9%
Total	\$29,522,971	100.0%

The non-network business of the smaller transmitters has increased more rapidly than has that of the larger stations. Gross time sales of 100 watt stations rose 20.1%, as measured by a comparison of the last half of 1933 and 1934 respectively, while those of stations in the 250-1,000 watt class increased 17.1%. Non-network revenues of stations over 1,000 watts in power, on the other hand, decreased 9.0%. The marked rise of national network business, in turn concentrated on the larger stations, is partly responsible for this trend.

The most marked gain of the year was made by broadcast advertising in the New England-Middle Atlantic area, other districts either gaining slightly or holding their own as compared with the preceding year.

Non-Network Advertising by Type of Rendition

Non-network advertising represented by electrical transcriptions, live talent programs, announcements and records, respectively, is found in Table V.

Several trends of importance have occurred with regard to the type of rendition used by broadcast advertisers. There has been a rather marked decline in both record and announcement business. Record programs have decreased approximately 50.0% as compared with the latter half of 1933. National announcement volume has declined 34.0%, while local announcement volume experienced a drop of 28.3%. National electrical transcription volume, on the other hand, increased 12.2% as compared with the latter half of 1933, while local transcription volume dropped 24.4% for the same period.

Undoubtedly the outstanding trend in this field has been the remarkable rise in national live talent programs during the year. Business of this type increased 62.7% during the last six months of 1934 as compared to the same period of 1933. The national live talent rise has been a comparatively steady trend since the early months of 1934.

Sponsorship of Broadcast Advertising

Dollar expenditures for time on stations and networks by various classes of business and the proportion of total advertising volume represented by each class during 1934 are found in Table VI.

In the national network field convenience goods still constitute the preponderant majority of advertising volume. In 1934 the proportion of total network advertising represented by these small, low-priced articles of mass consumption was 86.0%. The rise in importance of goods of this type has been steady since the beginning of network advertising in 1927, when they constituted approximately 30.0% of the network total.

The cosmetic industry was the largest network advertiser in 1934, accounting for 24.4% of gross time sales. Foodstuffs ranked second, drugs third, gasoline and accessories fourth and beverages fifth. The rise of cosmetics from third to first and the drop of tobacco advertising from second to sixth constitute the principal trends of importance in the field of network sponsorship since 1932.

In the regional network field convenience goods represented 72.0% of total advertising volume. Gasoline and accessory advertising ranked first, largely due to Pacific Coast volume, and accounted for 31.0% of the regional total. Food advertising ranked second with 25.1% of the entire regional volume.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF SPONSORING
(1934)

			Gross Time Sales			
Electrical transcriptions.....	\$5,090,925	37.6%	\$1,308,265	8.1%	\$6,399,190	21.7%
Live talent programs.....	5,798,723	42.8%	8,356,675	52.3%	14,155,399	47.9%
Records.....	55,847	4.1%	407,280	2.5%	463,127	1.6%
Spot announcements.....	2,596,275	15.5%	5,908,980	37.1%	8,505,255	28.8%
Total.....	\$13,541,770	100.0%	\$15,981,201	100.0%	\$29,522,971	100.0%

TABLE VI
BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1934)

					Gross Time Sales					
					National Networks		Regional Networks		National Spot	
1a. Amusements.....	—	—	—	—	\$35,742	.3%	\$514,986	3.2%	\$550,728	.8%
1-2. Automobiles and Accessories:										
1. Automobiles.....	\$2,785,685	6.2%	\$5,853	.9%	721,743	5.3%	644,545	4.1%	4,157,826	5.7%
2. Accessories, gas and oils.....	3,827,158	8.6%	222,266	31.0%	1,287,053	9.5%	901,302	5.6%	6,237,779	8.6%
3. Clothing and apparel..	372,776	.8%	15,723	2.2%	301,563	2.2%	1,690,076	10.6%	2,380,138	3.2%
4-5. Drugs and toilet goods:										
4. Drugs and pharmaceuticals...	4,804,381	11.1%	23,922	3.2%	3,134,909	23.1%	1,012,440	6.3%	8,975,652	12.3%
5. Toilet goods.....	9,400,764	24.2%	7,883	1.1%	795,945	5.8%	305,868	1.9%	10,510,460	14.4%
6-8. Food products:										
6. Foodstuffs.....	8,450,701	20.1%	178,726	25.1%	2,778,730	20.5%	2,404,898	15.1%	13,813,055	19.0%
7. Beverages.....	3,358,805	7.5%	71,319	10.0%	517,721	3.8%	774,948	4.8%	4,722,793	6.4%
8. Confections.....	1,081,363	2.4%	9,210	1.3%	335,975	2.4%	46,514	.3%	1,473,062	2.0%
9-10. Household goods:										
9. Household equipment and furnishings.....	417,168	.9%	20,502	2.8%	535,848	3.9%	1,345,497	8.4%	2,319,015	3.2%
10. Soaps and kitchen supplies.....	2,210,178	5.1%	796	.1%	515,415	3.7%	94,403	.6%	2,820,791	3.8%
11. Insurance and financial	611,822	1.3%	21,904	3.0%	201,369	1.5%	497,758	3.1%	1,332,853	1.8%
12. Radios.....	656,090	1.4%	—	—	50,382	.4%	138,938	.9%	845,410	1.0%
13. Retail establishments.	—	—	—	—	56,256	.5%	1,295,026	8.1%	1,351,282	1.9%
14. Tobacco products.....	3,181,988	7.1%	3,835	.5%	125,544	.9%	35,853	.2%	3,347,220	4.6%
15. Miscellaneous.....	1,488,202	3.3%	135,178	18.8%	2,147,575	16.2%	4,278,149	26.8%	8,049,105	11.3%
Total.....	\$42,647,081	100.0%	\$717,117	100.0%	\$13,541,770	100.0%	\$15,981,201	100.0%	\$72,887,169	100.0%

In the national non-network field, drugs ranked first in 1934 with 23.1% of the total volume. Food ranked second, the miscellaneous group third, gasoline fourth and cosmetics fifth. The principal change in composition of national non-network advertising which occurred as compared to the latter half of the preceding year was the marked decline in cosmetic advertising.

Local advertising remained comparatively stable as to composition. The miscellaneous group still comprises the largest single category of local advertising. In 1934 it comprised 28.6% of total local volume and embraced the widest possible variety of business. It is estimated that over 200 different kinds of business advertise locally over the radio each month. In 1934 retail advertising of various types comprised 44.9% of the total local business.

Trends in Sponsorship

With very few exceptions, national network advertising increased markedly over the preceding year. The greatest gain was in the soap and kitchen supply field, where 1934 revenues exceeded those of the preceding year by 134.5%. Automotive advertising rose 107.2% as compared with the preceding year. This followed a 73.0% rise in 1933 as compared with 1932.

Other important increases included the following: Gasoline and accessories, 10.3%; drugs and pharmaceuticals, 94.3%; cosmetics, 83.3%; foodstuffs, 49.5%; confectionery, 32.5%; radio receiving sets, 60.7%; tobacco, 56.8%, and miscellaneous, 53.0%.

National network advertising declined in but four fields. These decreases were as follows: Clothing, 3.7%; beverages, 9.5%; household equipment, 54.2%, and financial advertising, 49.2%.

Regional network advertising has experienced an increasing variety of sponsorship during the year. Automotive, beverage, confectionery, household equipment and tobacco advertisers have made important use of regional network facilities during the year for what is at least the first time in some months.

Miscellaneous advertising of regional networks rose 165.0% during the latter half of 1934 as compared with the same period of the preceding year, increased political programs being the cause of this trend. Other important gains included 45.0% in gasoline and accessory advertising, 73.0% in clothing advertising, 82.0% in the drug and pharmaceutical field, 23.8% in cosmetic advertising and 34.9% in the food field. The principal decrease was in soap and kitchen supply advertising, which was almost completely eliminated from the regional field.

In the national non-network field the most spectacular rise was in the tobacco field. Gross time sales to this industry were 165.0% greater during the latter half of 1934 than during the corresponding period of 1933. Other important increases included the following: Gasoline and accessories, 2.3%; clothing, 72.6%; drugs and pharmaceuticals, 52.6%; foodstuffs, 33.7%; household equipment, 76.0%; soap and kitchen supplies, 64.7%; financial advertising, 46.2%; radio receiving set advertising, doubled; and miscellaneous, 11.2%.

The following declines occurred in the national non-network field:

Amusements, 25.0%; automotive, 31.0% cosmetics, 53.0%; beverages, 46.7%; confectionery, 54.5%; and department and retail store, 37.0%.

Increases in the local broadcast advertising field included clothing, 2.1%; cosmetics, 3.0%; beverages, 18.2%; household equipment, 17.2%; radio sets, 74.1%; and miscellaneous, 8.8%. The following fields declined: Amusements, 25.3%; automotive, 10.3%; gasoline and accessories, 7.3%; drugs and pharmaceuticals, 31.4%; foodstuffs, 12.5%; confectionery, 46.5%, soap and kitchen supplies, 58.7%; financial, 7.8%; and department stores, 13.5%. It will be noted that, for the most part, the smallest declines took place in the more important fields of local broadcast advertising. Local tobacco advertising remained unchanged in volume.

A comparison of retail advertising in 1934 with any previous period is impossible due to the fact that the retail classification was first undertaken during the late months of 1933. Retail broadcast advertising during the year just passed is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING
(1934)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>	
Automobiles and accessories:		
Automobile agencies and used car dealers . . .	\$594,400	8.3%
Gasoline stations, garages, etc.	525,997	7.3%
Clothing and apparel shops	1,681,573	23.3%
Drugs and toilet goods:		
Drug stores	180,220	2.5%
Beauty parlors	59,358	.8%
Food products:		
Grocery stores, meat markets, etc.	568,157	7.9%
Restaurants and eating places ¹	222,461	3.1%
Beverage retailers	11,187	.2%
Confectionery stores, etc.	23,535	.3%
Household goods:		
Household equipment retailers ²	413,340	5.7%
Furniture stores	612,223	8.5%
Hardware stores	134,525	1.8%
Radio retailers	145,805	2.0%
Department and general stores	1,351,282	18.7%
Tobacco shops	8,896	.1%
Miscellaneous	650,109	9.5%
Total	\$7,183,069	100.0%

¹ Exclusive of hotels.

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

The National Association of Broadcasters

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

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RECOMMENDS COMMISSIONERS' CONFIRMATIONS

The Senate Committee on Interstate Commerce on Tuesday reported favorably to the Senate the nominations of Commissioners Sykes, Brown, Stewart, Payne, Walker, and Case. It is expected they will be confirmed before the end of the week. Commissioner Prall was previously confirmed by the Senate.

The report of Chairman Wheeler's committee followed extensive hearings which were concluded last Saturday morning.

COPYRIGHT UNION TREATY CONSIDERED

The Senate Foreign Relations Committee on Wednesday considered in executive session a resolution providing for the ratification of the International Copyright Convention. Adherence to the convention was opposed by the broadcasters and many other users of copyrighted works of all kinds during the last session of Congress. These groups are still opposed to ratification.

Adherence to the convention would bind the United States to pass new copyright legislation in line with the terms of the convention. The convention provides for automatic copyright, abolition of all formalities such as registration and notice, divisibility of copyright, and, among other things, would recognize the moral right of any composer or author to protect mutilation of his work by injunction.

The Committee, it is understood, will continue consideration of this matter next week. Ratification was supported by the State Department during the last session of Congress.

Senator Duffy, Wisconsin, is chairman of the subcommittee considering the matter.

SHEPARD HEADS MASSACHUSETTS COMMITTEE

Organization of the Massachusetts State Committee of the National Association of Broadcasters was completed at a meeting of broadcasters held at Boston on Tuesday. Managing Director Loucks served as chairman pro tem and explained the purposes of the committee and conducted the elections which resulted in the selection of John Shepard Third, WNAC, Boston, as chairman; J. J. Storey, WTAG, Worcester, vice chairman; and A. S. Moffat, WMAS, Boston, secretary. In addition to the above, the following were present: Roy Harlow, WAAB, Boston; Ira L. Grimshaw, WBZ, Boston; Joseph Groce, WEEL, Boston; J. A. Holman, WBZ-WBZA, Boston; F. N. Maddix, WBSO, Babson Park; Al Pote, WMEX, Boston; E. E. Hill, Worcester; Robert Donahue, WLLH, Boston; Irving Vermilya, WNBH, New Bedford; W. T. Welch, WSAR, Fall River; and J. A. Farrer, Boston attorney.

The meeting considered several bills pending before the Massachusetts legislature and agreed to appear as a body before the Joint Judiciary Committee of the Legislature in opposition to bills which would require all stations to keep accurate records of all words spoken or sung over stations and which would subject stations to penalties for defamatory statements. Chairman Shepard, it was agreed, will appear as spokesman for the Committee at the hearings to be held Thursday morning.

STATE LEGISLATION

Oregon House Bill 148, introduced by Congressman Harrison, January 28, prohibiting the advertising of alcoholic beverages in any manner, noted in NAB Bulletin January 31, has been killed, but Senator Zimmerman et al. of Oregon introduced February 4 Senate Bill 154 which also prohibits the advertising of liquor, including radio.

Iowa has introduced and passed in the House a radio receivers tax bill. This bill has now gone to the Senate Judiciary Committee for action.

Illinois House Bill 143, introduced January 29, 1935, by Congressman Adamowski, brings radio broadcasting advertising under the provisions of the fraudulent advertising act.

New York Assembly Bill 765, introduced January 30 by Congressman Doule, adds a new section 555 to the Penal Law, making it a misdemeanor for any person other than a licensed physician or surgeon to broadcast surgical or medical advice.

Wisconsin Assembly Joint Resolution 42, introduced by Congressman Blomquist, provides for a special joint legislative committee to confer with the Federal Communications Commission on the improvement of radio broadcasting in Wisconsin.

Washington H.T.N. XYZ provides for a new emergency revenue bill revising the business and occupational tax law, inheritance, and other statutes, and contains a retail sales tax of two and one-half per cent in lieu of the former half of one per cent tax on retail business.

LINE CHARGES TO BE STUDIED

A sweeping investigation of the corporate setup and charges of the American Telephone and Telegraph Company has been ordered by the Senate under the terms of a resolution reported favorably this week to the Senate by the Senate Committee on Interstate Commerce. A sum of \$750,000 is provided for the investigation, which would be undertaken by the Federal Communications Commission.

Charges for broadcast lines and public address systems would be investigated under the terms of the measure.

The resolution (S. J. Res. 46), which was introduced by Senator Burton K. Wheeler of Montana, chairman of the Committee, reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is necessary, in aid of legislation by the Congress and for the use of governmental agencies, including State regulatory commissions, for the information of the general public, as an aid in providing more effective rate regulation, and for other purposes in the public interest, that accurate and comprehensive information be procured and compiled regarding the American Telephone and Telegraph Company and other telephone companies.

"Sec. 2. The Federal Communications Commission is hereby authorized and directed to investigate and report to the Congress on the following matters with respect to the American Telephone and Telegraph Company and all other companies engaged directly or indirectly in telephone communication in interstate commerce, including all of their subsidiary, affiliated, associated, and holding companies, and any other companies in which any of them have any direct or indirect financial interest, or which have any such interest in them, or in which any of their officers or directors hold any office or exert any control, or whose officers or directors hold any office or exert any control in them—

"(a) The corporate and financial history, and the capital structure and the relationship of such company and of its subsidiary, affiliated, associated, and holding companies, including the determination of whether or not such structure may enable them to evade State or Federal regulation or taxation, or to conceal, pyramid, or absorb profits, or to do any other act contrary to the public interest.

"(b) The extent and character of intercompany service contracts and all transactions between the telephone companies and their subsidiaries, affiliated, associated, or holding companies, and particularly between the American Telephone and Telegraph Company and the Western Electric Company and other manufacturers of electrical communication equipment; the methods of publishing telephone directories and placing and charging for advertising therein; the cost of and sale prices of telephone equipment, material, or devices to telephone operating companies or users; the profits upon such sales and the effect of such sales upon the rates or upon the rate base of operating companies when used as a basis

for telephone charges in the various States or in interstate commerce; and the probable savings to telephone operating companies and the public by purchasing equipment under a system of competitive bidding.

"(c) The reasons for the failure generally to reduce telephone rates and charges during the years of declining prices; and the extent, if any, to which local subscribers or the users of toll service have borne the cost of the research developments for telephone equipment and appliances, radio, motion picture, and other inventions, including the maintenance and support of Bell Telephone Laboratories, Incorporated.

"(d) The effect of monopolistic control upon the reasonableness of telephone rates and charges, upon the methods of competition with independent telephone companies, and upon the character of services rendered, and the alleged unfair or discriminatory practices with respect to such companies, and with respect to radio broadcasting or public speaker 'hook-ups.'

"(e) The effect of mergers, consolidations, and acquisitions of control by telephone companies, including the determination of whether there has been any 'write-up' in the purchase price of property, equipment or intangibles, the fairness of the terms and conditions of any merger, consolidation, or acquisition, and the public interest therein, and the effect thereof upon rates or service.

"(f) The accounting methods of the companies, particularly with reference to depreciation accounting, apportionment of investment, revenues and expenses between State and interstate operations, employee pension funds, and valuation of properties for both rate and tax purposes.

"(g) The methods of competition with other companies or industries, including the determination of whether or not there has been any sale or refusal to buy from or sell to competing companies, or suppression of patents, and the expansion of the companies into fields other than telephone communication, including teletype service, telephoto service, telegraph service, broadcasting, motion and sound picture production and distribution, and the manufacture of electrical equipment, so far as such expansion may relate to or affect communications.

"(h) Whether or not the companies have sought through propaganda or the expenditure of money or the control of channels of publicity to influence or control public opinion, legislative or administrative action, or elections.

"SEC. 3. As used in the resolution the term 'company' shall include all subsidiary, affiliated, associated, and holding companies or corporations and all companies directly or indirectly associated or connected with telephone companies, either by direct or indirect stock ownership, interlocking directorates, voting trusts, holding or investment companies, or any other direct or indirect means.

"SEC. 4. The inquiry into certain practices of telephone carriers subject to the Communications Act of 1934, recently instituted by the Federal Communications Commission pursuant to its Telephone Division Order Numbered 11 and Statement of November 14, 1934, may be consolidated with the investigation required by this joint resolution in the manner and to the extent deemed desirable by the Commission.

"SEC. 5. For the purposes of this resolution the Federal Communications Commission is hereby authorized to hold hearings; to contract for stenographic reporting service; to utilize its regular personnel, facilities, jurisdiction, and powers insofar as practicable; and to employ for the purposes of this investigation such additional experts, including engineering, accounting, legal, and other assistants as may be found necessary, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, and to make such other expenditures, including necessary travel expenses, and expenditures for printing and binding, as it deems necessary. The Commission is also hereby authorized to have access to, upon demand, for the purposes of examination, and the right to copy, any books, papers, correspondence, memoranda, and other records of any person, partnership, company, or other organization being investigated, whether such books, papers, correspondence, memoranda, or records are in the possession of the company under investigation or are in the possession of other persons, firms, or corporations; to require by subpoena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records which the Commission deems relevant or material to the inquiry, at any designated place of hearing within the United States; to administer oaths and affirmations, to require persons, partnerships, companies, or other organizations to submit to the Commission in writing reports and answers to specific questions, furnishing such information as the Commission may re-

quire relative to the inquiry. Such reports and answers shall be made under oath or otherwise as the Commission may prescribe and shall be filed with the Commission within such reasonable period as the Commission may prescribe, unless additional time be granted in any case by the Commission. In case of contumacy or the refusal to obey any subpoena or other order issued hereunder, the Commission may invoke the aid of any court of the United States, within the jurisdiction of which such inquiry is carried on, or where such party guilty of contumacy or refusal to obey resides or has his place of business, in requiring obedience to such subpoena or other order and any such court of the United States shall have jurisdiction to issue its order enforcing such subpoena or other order of the Commission in whole or in part; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in such cases may be served wherever the defendant may be found.

"SEC. 6. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$750,000, to be made immediately available to the Federal Communications Commission for the purposes of the investigation and report herein authorized and directed, and the Commission shall make special reports to Congress on its progress and its findings in this investigation."

BILL TO CLARIFY FTC ACT

A bill to clarify the Federal Trade Commission Act, introduced by Chairman Wheeler of the Senate Interstate Commerce Committee (S. 944), was reported favorably to the Senate Tuesday. The bill would amend Section 5 of the Federal Trade Commission Act of 1914 by substituting for the first two paragraphs of Section 5 the following language:

"Unfair methods of competition in or affecting commerce and unfair or deceptive acts and practices in or affecting commerce are declared unlawful.

"The Commission is empowered and directed to prevent persons, partnerships, or corporations, except banks and common carriers subject to the Acts to regulate commerce, from using unfair methods of competition in or affecting commerce and unfair or deceptive acts and practices in or affecting commerce."

RADIO LISTENERS ABOVE AVERAGE

Results of an educational self-test broadcast recently on the weekly radio program of the U. S. Office of Education reveal a more-than-average intelligence on the part of radio listeners.

The test broadcast by the Office of Education was conducted in the field of mathematics and was one of a series of similar tests which that branch of the government plans to broadcast in response to popular demand.

The tests were so designed that a normal group of adults would give correct answers to 5 of the 10 questions. The average of the radio listeners, however, was 7 out of 10.

In commenting upon the results of the test, Commissioner of Education John W. Studebaker stated that "Information gathered by the Federal Office of Education convinces us that those who provide public entertainment are overly pessimistic about the quality of American audiences. They have swallowed the myth that we are a nation of 12-year-olds."

COMMISSION GETS DEFICIENCY

The President has signed an omnibus bill which contains a deficiency appropriation of \$480,000 for the Communications Commission. This amount of money is available from now until the end of the fiscal year, June 30, next. It is believed by members of the Commission that this will allow the Commission to go ahead with its many activities in the meantime.

RECOMMENDS NEW STATION

Abraham Shapiro applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Astoria, Ore., to use 1370 kilocycles, 100 watts power, and 7 a. m. to 8 p. m. time on the air. Ralph L. Walker (e), in Report No. I-20, recommended that the application be granted as to daytime hours but be denied in so far as it requests hours after local sunset.

The Examiner found that the applicant is qualified to construct and operate the proposed station and that there is no consistently satisfactory broadcast reception in the area the applicant proposes

to cover. But he found that "the operation of the proposed station after sunset will interfere with the fair and efficient radio service of stations now in existence, while daytime operation will not result in such interference."

SECURITIES ACT REGISTRATION

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

- Unity Gold Production Company, New York City. (2-1268, Form A-1)
- H. L. Gould, Oklahoma City, Okla. (2-1269, Form G-1)
- Gold Eagle Gold Mines, Ltd., Toronto, Canada. (2-1270, Form A-1)
- Palestine Economic Corporation, New York City. (2-1271, Form A-1)
- Investors Fund C, Inc., New York City. (2-1272, Form A-1)
- Valora Gold Exploration Company, Ltd., Toronto, Canada. (2-1273, Form A-1)
- National Associated Dealers, Inc., New York City. (2-1274, Form C-1)

LLEWELLYN GETS HEARING

George Llewellyn, former radio inspector at the Atlanta office of the Federal Radio Commission, was given a hearing before the Communications Commission on Wednesday of this week relative to charges which resulted in his dismissal from the Commission's staff in 1932.

COMMUNICATIONS COMMISSION LEGISLATION

The Senate Committee on Interstate Commerce on Wednesday favorably reported out S. 1336, an amendment to the Communications Act which would allow the Federal Communications Commission to employ a chief accountant at \$9,000 a year.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, February 11, 1935

- WBNO—Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to Edward R. Musso; 1200 kc., 100 watts, share with WJBW.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license; 830 kc., 500 watts night, 1 KW LS at Denver, unlimited time.
- WEEU—Berks Broadcasting Co., Reading, Pa.—Modification of license; 830 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 830 kc., 1 KW, daytime.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—License renewal; 830 kc., 1 KW, daytime.
- WNAC—Shepard Broadcasting Service, Boston, Mass.—C. P., 830 kc., 5 KW, unlimited time (facilities WHDH).

Thursday, February 14, 1935

- NEW—Norman Baker, Muscatine, Iowa.—C. P., 1170 kc., 5 KW, limited time.

APPLICATIONS GRANTED

- WFIC—Spokane Broadcasting Corp., Spokane, Wash.—Granted 1120 C. P. to make changes in equipment and move studio and transmitter locally.
- WPHR—WLBG, Inc., Petersburg, Va.—Granted modification of 880 C. P. to move transmitter to a location 1½ miles northeast of Petersburg; also to extend commencement date to 30 days from this date and completion date to 60 days hereafter.
- WSGN—R. B. Broyles Furniture Co., Birmingham, Ala.—Granted 1310 modification of C. P. extending completion date to February 15, 1935; also granted license covering C. P.; 1310 kc., 100 watts night, 250 watts day, unlimited time.
- WMBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted 1430 authority to determine operating power by direct measurement of antenna.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted 1410 C. P. to make changes in equipment and increase day power from 250 watts to 500 watts.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Granted C. P. 570 to make changes in modulation system.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted modification of 550 C. P. to extend commencement date to January 29, 1935, and completion date to April 29, 1935.

WSPA—Virgil V. Evans, d/b as the Voice of South Carolina, 920 Spartanburg, S. C.—Granted modification of C. P. to make changes in equipment.

KIT—Carl E. Raymond, Yakima, Wash.—Granted modification of 1310 C. P. to extend commencement date to January 10, 1935, and completion date to April 11, 1935.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted 610 authority to determine operating power by direct measurement of antenna.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted license to cover 1500 C. P.; 1500 kc., 100 watts night, 250 watts day, specified hours.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted 620 license covering C. P. authorizing changes in equipment and increase in day power from 500 watts to 1 KW; 500 watts night, 620 kc., unlimited time.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted license to 1320 cover C. P. authorizing changes in equipment and increase in day power from 1 KW to 2½ KW; 1 KW night, 1320 kc., unlimited time.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted 1430 modification of license to increase day power from 500 watts to 1 KW.

WTAW—Agricultural & Mechanical College of Texas, College 1120 Station, Tex.—Granted modification of license to change hours of operation from daily except Sundays, 11:50 a. m. to 12:30 p. m.; Sundays only, 8:30 to 9:30 a. m.; Mondays and Fridays, 8 to 9 p. m., CST, to: Daily, except Sundays, 12 noon to 12:50 p. m.; Sundays only, 8:30 to 9:30 a. m.; Mondays and Fridays, 8 to 9 p. m.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted 580 modification of license to use old 1-KW transmitter as auxiliary when licensed for 2½ KW.

KGCC—E. E. Krebsbach, Wolf Point, Mont.—Granted modification of license to make changes in specified hours.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—1240 Granted special experimental authorization to operate on 1240 kc., 1 KW power, from 1 to 6 a. m., CST, for period February 11 to March 1, 1935.

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Granted 570 special experimental authorization to operate on 570 kc., 500 watts, from 1 to 6 a. m., CST, period February 11 to March 1, 1935.

W9XBY—First National Television, Inc., Kansas City, Mo.—Granted license to cover C. P.; 1430 kc., 1 KW, unlimited time. (Exp.-Exp. Broadcast.)

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted C. P. (gen. exp.), 31600, 35600, 38600, 41000, 86000-400000 kc., 50 watts.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo., Portable-Mobile.—Granted C. P. (gen. exp), 31600, 35600, 38600, 41000, 86000-400000 kc., 50 watts.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo., Portable-Mobile.—Granted C. P. (gen. exp), 31600, 35600, 38600, 41000, 86000-400000 kc., 1½ watts power.

SPECIAL AUTHORIZATIONS GRANTED

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted extension of special temporary authorization to continue operating daily until 6:30 p. m., CST, and on Sunday nights beginning at 9:30 p. m., CST, with reduction of power to 1 KW, for term beginning February 1 and ending August 1, 1935. (Action of January 8 reconsidered.)

KALE—KALE, Inc., Portland, Ore.—Granted special temporary authorization to operate from 7:30 to 8 p. m., PST, February 9, 11 and 16, 1935, and March 2, provided station KFJR remains silent, in order to broadcast college basketball games.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted special temporary authorization to operate from 2 to 3 a. m., CST, February 17, 1935, in order to broadcast DX program.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authorization to operate a 20-watt portable transmitter on 1420 kc. in vicinity of Ponce, P. R., between 1 and 6 a. m., AST, for period not to exceed 30 days, to determine location for transmitter. (The Commission reconsidered its action of January 11, 1935, in granting the above authority and granted same for the period beginning March 1 and ending March 30, 1935. Call letters changed to WPRF from WMFK on January 18, 1935.)

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—C. P. to make changes in equipment and increase power from 250 watts to 1 KW.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 658 Tire & Vulcanizing Co., Springfield, Tenn.—C. P. (amended re frequency) to move transmitter and studio from Springfield to Nashville, Tenn.; change frequency from 1210 kc. to 1370 kc.

NEW—Eugene DeBogery, d/b as Brownsville Broadcasting Co., Brownsville, Tex.—C. P. for new station; 1370 kc., 100 watts, unlimited time.

WBAA—Purdue University, W. Lafayette, Ind.—Modification of license for additional hours: 7 to 8 p. m., Mondays, Wednesdays, and Fridays. No change 890 kc., 500 watts night, 1 KW day.

WRBZ—James F. Kyler, Ponca City, Okla.—Consent to involuntary assignment of license from Charles Lewis Carrell (deceased) to James F. Kyler, representative of Adelaide Lillian Carrell, widow of licensee.

MISCELLANEOUS

W8XO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental station license for experimental service, effective February 21, 1935, to expire May 21, 1935, in exact conformity with existing license.

NEW—Herbert H. Fette, Meriden, Minn.—C. P. for new station, 1310 kc., 100 watts, daytime hours, heretofore set for hearing, was dismissed at request of applicant.

NEW—Liner's Broadcasting Station, Inc., Alexandria, La.—C. P. to erect a new station at Alexandria, 1370 kc., 100 watts, daytime only, heretofore set for hearing, was dismissed at request of applicant.

NEW—Federal Broadcasting Corp., New York City.—C. P., 810 kc., 500 watts day, limited time (facilities of WNYC), heretofore set for hearing, was denied because applicant failed to file appearance and statement of facts in accordance with Rule 48 (b).

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Denied petition that Commission reconsider its action in refusing to grant authority to operate with 25 KW at night. Application ordered to hearing docket.

WHBL—Press Publishing Co., Sheboygan, Wis.—Denied petition that Commission reconsider its action in designating the application for modification of license for hearing and grant same. Applicant seeks authority to operate on 1300 kc., 250 watts night, 500 watts day, unlimited time. Application to be heard as heretofore ordered by the Commission.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Denied petition that Commission reconsider its action in designating for a hearing application for C. P. to authorize changes in equipment and increase in day power to 5 KW. Application to be heard as heretofore ordered.

NEW—Miss. Broadcasting Co., Inc., E. St. Louis, Ill.—Reconsidered and granted application for C. P. for new broadcasting station at E. St. Louis, Ill., to operate on 1500 kc., 100 watts night and day.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Denied petition to continue the hearing on application of Radio Service, Inc., for the establishment of a new station at Redlands, Calif., to operate on 820 kc., 100 watts, daytime.

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Denied petition to continue the hearing of J. C. and E. W. Lee for authority to erect a new station at Riverside, Calif.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted extension of 15 days from February 8, 1935, within which to file exceptions to Examiner's Report in re the application of said Stenger (WBAX), Docket Nos. 2327 and 2550, and of the Sunbury Broadcasting Corp. (WKOK), Docket Nos. 2419 and 2480.

NEW—Liner's Broadcasting, Inc., Alexandria, La.—Dismissed at the request of applicant his application for C. P. to erect a new station in Alexandria to operate on 1370 kc., 100 watts, daytime only.

WKEU—Radio Station WKEU, Lagrange, Ga.—Reconsidered and granted application to move station and studio to Griffin, Ga., and to operate during unlimited daytime hours. Protest of WRGA, Rome, Ga., dismissed.

Evangeline Broadcasting Co., Lafayette, La.—Granted authority to take depositions at Shreveport and Lafayette, La., in support of application for the construction of a new broadcasting station at Lafayette, La., to operate on 1310 kc., 100 watts, unlimited time.

American Medical Assn., Chicago, Ill.—Denied petition to intervene at hearing of application of Norman Baker for C. P. to erect a new radio broadcasting station at Muscatine, Iowa. Action does not preclude Commission from offering any competent evidence which petitioner may have available for the hearing.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Denied special temporary authorization to operate with reduced power at new location authorized by C. P., for period January 31 to February 9, 1935.

APPLICATIONS RECEIVED

First Zone

WGNV—Peter Geolet, Chester, N. Y.—Construction permit to 640 change frequency from 1210 kc. to 640 kc.; install new equipment; increase power from 100 watts to 500 watts; change hours of operation from share-WBRB, WFAS, and WGBB to limited time; and move transmitter and studio from Robert Geolet Estate, Chester Township, New York, to site to be determined, probably Chester Township, New York.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification of license to use transmitter of WNEW.

NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit 1210 to erect a new station to operate on 1210 kc., 100 watts, unlimited time. Amended as to location of transmitter.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of 1200 construction permit to erect a new station to operate on 900 kc., 500 watts, daytime, requesting change of frequency from 900 kc. to 1200 kc., power from 500 watts to 100 watts, 250 watts day, hours of operation from daytime to unlimited, and extend commencement and completion dates. Also make changes in equipment.

NEW—The Hartford Times, Inc., John F. Rolfe, Treas., Hartford, 1200 Conn.—Construction permit for a new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WOCL—A. E. Newton, Rochester, N. Y.—Construction permit to 1210 install new equipment, move transmitter from 840 N. Main St., Jamestown, N. Y., to Genesee Valley Trust Bldg., Broad and Exchange Sts., Rochester, N. Y., and studio from 122 W. Third St., Jamestown, N. Y., to Genesee Valley Trust Bldg., Broad and Exchange Sts., Rochester, N. Y., and increase power from 50 watts to 100 watts night, 250 watts day.

WESG—Cornell University, Ithaca, N. Y.—Special experimental 850 authorization to operate on 850 kc., 1 KW, daytime to sunset at dominant station (WWL), period ending 8-1-35.

Second Zone

WSAN—WSAN, Incorporated, Allentown, Pa.—Modification of 1440 license to increase power from 250 watts to 500 watts day and night.

WCBA—P. Bryan Musselman, Allentown, Pa.—Modification of 1440 license to increase power from 250 watts day and night to 500 watts day and night.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement of antenna.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construction permit to move transmitter from 2201 Broadway to northwest corner 8th and Terrell Sts., Paducah, Ky.

WMBG—Havens and Martin, Inc., Richmond, Va.—License to cover construction permit (B2-P-44) to increase power and make equipment changes.

Tom Warner, Mobile (Airplane), Cincinnati, Ohio.—Construction permit to erect a new broadcast pickup station to be operated on 2150 kc., 25 watts.

Third Zone

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—Construction permit to erect a new station to operate on 1500 kc., 100 watts, unlimited.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension of special experimental authorization to operate with additional 750 watts, daytime, during period 3-1-35 to 9-1-35.

NEW—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, unlimited. Amended: Transmitter site to be determined, Pecos, Tex.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Construction permit to make equipment changes, increase day power from 2½ KW to 5 KW.

KFRO—Voice of Longview, Longview, Tex.—License to cover construction permit (3-P-B-3052) as modified to erect a new station on 1370 kc., 100 watts, daytime.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Voluntary assignment of license to Ormond O. Black and Mary Collett Black (Lessees).

NEW—A. I. Chilton, Kilgore, Tex.—Construction permit to erect a new station to operate on 990 kc., 500 watts, daytime.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Modification of license to change frequency from 1200 kc. to 1500 kc. and hours of operation from share-WJBW to unlimited.

NEW—Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.—Construction permit to erect a new station to operate on 1370 kc., 100 watts, unlimited.

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to use WE 6-B transmitter as an auxiliary during special experimental authorization period to operate until 11 p. m., EST, period ending 8-1-35 (power 1 KW).

NEW—Fred L. Packard, S. Hepp and Judge J. W. Shulman, d/b as Acme Broadcasting Co., Huntington Park, Calif.—Construction permit to erect a new station on 1300 kc., 500 watts, shares-KFAC. Requests facilities of KFAC. Amended to change frequency to 1370 kc., 100 watts power, daytime, and omit request for facilities of KFAC.

Fourth Zone

KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Construction permit to install new equipment and increase power from 2½ KW to 5 KW day.

NEW—Oscar C. Hirsch, Cape Girardeau, Mo.—Construction permit to erect a new station to operate on 930 kc., 1 KW, daytime.

NEW—Black Hills Broadcast Co., Robert Lee Dean, Exec. Pres., Rapid City, S. Dak.—Construction permit to erect a new station to operate on 1370 kc., 100 watts, unlimited. Amended as to equipment and transmitter location.

NEW—Radio Chapel of the Air, Rev. Robert E. Connely, Pres., Minneapolis, Minn.—Construction permit to erect a new station to operate on 1370 kc., 100 watts, unlimited.

NEW—Edward Hoffman, St. Paul, Minn.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, unlimited time. Amended to change frequency from 1310 kc. to 1370 kc.

WIBU—Wm. C. Forrest, Poynette, Wis.—License to cover construction permit (B4-P-162) to increase day power from 100 watts to 250 watts and install new equipment.

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to move transmitter from Mooseheart, Ill., to Des Plaines, Ill.

WDGY—Dr. George W. Young, Minneapolis, Minn.—License to cover construction permit (B4-P-188) to increase day power and make equipment changes.

NEW—Walker Jamar, Duluth, Minn.—Construction permit to erect a new station to operate on 1200 kc., 100 watts, unlimited. Amended as to equipment.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification of special experimental authorization to operate on 1 KW, 2½ KW day, with 5-KW transmitter, at new site to be effected when station begins equipment and program tests under terms of modification of construction permit, for period ending 3-1-35.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification of construction permit (B4-P-181) authorizing change of transmitter site from approximately 5 miles from Waterloo, Iowa, to site to be determined near Cedar Rapids, Iowa, and studio from Third and Lafayette Sts., Waterloo, Iowa, to 3d Avenue and 3d St., Cedar Rapids, Iowa, requesting approval of transmitter site as Marion Township, Iowa; to install new equipment and extend commencement date to 60 days after grant and completion date to 90 days thereafter.

W9XAL—The First National Television Corp., Kansas City, Mo.—License to cover construction permit for additional transmitter to operate on 42000-56000, 60000-86000 kc., 150 watts.

WMFG—Head of the Lakes Broadcasting Co., Duluth, Minn.—Modification of construction permit to erect a new station on 1210 kc., 100 watts, unlimited time, requesting extension of completion date from 2-16-35 to 5-16-35.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modification of construction permit (B4-P-182) authorizing move of transmitter from 3d Ave. and 3d St., Cedar Rapids, Iowa, to site to be determined near Des Moines, Iowa, and studio from Montrose Hotel, 3d Ave. and 3d St., Cedar Rapids, Iowa, to 715 Locust St., Des Moines, Iowa, requesting approval of transmitter site as north of Des Moines, Iowa; to make changes in equipment and extend commencement date to 30 days after grant and completion date to 6 months thereafter.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Construction permit to change frequency from 1440 kc. to 900 kc., hours of operation from shares-WMBD to daytime only, and move transmitter from 600 State St. to 510 Main St., Quincy, Ill.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license to change hours of operation from shares-WTAD to unlimited.

W9XEJ—Perkins Brothers Co., Portable-Mobile.—License to cover construction permit for general experimental station to operate on 31100 to 40-4600 kc., 2.7 watts.

Fifth Zone

NEW—Metro Broadcasting Co., A. Tornek and R. Lillie, Los Angeles, Calif.—Construction permit amended to request authority to erect a new station on 820 kc., 250 watts, limited time.

KLS—E. N. and S. W. Warner, d/b as Warner Brothers, Oakland, Calif.—Modification of license to change frequency from 1440 kc. to 1280 kc., hours of operation from daytime to unlimited, and power from 250 watts day to 250 watts day and night.

KGFL—KGFL, Inc., Roswell, N. Mex.—Modification of license to change hours of operation from share-KICA to specified hours (contingent upon the grant of application to KICA for specified hours).

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Modification of license to change hours of operation from share-KGFL to specified hours (contingent upon the grant of application to KGFL for specified hours).

NEW—Clark Standiford, Porterville, Calif.—Construction permit to erect a new station to operate on **1420 kc.**, 100 watts, unlimited.

NEW—Louis O. Holzman, Hilo, Hawaii.—Construction permit to erect a new station to operate on **1420 kc.**, 100 watts, unlimited.

NEW—Ward Walker, Seattle, Wash.—Construction permit to erect a new station to operate on **760 kc.**, 250 watts night, 500 watts day, unlimited. Requests facilities of KXA.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Extension of special experimental authorization to operate on **710 kc.**, 250 watts, unlimited time, for period ending 8-1-35.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification of construction permit (5-P-B-3274) as modified authorizing installation of new equipment and increase of power from 1 KW to 1 KW, 2½ KW day, requesting installation of new equipment, increase of power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, and extension of commencement date to 60 days after grant and completion date to 180 days thereafter.

KGHL—Northwestern Auto Supply Co., Billings, Mont.—Extension of special experimental authorization to operate on **780 kc.** from 2-1-35 to 5-1-35.

The National Association of Broadcasters

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

NAB REPORTS

Copyright, 1934. The National Association of Broadcasters



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ACTION ON COPYRIGHT UNION DEFERRED

The Senate Foreign Relations Committee on Wednesday postponed action until a later date on the International Copyright Union treaty.

The Department of State has consistently urged adherence by the United States to the international copyright treaty which would grant copyright on all literary and artistic works simultaneously throughout most of the civilized world.

When the treaty was up for consideration a year ago it was opposed by spokesmen for labor, newspaper publishers, book publishers, motion picture interests, broadcasters and other users of copyrighted works.

The treaty would make necessary broad revision of our existing copyright statutes providing for automatic copyright, that is, copyright without notice or registration, and would grant to the author or composer a right to prevent a mutilation of his work which might be prejudicial to his honor.

In deferring action on the treaty the Senate Committee directed the Department of State to call a conference of interested groups for the purpose of agreeing upon a bill to revise the copyright laws which would enable the United States to adhere to the treaty.

The groups which opposed the measure last year again voiced their objection to the measure, asking that no action be taken on the treaty until our domestic law was amended. The State Department has been engaged in drafting such amendments to our copyright laws and undoubtedly these will be made the basis of the conferences to begin shortly.

Nearly all interested groups are desirous of having revision of our antiquated copyright statutes but there is apparently a wide divergence of opinion as to the form such revision should take. For example, all users of copyrighted musical works are opposed to the statutory minimum of \$250 which gives copyright owners, banded together, the power to arbitrarily fix license fees.

The question of copyright revision has been before Congress for many years but efforts to secure changes in the law have always been frustrated.

The conferences scheduled at present constitute the most important development in connection with the general subject of copyright in recent years.

Whether or not the Department of Justice, which has instituted an anti-trust suit against the American Society of Composers, Authors and Publishers, will participate in the State Department conferences is not known at this time.

RADIO ADVERTISING CONSIDERED

The following letter, addressed to Philip G. Loucks, Managing Director of the NAB, was received this week from George Dock, Jr., public relations adviser for the Federal Home Loan Bank Board:

"I am very glad that you called up this morning to protest against my recent letter, quoted in the press, with regard to the value of newspaper advertising in giving the public the facts about federal savings and loan associations. My opinion as to the advantages of newspapers as an advertising medium was specifically qualified to embrace their local character and field of operation, and has no bearing on the superiority of spot radio in reaching a wider public or of the radio networks and magazines in covering the entire nation.

"Incidentally, the point may be misunderstood from the newspaper article which you mentioned that federal funds are to be spent under this program for newspaper space for federal savings and loan associations. This is not at all the case. Every penny of newspaper space used for federal savings and loan advertising must be paid for entirely by the individual associations which place the advertisements. The same principle applies to the use of radio time, direct mail or any other form of advertising. Our only part

in this advertising program is to prepare at every small cost, and send out to all associations some basic material which they can use if they see fit for direct mail, newspaper, radio or outdoor advertising. Many of the associations are using none of our material but are preparing all of their own advertising in their own offices. We strongly encourage this practice, our own part being simply to help these institutions in getting promptly under way as mutual thrift and lending agencies in the service of their local communities.

"As I mentioned on the telephone, there are some 700 federal savings and loan associations so far chartered and in operation, in about 650 different towns and cities. More than 600 of these associations are new organizations, whose small share capital and operating income could not permit the expenditure of more than a few dollars a month for advertising. Some cannot yet afford to advertise at all.

"In the initial stages of these associations during the past year, the use of direct mail advertising was imperative. Their immediate task was to enlist the savings of a nucleus of small and large investors personally known to the organizers. No money was available to reach a larger audience.

"As a result of such direct mail advertising, most of the new associations have recently increased their share capital and are getting into a position where they can afford to undertake broader advertising, in carrying out their program to make their merits clear to the people of the communities. As you perhaps know, a federal savings and loan association must confine its lending operations almost entirely within a 50-mile radius of its own offices.

"Some of the larger federals now in operation represent conversions from long-established building and loan associations. They, accordingly, have more substantial capital, and are able to do more extensive advertising than the new associations which represent so great a majority of all federals so far in operation. Many of the converted institutions are using paid radio advertising, and report splendid results. In fact, several of these converted federals have been using radio advertising consistently for years, even prior to their conversion into federal savings and loan associations, and we would urge their continuance of radio because it has proved profitable.

"In our opinion, any federal savings and loan association whose size and financial position justifies it, would benefit by the use of paid radio advertising. With that possibility in view among an increasing number of associations as time goes by, we have already laid plans for direct cooperation with all the federal associations in the preparation of local radio programs which will present the salient points of the federal savings and loan plan to the listening public, just as we have done in the past in the form of direct mail, and are doing now with regard to newspaper advertising. In other words, while we now advocate newspapers as the best immediate medium that is within the means of most federals, we are giving equal attention to radio as a subsequent step.

"The problem of media is largely a matter of cost. While hundreds of radio stations throughout the country have been most generous in contributing time to speakers dealing with federal savings and loan associations, it is only reasonable to look forward to the time when a considerable number of these thrift and home-financing institutions can afford to set up appropriations for regular paid radio broadcasting programs on a weekly or daily basis as an important integral part of their public relations effort.

"I hope this letter may make clear that my statement as to the merits of newspaper advertising in the light of the present stage of development of the federal savings and loan associations was in no way meant as a reflection against radio advertising in approaching the somewhat wider market involving a heavier advertising outlay. As I mentioned on the telephone, I was closely connected with one of the regular weekly radio programs for several years, have often had occasion to recommend radio advertising, and consider it one

of the main potential methods by which the federal associations can develop their usefulness to the public. On the other hand, I hope that you will agree that under the circumstances which I have pointed out, newspaper space represents the most economical and efficient way in which these local institutions can undertake the immediate job of building beyond the small circle of personal and business acquaintances who form the initial organization of any such thrift institution."

WLW DECISION DEFERRED

Argument on the appeal of WLW against a decision of the FCC reducing WLW's night power from 500 kilowatts to 50 kilowatts was heard by the District of Columbia Court of Appeals on Monday, February 11. The court withheld its decision for a period of one week to allow it to examine the documents filed in the case, and continued the stay order previously granted until that time.

Counsel for WLW contended that the Commission had acted contrary to law in failing to renew its authority to use 500 kilowatts without a hearing. Counsel for the Commission argued that the matter was purely a political question and not one for the Court's consideration.

CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry, at its meeting on February 9, 1935, instructed the Executive Officer to present a plan for consideration at the next meeting looking to the creation of regional Code Authorities. The purpose of this plan is to facilitate the work of the Code Authority in expediting settlement of complaints.

SECURITIES ACT REGISTRATION

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

- Standard Capital Company, Wilmington, Del. (2-1275, Form A-1)
- George N. Armsby et al., New York City. (2-1276, Form F-1)
- Murwood Gold Mines, Ltd., Toronto, Canada. (2-1277, Form A-1)
- Federal Woods Products Corporation, Pikesville, Tenn. (2-1278, Form A-1)
- Gyro Air Lines, Inc., Denver, Colo. (2-1279, Form A-1)
- Northwestern Natural Gas Committee, Seattle, Wash. (2-1280, Form D-1)
- Bondholders Committee, Adlon Apts., St. Louis, Mo. (2-1281, Form D-1)
- M. M. Halligan, St. Louis, Mo. (2-1282, Form E-1)
- Cavalier Oil Company, Houston, Tex. (2-1283, Form A-1)
- Salt Dome Oil Corporation, Houston, Tex. (2-1284, Form A-1)
- Corporate Equities, Inc., New York City. (2-1285, Form C-1)
- Massachusetts Investors Trust, Boston, Mass. (2-1286, Form A-1)

COMMISSIONERS CONFIRMED

Federal Communications Commissioners Sykes, Brown, Case, Stewart, Walker and Payne were confirmed by the Senate February 7.

PRESIDENT SIGNS BILL

President Roosevelt announced Wednesday that he had signed a bill containing an appropriation of \$480,000 deficiency for the Federal Communications Commission.

ARNOLD APPOINTED CHIEF EXAMINER

Col. Davis G. Arnold, of Rhode Island and Washington, was appointed this week by the Communications Commission to be the Chief Examiner to head the Examiners' Division. The Examiners' Division will be a separate department reporting directly to the Commission.

Colonel Arnold has served on the legal staff of the Commission since September 1, 1934. He has had wide experience in legal and organization work which, the Commissioners believed, especially qualified him for the task of setting up and prosecuting the work of the Examiners' Division.

FURTHER COMMISSION APPROPRIATIONS

The Senate this week, without discussion, passed the Wheeler resolution providing for an appropriation of \$750,000 for the Fed-

eral Communications Commission with which to carry on its investigation of the American Telephone & Telegraph Company and other telephone companies and their subsidiaries.

A favorable report on a similar resolution has already been made to the House.

Senator King of Utah, during the passage of the resolution in the Senate, made an effort to have the amount reduced to \$500,000, but Senator Wheeler was insistent on the full amount and that was the way it finally passed.

AMEND COMMUNICATIONS ACT

The Senate this week passed S. 1336, which allows the Federal Communications Commission to employ a chief accountant and not more than three assistants. The chief will be paid \$9,000 a year salary. The Commission has been unable to employ a chief accountant because no provision was made in the original law for this position.

LICENSE RENEWAL APPLICATIONS DUE

According to FCC Rule 27, renewal applications from stations operating on the following frequencies are due March 1: 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1450, 1460, 1470, 1480, and 1490 kilocycles.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, February 18, 1935

- KFBK—James McClatchy Co., Sacramento, Calif.—C. P., 1490 kc., 5 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.
- NEW—Radio Service, Inc., Riverside, Calif.—C. P., 820 kc., 100 watts, daytime.
- NEW—Radio Service, Inc., Redlands, Calif.—C. P., 820 kc., 100 watts, daytime.
- NEW—Metro Broadcasting Co., East Los Angeles, Calif.—C. P., 820 kc., 100 watts, limited with WHAS.
- NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—C. P., 1500 kc., 100 watts, unlimited time.
- NEW—A. H. Sconberg, Salinas, Calif.—C. P., 1500 kc., 100 watts, unlimited time.
- NEW—Bailey Brothers, San Diego, Calif.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—W. L. Gleeson, Salinas, Calif.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—J. C. and E. W. Lee, Riverside Broadcasting Corp., Riverside, Calif.—C. P., 820 kc., 250 watts, daytime.
- NEW—Fred L. Packard and A. Rosenberg, Los Angeles, Calif.—C. P., 1160 kc., 250 watts, daytime.
- KGFJ—Ben S. McGlashan, Los Angeles, Calif.—C. P., 1200 kc., 100 watts night, 250 watts day, 250 watts from 12 midnight to 6 a. m.; unlimited time.
- NEW—Hauser Radio Co. (C. R. Hauser and John McGinniss), Ventura, Calif. (P. O. Los Angeles)—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Richard Field Lewis, Del Monte, Calif.—C. P., 1210 kc., 100 watts, daytime.

Wednesday, February 20, 1935

- NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Evangeline Broadcasting Co., Lafayette, La.—C. P., 1310 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- WJMS—WJMS, Inc., Ironwood, Mich.—Granted C. P. to move 1420 transmitter locally in Ironwood.
- WREC—WREC, Inc., Memphis, Tenn.—Granted C. P. to make 600 changes in equipment.
- NEW—Milwaukee Broadcasting Co., Milwaukee, Wis. (site to be 1310 determined).—Granted C. P. for new station to operate on 1310 kc., 100 watts, daytime.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted 1370 modification of C. P. to extend completion date from 2-11-35 to 4-11-35.
- KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted modification of 1310 C. P. for approval of transmitter site and change studio to

same location; also extend commencement date to within 10 days after this date.

WFI—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification of license to change hours of operation from sharing with WLIT to unlimited, and change call letters.

WAGF—John T. Hubbard and Julian G. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted C. P. to make changes in equipment, increase day power from 100 to 250 watts, and change hours of operation from daytime and specified hours Sunday to daytime only.

WHEF—The Attala Broadcasting Corp., Kosciusko, Miss.—Granted 1500 C. P. to move transmitter locally 200 feet from present location.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted extension of 550 special experimental authority to operate with 1 KW day and night for period ending September 1, 1935; frequency 550 kc., unlimited.

W9XEJ—Perkins Bros. Company, Portable-Mobile, Sioux City, Iowa.—Granted license to cover C. P., 31100 to 40-4600 kc., 2.7 watts.

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Granted 1550 license to cover C. P. (exp. broadcast), 1550 kc., 1 KW, unlimited.

W9XAL—First National Television Corp., Kansas City, Mo.—Granted modification of license for an additional transmitter.

NEW—E. R. Irely and F. M. Bowles, Portable (Calif.)—Granted C. P. (exp. broadcast pickup), frequencies 31100, 34600, 37600 and 40600 kc., 30 watts.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—1370 Granted special temporary authorization to operate from 8:15 to 9:15 p. m., CST, February 15th, in order to broadcast local election results. Also to operate 6:30 to 9:15 p. m., CST, February 18th.

SET FOR HEARING

NEW—P. A. McBride, Ironton, Ohio.—C. P. for new station; 1500 1500 kc., 100 watts, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P. to 1270 make changes in equipment and increase day power from 2½ to 5 KW.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of 1390 C. P. to change frequency from 1200 kc. to 1390 kc.; change time of operation to daytime only, or until 7 p. m. when sunset occurs before 7 p. m.; and extend commencement date from 11-10-34 to 10 days of grant and completion date from 2-11-35 to 60 days thereafter.

WBCM—James E. Davidson, Bay City, Mich.—Modification of 1410 license to increase day power from 500 watts to 1 KW.

KVL—KVL, Inc., Seattle, Wash.—Modification of license to change 1070 frequency from 1370 kc. to 1070 kc. and surrender 100 watts night-time operation and increase day to full-time operation.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of 630 license to change frequency from 1240 kc. to 630 kc.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—610 C. P. to increase night power from 1 KW to 5 KW and and move transmitter to site subject to Commission's approval; to be heard before the Broadcast Division en banc on March 27, 1935.

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—1370 C. P. for new station; 1370 kc., 100 watts, unlimited time (site to be determined).

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—1290 C. P. to make changes in equipment and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P. to change 1350 frequency from 1210 kc. to 1350 kc.; change power from 100 watts night, 250 watts day, to 500 watts; install new equipment; and change transmitter location to intersection of Broad Street Road and Staples Mill Road, near Richmond, Va., employing directional antenna.

KPRC—Houston Printing Co., Houston, Tex.—Special experimental 920 authority to increase night power from 1 to 5 KW. (Licensed on 920 kc., 1 KW night, 2½ KW day, unlimited time. Has special authority to use 5 KW day.) To be heard before the Broadcast Division March 27, 1935.

KMAC—W. W. McAlister, San Antonio, Tex.—Special experimental 940 authority to move transmitter to location near San Antonio, make changes in equipment, change frequency from 1370 kc. to 940 kc., increase power from 100 watts to 1 KW, and increase hours of operation from sharing with KONO to

unlimited. Formerly requested 1290 kc.; now amended to request 940 kc. under S. A.

NEW—Centennial Broadcasting Corp., Dallas, Tex. (exact transmitter site to be determined).—C. P. for new station; 1200 1200 kc., 100 watts, unlimited (formerly filed in name of Neth L. Leachman and amended as to name January 2, 1935).

NEW—Harold Rieth, Goshen, Ind.—C. P. (exp. visual broadcasting), 42000-56000, 60000-86000, 2000-2100, 2750-2850 kc., 30 watts (amended 11-24-34 to change class of station; formerly requested gen. exp. frequencies). To be heard March 20, 1935.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-17: T. B. Lanford, R. M. Dean, and L. M. 1500 Sapaugh, d/b as Calcasieu Broadcasting Co., Lake Charles, La.—Granted C. P. for new radio broadcasting station at Lake Charles, La., to operate on frequency 1500 kc., 100 watts, unlimited time, sustaining Examiner R. H. Hyde.

MISCELLANEOUS

Iowa State Medical Society—Denied petition to intervene at the hearing of the application of Norman Baker for a permit to erect a radio broadcasting station at Muscatine, Iowa, to operate on 1170 kc., 5 KW power, daytime. Action does not preclude Commission from offering any competent evidence which petitioner may have available for the hearing.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Motion over- 610 ruled to disallow protest filed by stations WDAF, Kansas City, and KFRC, San Francisco, against the granting of application for special experimental authorization on 610 kc.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Suspended 610 grant of permission for experimental authorization to operate on 610 kc., and application designated for hearing because of protests of KFRC, San Francisco, and WDAF, Kansas City.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied request 1180 to operate temporarily with the present antenna pending the decision of the Commission on application to change the location of the station and install a directional antenna and operate unlimited time on the present assignment of 1180 kc.

In the Matter of the Application of John Brownlee Spriggs for 1200 renewal of license, for assignment of license, and for C. P. to remove station to Elco, Pa.—It appearing that the licensee has filed under date of January 26, 1935, a voluntary surrender of the radio station license now held by him to operate station WNBO, at Silverhaven, Pa., to become effective as of March 1, 1935, it was ordered that said surrender of license be accepted and that the applications now pending before the Commission, hereinbefore described, be dismissed and the pending hearings thereon cancelled. It was further ordered that the temporary license under which said station is now operating be terminated as of 3 a. m., EST, March 1, 1935.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted ex- 560 tension of special temporary experimental authority to operate on 560 kc., 1 KW power night, sharing with WLIT, for the period beginning January 28, 1935, and ending in no event later than 3 a. m., EST, March 1, 1935.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted special 1250 temporary authority to use the transmitter now licensed to station WNEW as the main transmitter of station WHBI, and to use the present licensed transmitter of WHBI as an auxiliary transmitter of WHBI, pending action on modification of license, but for a period not to exceed 30 days.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Renewal of 1430 license removed from hearing docket and granted for regular period because application of WTJS for WNBR's facilities has heretofore been dismissed.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted extension of 560 special temporary authority to continue to operate on frequency of 560 kc. for the period beginning February 3, 1935, and ending in no event later than 3 a. m., EST, April 1, 1935, and pending commencement of program tests of station WIS on frequency of 560 kc.

APPLICATIONS RECEIVED

First Zone

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—License 1310 to cover construction permit (1-P-B-3221) as modified to erect a new station on 1310 kc., 100 watts, daytime.

NEW—Hearst Radio, Inc., Albany, N. Y.—Construction permit to erect a new station to operate on 970 kc., 1 KW, unlimited.

Second Zone

NEW—Morton S. Zaller, Lakewood, Ohio.—Construction permit to erect a new station to operate on 1500 kc., 100 watts, unlimited.

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to make changes in equipment and move transmitter from 8 East Long Street, Columbus, Ohio, to 33 N. High Street, Columbus, Ohio.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License to cover construction permit (B2-P-119) as modified to move transmitter and studio and install new equipment.

Third Zone

NEW—Samuel Nathaniel Morris, Stamford, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, specified hours. Requests facilities of KFPL. (Previous amendments withdrawn.)

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of special experimental authorization to increase power from 1 KW to 5 KW for period ending 2-1-35. Amended requesting period ending 8-1-35.

NEW—Pope Foster, Mobile, Ala.—Construction permit to erect a new station to operate on 1200 kc., 100 watts, daytime. Amended requesting 1500 kc., 100 watts, unlimited time.

NEW—Palm Beach Broadcasting Service (Robert H. Eaves and F. E. Neel), West Palm Beach, Fla.—Construction permit to erect a new station to operate on 1370 kc., 100 watts, unlimited. Amended to change transmitter location from 635 Clementis, West Palm Beach, Fla., to 208 Evernia, West Palm Beach, Fla.; studio at same address.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction permit to erect a new station to operate on 630 kc., 100 watts, unlimited.

NEW—G. D. Goff, Tampa, Fla.—Construction permit to erect a new station to operate on 1500 kc., 100 watts, unlimited.

NEW—H. K. Glass, M. C. Kirkland, Eustis, Fla.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, 8 a. m. to 6 p. m., EST. Amended to change hours of operation to 6 a. m. to local sunset.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna.

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to make change in equipment.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to change frequency from 1300 kc. to 970 kc., install new equipment, and increase power from 1 KW to 5 KW; also move studio from 208 South Miami Avenue, Miami, Fla., to 600 Biscayne Boulevard, Miami, Fla.

NEW—Florida Capitol Broadcasters, Tallahassee, Fla.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, unlimited time.

Fourth Zone

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Voluntary assignment of license to WHBY, Inc.

KABR—Aberdeen Broadcasting Co., Aberdeen, S. Dak.—License to cover construction permit (4-P-B-3205) for new station to operate on 1420 kc., 100 watts, daytime.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Construction permit to install directional antenna; move transmitter from Washington Township, Wis., to U. S. Highway No. 41, West DePere, Wis., studio from Eau Claire, Wis., to Bellin Building, Green Bay, Wis.; and change hours of operation from simultaneous day with KSCJ, specified hours night, to unlimited time.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Construction permit to install new equipment and increase day power from 100 watts to 250 watts.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW day; change hours of operation from limited to unlimited; and make changes in equipment. Also move transmitter, exact

site to be determined. Amended to make further changes in equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day (this already granted on C. P. 1-8-35).

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—Authority for transfer of control of corporation from R. W. Hoffman to Walter E. Klauer.

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Transfer of control of corporation from WLBF Broadcasting Co. to the Kansas City Kansan.

NEW—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to erect a new station to operate on 1370 kc., 100 watts, unlimited.

Fifth Zone

Louis Wasmer, Inc., Mobile.—Construction permit to erect a new general experimental station to operate on 34600, 40600 kc., 2 watts.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Modification of license to change hours of operation from limited time to unlimited time.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of construction permit (5-P-B-2660A) as modified to install new equipment, increase day power from 100 watts to 250 watts, and change specified hours, requesting extension of completion date to 60 days after grant.

KGfJ—Ben S. McGlashan, Los Angeles, Calif.—Construction permit to make equipment changes and increase power from 100 watts to 100 watts, 250 watts day (250 watts 12 midnight to 6 a. m.). Amended to omit request for 250 watts 12 midnight to 6 a. m.

W10XEV—Nichols and Warinner, Inc., Portable-Mobile.—License to cover construction permit to erect a new general experimental station to operate on 31100, 34600, 37600, 40600 kc., 2 watts.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Construction permit to increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day; and move transmitter from Sprague Avenue and Post Street, Spokane, Wash., to site to be determined.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Authorization to install automatic frequency control.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Construction permit to install new equipment and increase day power from 2½ KW to 5 KW. Amended to make changes in proposed equipment.

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of construction permit for changes in equipment and increase of power from 100 watts to 250 watts, requesting to move transmitter from corner Broadway and Glendale Blvd., Glendale, Calif., and studio from 701 E. Broadway, Glendale, Calif., to 5454 N. San Fernando Road, Glendale, Calif.; and make changes in authorized equipment. Amended to omit request for move of transmitter and studio.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Construction permit to move transmitter and studio from Sixth and Central Avenues (Franciscan Hotel) to 420 Vassar Avenue, Albuquerque, N. Mex., also make changes in the antenna system. Amended to change proposed location from 420 Vassar Avenue to 5th and Central, Albuquerque, N. Mex.

APPLICATIONS RETURNED

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Construction permit to make changes in equipment and increase day power from 2½ KW to 5 KW (request of applicant).

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to change frequency from 1300 kc. to 940 kc.; increase power from 1 KW to 1 KW night, 2½ KW day; install new equipment; and change studio from 208 South Miami Avenue to 600 Biscayne Blvd., Miami, Fla. (request of applicant).

ERRATA

On page 724 NAB REPORTS for February 7, 1935, the applications of WSAR, WSIX, Brownsville Broadcasting Co., WBAA and WRBZ were erroneously reported as having been granted, whereas a heading "Set for Hearing" should have appeared above these applications.

The National Association of Broadcasters

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

NAB REPORTS

Copyright, 1934. The National Association of Broadcasters



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FEB. 21, 1935

COPYRIGHT CONFERENCE SATURDAY

The views of the broadcasting industry upon the proposed adherence by the United States to the International Copyright Union treaty will be laid before the Department of State by the National Association of Broadcasters next Saturday morning. Later the views of the American Society of Composers, Authors and Publishers will be given to the Department.

The conferences at the Department have been called at the request of the Senate Foreign Relations Committee which body has before it the question of ratification of the Convention for the Protection of Literary and Artistic Property. The Department is drafting a revision of the present copyright laws of the United States to enable this country to adhere to the copyright convention.

Virtual agreement has been reached between the motion picture exhibitors, hotels and broadcasters with respect to provisions of the proposed bill and these interests will present their recommendations to the Department at the same time. Labor, newspaper publishers and other interests will likewise present their views.

These conferences constitute the most important development in the copyright situation in many years. The Department of State, urged by the Roosevelt Administration, which has already urged ratification of the treaty, is endeavoring to compose the opposition of various groups in order that it may within the next few days make specific recommendations to the Senate.

The broadcasters will present a number of amendments to the proposed draft of a bill the principal amendment being elimination of the \$250 statutory damages provision of the present copyright laws.

The NAB will recommend that copyright owners be given the right to collect only such damages as they are able to prove in a court of law rather than a statutory amount.

PRESIDENT RECOMMENDS NRA EXTENSION

President Roosevelt sent to the Senate this week a strong message recommending that Congress pass legislation extending for two years the National Industrial Recovery Act. The act, if it is not extended, would expire on June 16 by its own limitation.

The President's message was interpreted here to mean that the administration is not only desirous of continuing the NRA but that it proposes to tighten up administration of codes.

The President used such language as: "The fundamental purposes and principles of the Act are sound. To abandon them is unthinkable. It would spell the return of industrial and labor chaos."

Dealing with the question of voluntary enforcement he said that "voluntary submission of codes should be encouraged but at the same time, if an industry fails voluntarily to agree within itself, unquestioned power must rest in the government to establish in any event certain minimum standards of fair competition in commercial practices, and, especially, adequate standards in labor relations. For example, child labor must not be allowed to return; the fixing of minimum wages and maximum hours is practical and necessary." On the labor question the President said:

"The rights of employees freely to organize for the purpose of collective bargaining should be fully protected."

Right in this connection Donald Richberg at a press conference stated that in his personal opinion, evidently shared by the administration, that the present section 7(a) will work out alright. He stated that there would be no need of changing this section at all, unless it can be clarified. It was apparent that he did not believe that it could be.

Dealing with the question of the anti-trust laws the President said in his message:

"The fundamental principles of the anti-trust laws should be more adequately applied. Monopolies and private price fixing within industries must not be allowed nor condoned. 'No monopoly should be private'. But I submit that in the case of certain natural resources, such as coal, oil and gas, the people of the United States need government supervision over these resources devised for the purpose of eliminating their waste and of controlling their output and stabilizing employment in them, to the end that the public will be protected and that ruinous price cutting and inordinate profits will both be denied."

Richberg explained how the suggestions for the message had been evolved during the past few months by continual conferences among all of the interested government departments and bureaus. These conferences were then followed by conferences with the President himself and then with members of congress who will be charged with the enactment of this extension legislation.

He asserted, in opposition to rumors current here, that no final bill had been sent to congress by the President with the intimation that they sign on the dotted line. He contends that the President simply submitted recommendations as a basis for legislation and that "no last word bill was sent to congress."

On the question of the imposition of codes on industry when it refused to write its own code Richberg said that the industrial recovery board has felt all along that there could be no imposition. He said that probably in the new law the imposition section would not differ greatly from the present law but "it will be clarified."

In his message the President said "in the development of this legislation I call your attention to the obvious fact that the way to enforce laws, codes and regulations relating to industrial practices is not to seek to put people in jail. We need other and more effective means for the immediate stopping of practices by any individual or by any corporation which are contrary to these principles." The President himself was not disposed at a recent press conference to interpret this but Richberg said that this could be obviated by a process of injunction or by the use of cease and desist orders by the federal trade commission. In this latter connection he intimated that congress might broaden the use of these orders of the commission and make them immediately applicable instead of the present slow process of enforcement of these orders. He said that such orders would meet the need of the code situation.

Richberg stated that "the filing of prices does not necessarily mean price fixing." During the course of this decision also he stated that "the steel basing point in itself is not price fixing."

WLW STAY ORDER DISSOLVED

The Court of Appeals on Monday dissolved the stay order under which Station WLW, Cincinnati, Ohio, has been operating since the Federal Communications Commission ruled that the station could no longer operate with 500 kw night-time power. The order was dissolved pending argument before the court on the merits of the case. The Commission, without hearing and solely on the complaint of Canada, ruled that the station discontinue its night-time operation with 500 kw and operate with but 50 kw after sunset. It was alleged that WLW was interfering with a Canadian station on 690 kc.

MANAGING DIRECTOR'S PLANS DELAYED

Daily rounds of conferences in connection with legislation and other matters of importance has caused delay in the plans of the Managing Director to visit the states for the purpose of forming state committees. He will resume his travels just as soon as pressure of work at headquarters is relieved.

FOOD AND DRUGS BILL ACTION

The Senate Committee on Commerce has referred to a sub-committee headed by Senator Bennett Clark of Missouri, the Copeland food and drugs revision bill (S 5). It is not yet determined whether the sub-committee will hold hearings on the measure.

While the NAB has taken no position with respect to the measure as a whole, it will vigorously oppose the provision in Section 708 (e) of the bill which states that "no retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which is not distributed or sold in interstate commerce by him or others." This amounts to a direct discrimination against radio broadcasting and in the judgment of the NAB should be opposed irrespective of such other changes as are made in the bill. The only purpose in including broadcasting in this provision is to discriminate against newspaper advertising and manifestly this is unfair and unjust. As long as this provision remains in the bill, broadcasters cannot be expected to give their support to the measure. This is particularly true inasmuch as the provision contributes nothing to the general purpose of the measure but on the other hand amounts to a direct discrimination against radio advertising.

CODE OFFICER IS ILL

James W. Baldwin, executive officer of the Code Authority for the Radio Broadcasting Industry is ill at his home. He is recovering but it will be a week or more before he will be able to return to his desk.

COMMISSIONER BROWN TO HOLD HEARINGS

The Broadcast Division of the FCC this week decided to hold three hearings outside of Washington, and designated Commissioner Thad H. Brown to preside. The hearings to be held are as follows:

San Antonio, Texas, March 15, 1935: Application of Mrs. Nellie H. Morris and W. C. Morris, a partnership operating Hotel Eagle, for authority to transmit programs from Hotel Eagle, Eagle Pass, Texas to Station XEPN, Piedras Negras.

San Antonio, Texas, March 25, 1935: Application of Farmers & Bankers Life Insurance Company, Station KFBI, for renewal of license.

Los Angeles, California, April 8, 1935: Application of Beverly Hills Broadcasting Corporation, Station KMPC, for renewal of license now pending before the Commission; and directing, under Rule 17, the following licensees to submit applications for renewal of license: Warner Brothers Broadcasting Corporation, Station KFWB, Ben S. McGlashan, Station KGFK, Radio Broadcasters, Inc., Station KRKD, and Cannon System, Ltd., all of which were designated for hearing.

LLEWELLYN REINSTATED IN FCC

As a result of a hearing held before the Federal Communications Commission, George Llewellyn, former radio inspector in the Atlanta office of the Federal Radio Commission, was reinstated in the field force of the FCC, occupying a rank similar to that formerly held. The re-instatement decision was made by the FCC on February 12.

SECURITIES ACT REGISTRATION

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

- Distributors Group, Inc., New York City. (2-1287, Form C-1)
- New York Mine Company, Inc., Providence, R. I. (2-1288, Form A-1)
- American Terminals & Transit Company, Henderson, Ky. (2-1289, Form E-1)
- State National Life Insurance Company, St. Louis, Mo. (2-1290, Form A-1)
- Mutual Industrial Bankers, Inc., Newark, N. J. (2-1291, Form A-1)

A. T. & T. INVESTIGATION APPROPRIATION

Effort was made this week to jam the \$750,000 Rayburn resolution for the Federal Communication Commission's investigation of American Tel. & Tel. and other phone companies through

the House of Representatives on the unanimous consent calendar. Opposition developed and so the resolution has gone to the regular calendar where it will be taken up in its regular order.

WHOM RENEWAL RECOMMENDED

Broadcasting Station WHOM, Jersey City, N. J., applied to the Federal Communications Commission for a renewal of license and construction permit. The station uses 1450 kilocycles, 250 watts power and unlimited time on the air. George H. Hill(e) in Report No. I-21 recommends that the license renewal be granted and that if the application for renewal be granted that a construction permit also be granted.

The Examiner found that the broadcasts over the station by Barbara Toy did not serve the public interest and that she has used the station "to deliver personal messages to private individuals." It was also found that programs broadcast over the station by the Hill Medical Office, Modern Medical Associates and Medicated Air Institute were "of doubtful public value." However, all of these programs have been discontinued by the station, and the Examiner states that other programs have had merit. He therefore recommends that the license be renewed.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, February 25, 1935

Hearing Before Broadcast Division

- WINS—American Radio News Corp., New York, N. Y.—Special experimental authorization; 1180 kc., 5 KW, unlimited time. Present assignment: 1180 kc., 500 watts, limited time.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P., 1180 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment: 1180 kc., 1 KW, 2½ KW LS, limited time.

Wednesday, February 28, 1935

- NEW—Delbert E. Replogle (in the Boston area).—C. P., 1570 kc., 1 KW, variable hours.

APPLICATIONS GRANTED

- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Granted 1290 C. P. to move transmitter locally and install new equipment.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted C. P. to 1380 move transmitter locally and make changes in equipment.
- NEW—Jack W. Hawkins and Barney N. Hubbs, Pecos, Tex.—1420 Granted C. P. for a new station to operate on 1420 kc., 100 watts, unlimited time.
- KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted 950 C. P. to install new equipment and increase day power from 2½ KW to 5 KW, on 950 kc., unlimited time.
- KCRC—Enid Radiophone Co., Enid, Okla.—Granted C. P. to make 1370 changes in equipment.
- NEW—W. B. Greenwald, Hutchinson, Kans.—Granted C. P. for 1420 new station to operate on 1420 kc., 100 watts, unlimited time.
- KFRO—Voice of Longview, Longview, Tex.—Granted license to 1370 cover C. P., 1370 kc., 100 watts, daytime.
- KABR—Aberdeen Broadcasting Co., Aberdeen, S. Dak.—Granted 1420 license to cover C. P., 1420 kc., 100 watts, daytime.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—1440 Granted authority to determine operating power by direct measurement of antenna input.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted 1250 modification of license to use transmitter of WNEW. Normally licensed on 1250 kc., 1 KW night, 2½ KW day, sharing with WNEW; WHBI 1/7 time and WNEW 6/7 time.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted 1370 modification of C. P. to change transmitter and studio location locally; also to change previously stated frequency monitor. Commencement date 5 days after grant; completion date 4-11-35.
- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—1210 Granted modification of C. P. to extend completion date to 5-16-35.
- WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license 1210 to cover C. P., 1210 kc., 100 watts night, 250 watts day, unlimited time except Sunday.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted modification of 1370 license to change hours of operation from sharing with KICA to specified as follows: 6 a. m. to 1 p. m.; 4 to 7:30 p. m., on 1370 kc., 100 watts.

KICA—The Southwest Broadcasting Co., Clovis, N. Mex.—Granted 1370 modification of license to change hours of operation from sharing with KGFL to specified as follows: 7 a. m. to 4:30 p. m.; 7:30 p. m. to 12 midnight.

WREN—Jenny Wren Company, Lawrence, Kans.—Granted con-1220 sent to voluntary assignment of license to WREN Broadcasting Company.

KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of 1230 special temporary experimental authority approving new site of transmitter (rural), selected after extensive survey, employing directional antenna.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted 1260 license to cover C. P., 1260 kc., 1 KW, unlimited time.

WREC—WREC, Inc., Memphis, Tenn.—Granted extension of special 600 temporary experimental authority to use 1 KW night and 2½ KW day power for period ending September 1, 1935.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted 580 extension of special temporary experimental authority to use 1 KW day power for period March 1 to September 1, 1935.

KIFO—Nichols & Warinner, Inc., Portable-Mobile (Long Beach, Calif.)—Granted C. P. (temporary broadcast pickup), frequencies 1622, 2060, 2150, 2790 kc., 200 watts.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile (Long Beach, Calif.)—Granted license to cover C. P. (general experimental), 31100, 34600, 37600, 40600 kc., 2 watts.

MISCELLANEOUS

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Suspended 920 grant for C. P. authorizing removal of transmitter and increase in power from 1 to 5 KW, LS, and designated application for hearing because of protest of station WAAF, Chicago.

W. K. Henderson, Shreveport, La.—Dismissed protest filed in re application of International Broadcasting Corp., filed July 21, 1934.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to 1350 strike the protest of KWTO, Springfield, Mo., requesting the Commission to designate for hearing the application of KWK for C. P. to make changes in equipment and increase its day-time power from 2½ KW to 5 KW. The application of KWK to make changes in equipment and increase day power to 5 KW was granted by the Commission on January 8, 1935.

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Denied petition 630 asking Commission to reconsider and grant application to change frequency from 1440 to 630 kc., which has been designated for hearing.

WJW—WJW, Inc., Akron, Ohio.—Denied petition asking Com-1210 mission to reconsider and grant application for increase in day-time power which has been designated for hearing.

WHBC—Edward P. Graham, Canton, Ohio.—Denied petition ask-1200 ing Commission to reconsider and grant application for increase in day-time power which has been designated for hearing.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—1010 Application to remove studio and transmitter, heretofore granted, was retired to closed files for want of prosecution.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Applica-1200 tion to install new equipment, heretofore granted, was retired to closed files for want of prosecution.

SET FOR HEARING

NEW—Oklahoma Press Publishing Co., Muskogee, Okla.—C. P. 1500 for new station, 1500 kc., 100 watts, unlimited time.

NEW—Mid-Central Broadcasting Co. (J. E. Davidson, Jr., M. M. 1370 Smith, and J. M. Davidson), Kansas City, Mo.—C. P. for new station, 1370 kc., 100 watts, unlimited time (facilities of KWKC).

NEW—Walker Jamar, Duluth, Minn.—C. P. for new station, 1200 1200 kc., 100 watts, unlimited time. Site to be determined.

WHN—Marcus Loew Booking Agency, New York City.—C. P. to 1010 make changes in equipment and increase day power from 1 to 5 KW.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of 1440 license to increase power from 250 to 500 watts. (Has S. A. to use 500 watts. Licensed on 1440 kc., 250 watts, sharing with WSAN.)

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to 1440 increase power from 250 to 500 watts. (Has S. A. to use

500 watts. Licensed on 1440 kc., 250 watts, sharing with WCBA.)

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—1500 Modification of license to change frequency from 1200 kc. to 1500 kc. and increase hours from sharing with WJBW to unlimited.

WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P. amended 1180 so as to request 5 KW equipment and 5 KW day power instead of 2½ KW.

NEW—Winger & Thomas, Chattanooga, Tenn.—C. P. amended to 1200 change frequency from 1420 kc. to 1200 kc. and hours of operation from day-time to unlimited. (Original permit requested 100 watts power; in hearing docket). To be heard by the Division en banc March 20, 1935.

NEW—Samuel Nathaniel Morris, Stamford, Tex.—C. P. amended 1420 so as to request 1420 kc., 100 watts, specified hours (facilities of KFPL).

NEW—Edward Hoffman, St. Paul, Minn.—C. P. amended so as 1370 to request 1370 kc., 100 watts, unlimited time.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—780 Extension of special temporary experimental authorization to use additional 250 watts night power until September 1, 1935. (Licensed on 780 kc., 250 watts night, 500 watts day, unlimited time.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Ex-570 tension of special temporary experimental authorization to use 500 watts night power for period ending September 1, 1935. (Normally licensed on 570 kc., 250 watts night, 1 KW day, unlimited.)

WLWL—Missionary Society of St. Paul the Apostle, New York, 810 N. Y.—Modification of license to change frequency to 810 kc. and petitions relative thereto.

APPLICATIONS DISMISSED

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

NEW—Norman F. Storm, Centralia, Wash.—C. P. for new station, 1500 kc., 100 watts.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to Edw. R. Musso.

KVOD—Colorado Radio Corp., Denver, Colo.—Modification of license to increase power from 500 watts to 1 KW, daytime.

NEW—D. E. Kendrick and W. E. Vogelback, Indianapolis, Ind.—C. P. for new station, 850 kc., 5 KW, unlimited.

KLS—Warner Bros., Oakland, Calif.—C. P. to install new equipment; change power to 250 watts night, 500 watts LS; and change hours of operation from day-time to unlimited.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—C. P. to make equipment changes; increase day power from 100 watts to 250 watts, specified hours; facilities of WDZ.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modifica- tion of special experimental authorization, 1290 kc., 550 kc., S. A., 1 KW, 5 KW; 1 to 6 a. m.

NEW—A. L. Boykin, tr. as Tallahassee Broadcasting Co., Talla- hassee, Fla.—C. P. for new station, 1310 kc., 100 watts, unlimited time.

NEW—A. R. Montgomery, Findlay, Ohio.—C. P. for new experi- 1530 mental broadcast station to operate on 1530 kc., 1 KW, 6 a. m. to midnight.

ACTION ON EXAMINERS' REPORTS

February 19, 1935

KTAR—Ex. Rep. No. 1-2: KTAR Broadcasting Co., Phoenix, 620 Ariz.—Granted modification of license to increase night power from 500 watts to 1 KW; 620 kc., unlimited time. Examiner Geo. H. Hill sustained.

KGFK—Ex. Rep. No. 1-4: Red River Broadcasting Co., Inc., Moor- 1500 head, Minn.—Granted C. P. to move transmitter from 1 mile east of Moorhead and studio from 722 Center Ave., Moorhead, to Minnesota Point, Duluth, Minn.; 1500 kc., 100 watts, unlimited time; affirming action of Commission in granting application without hearing on January 30, 1935.

APPLICATIONS RECEIVED

First Zone

NEW—Frank Lyman, Jr., Portland, Maine.—Construction permit 1210 for a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time.

Second Zone

- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Authority for
890 transfer of control of corporation from A. M. Rowe, Inc.,
to West Virginia Broadcasting Corp.
- WEHC—Community Broadcasting Corp., Charlottesville, Va.—
1420 Special experimental authorization to operate simultaneously
night with WEED for period of 60 days. Amended to re-
quest 30 days.
- A. R. Montgomery, Findlay, Ohio.—Construction permit to erect
1570 a new experimental broadcast station to operate on 4570 kc.,
1 KW, 6 a. m. to 12 p. m.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Extension of
880 special experimental authorization to operate with additional
250 watts power from 3-1-35 to 9-1-35.
- WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Con-
1420 struction permit to move transmitter from 2201 Broadway
to northwest corner 8th and Terrell Streets, Paducah, Ky.
Amended in re geographical location.

Third Zone

- NEW—Amon G. Carter, Fort Worth, Tex.—Construction permit
970 to erect a new station to operate on 970 kc., 5 KW, un-
limited.
- WPAX—H. Wimpy, Thomasville, Ga.—Construction permit to
1210 make changes in equipment and increase power from 100
watts day to 250 watts day.
- NEW—Lawrence B. Holzman, Atlanta, Ga.—Construction permit
590 to erect a new station to operate on 590 kc., 250 watts night,
500 watts day, unlimited.
- WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—
1410 License to cover construction permit (3-P-B-3289) as modi-
fied to increase power and install new equipment.
- WJBY—Gadsden Broadcasting Co., Gadsden, Ala.—Authority for
1210 transfer of 25 shares of common stock from Mrs. Morel
Montgomery to Bascom Hopson (1 share from R. M. Mont-
gomery to Mrs. Kate T. Hopson).
- NEW—D. B. Sutton, Miami, Fla.—Construction permit for a new
940 broadcast station to be operated on 940 kc., 500 watts power,
unlimited time.
- NEW—D. B. Sutton, Miami, Fla.—Construction permit for a new
1210 broadcast station to be operated on 1210 kc., 100 watts power,
unlimited time.
- NEW—Lafayette Advertiser Gazette Co., Inc., Lafayette, La.—
1310 Construction permit for a new broadcast station to be op-
erated on 1310 kc., 100 watts power, unlimited time.
- NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit for
610 a new broadcast station to be operated on 610 kc., 250 watts
night and 500 watts day power, unlimited time.
- KOTN—William F. Chaplin, Pine Bluff, Ark.—Voluntary assign-
1500 ment of license to Universal Broadcasting Corp.
- WDAE—Tampa Times Co., Tampa, Fla.—Extension of special
1220 experimental authorization to operate with 2½ KW day
power, with equipment changes, from 4-1-35 to 10-1-35.

Fourth Zone

- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construc-
920 tion permit to move transmitter from Live Stock Exchange
Building, 1001 Exchange Avenue, Chicago, Ill., to Union
Stock Yards, Chicago, Ill., and studio from Live Stock Ex-
change Building, 1001 Exchange Avenue, Chicago, Ill., to
Palmer House, State and Monroe Streets, Chicago, Ill.; also
install new equipment and change hours of operation from
day-time to unlimited time, using 500 watts power.
- NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construc-
1120 tion permit to erect a new station to be operated on 1120 kc.,
250 watts power, unlimited. Amended as to transmitter
location.
- WLBC—Donald A. Burton, Muncie, Ind.—Construction permit to
1310 make equipment changes and increase power from 50 watts
night, 100 watts day, to 100 watts night, 250 watts day;

also change hours of operation from simultaneous day, share
WTRC night, to unlimited time. Amended to omit request
for unlimited time.

- WMT—Waterloo Broadcasting Co., Des Moines, Iowa.—Extension
600 of special experimental authorization to operate with power
of 1 KW, 2½ KW day, for period to 9-1-35.
- WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to
1420 change frequency from 1210 kc. to 1420 kc., and hours of
operation from share WTAX to specified hours (6 a. m. to
10 p. m.).
- WTAX—WTAX, Inc., Springfield, Ill.—Modification of license to
1210 change hours of operation from share WCBS to unlimited;
facilities of WCBS (contingent on the granting of WCBS
modification of license to change frequency to 1420 kc.
- WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—
590 Modification of construction permit authorizing increase in
day power from 1 KW to 5 KW and move of transmitter
from Farnam Street at Fourteenth Street, Omaha, Nebr., to
site to be determined, Nebraska; also install new equipment,
requesting changes in equipment and approval of transmitter
site, Blondo Street near 93d Street, Omaha, Nebr.

Fifth Zone

- NEW—G. M. Electric Service Co., L. A. Meisner, Pres.; C. W.
1500 Mabbott, Radio Technician; W. J. Gavin, Business Manager,
Stevensville, Mont.—Construction permit to erect a new sta-
tion to be operated on 1500 kc., 100 watts power, unlimited
time. Amended as to frequency, power, and equipment.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction
920 permit to install new equipment; increase day power from
1 KW to 5 KW; move transmitter from West Waterway,
Harbor Island, Seattle, Wash., to 136th Street South and Lake
Burien Way, Section 18, Township 23 N., Range 4, E.W.M.,
Seattle, Wash.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Modification of license
1200 to change specified hours.
- KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of con-
1200 struction permit to extend completion date from 2-11-35 to
3-15-35.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction
970 permit to move transmitter from 185th Street and 15th
Avenue, N.E. Lake Forest Park near Seattle, Wash., to 136th
Street South and Lake Burien Way, Section 18, Township 23
N., Range 4 E., W. M. Seattle, Wash.; install new equipment
and increase power from 5 KW to 10 KW.
- Benson Polytechnic School (Mobile), Portland, Ore.—Construc-
tion permit for a general experimental broadcast pickup
station on 31600, 41000, 35600, 86000-400000 kc., 25 watts.
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modifi-
1210 cation of license to increase power from 50 to 100 watts.
- NEW—Northern California Amusement Co., Inc., Yreka, Calif.—
1500 Construction permit to erect a new station on 1500 kc., 100
watts, unlimited time. Amended as to equipment.
- NEW—Walter L. Stricker and Chris Larsen, Rock Springs, Wyo.—
1210 Construction permit for a new station to be operated on
1210 kc., 100 watts, unlimited time. Amended as to equip-
ment and approval of transmitter and studio location.
- NEW—Victor B. Pitts, Raton, N. Mex.—Construction permit for a
1500 new station on 1500 kc., 50 watts, daytime. Amended as to
equipment, hours of operation.
- KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.
1320 —Construction permit to move transmitter from 1752 Fern
Street, Waiiki, Honolulu, Hawaii; studio from 119 Merchant
Street to Kalakaua Avenue and Seaside, Honolulu, Hawaii;
install new equipment, increase power from 250 watts to
1 KW. Amended as to transmitter and studio sites.
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Con-
1210 struction permit to install new equipment, increase power
from 50 to 100 watts night, 250 watts day.
- NEW—Carl C. Struble, The Dalles, Ore.—Construction permit for
1200 new station to be operated on 1200 kc., 100 watts power,
unlimited.

The National Association of Broadcasters

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

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COPYRIGHT BILL SOON READY

A new copyright bill, drafted with a view to enable the United States to adhere to the Convention of Berne for the Protection of Literary and Artistic Works, as revised at Rome in 1928, will soon be submitted to the Senate by the Department of State. The Department last week concluded conferences with groups interested in copyright law revision and immediately set about to reconstruct its former draft in the light of suggestions offered. It is expected that this work will be completed within the next week.

The preliminary draft of the State Department's bill was submitted to the Senate Foreign Relations Committee two weeks ago and the Committee directed the Department to hold conferences. Adherence of the United States to the International Copyright Union has been advocated by President Roosevelt and is being actively pushed by the State Department.

While the preliminary draft presented by the State Department, upon which conferences were held, would affect all users of copyrighted material, it would affect broadcasting in several important respects. While the NAB is not basically opposed to the protection of copyrights by international treaty, the Association pointed out to the Department that in any bill proposed certain protective measures must be included to prevent abuses against broadcasting stations.

Headed by Philip G. Loucks, managing director, the interests of the broadcasting industry were represented by E. Stuart Sprague, counsel for NBC; Sidney Kaye, counsel for CBS; Henry A. Bellows, NAB legislative chairman; and Oswald F. Schuette, Radio Program Foundation president.

Mr. Loucks called attention of the State Department to the fact that broadcasting was the only important user of copyrighted material to come into existence since the 1909 revision of the copyright laws; that broadcasting was the only important user of copyrighted material required to operate under Federal license in the public interest and not for the sole purpose of profit; that because our broadcasting system differed from government monopolies abroad, our copyright problem was likewise different.

Without going into details of the preliminary bill, briefly it was proposed by the NAB:

1. That the provision, "all the works of an author, whatever the mode or form of their expression," was too broad and too vague and it was suggested that "writings" be substituted for "works."

2. That provision be made to protect performance rights in transcriptions and phonograph records where such recordings were made prior to entrance of the United States into the Union, and that existing libraries of arrangements, adaptations and translations be protected.

3. That the requirements of notice and registration be retained for domestic copyright owners and that rights of foreigners for infringement be limited to the fair and reasonable value of a license where such foreigners fail to register and publish their works with notice.

4. That broadcasting be given the same protection as newspapers and periodicals with respect to injunctive relief.

5. That the copyright owner be required to elect as to whether he should sue for damages or profits but not both.

6. That the \$250 minimum statutory damages for infringement be eliminated and that copyright owners be left to recover actual damages. In this connection the NAB supplied a large number of court decisions in which judges commented upon the unfairness of the \$250 limitation and also pointed out that in no other union country are copyright owners given statutory damages. The American Hotel Association, through Harry P. Sommerville, chairman of that organization's legislative committee; and the Motion Picture Theater Owners Association, through Julian Brylawski, vice president, joined with the NAB in asking for the removal of minimum damages.

7. That reception of broadcast programs in hotels, restaurants,

and small business houses be exempted from the payment of license fees.

8. That the time for bringing civil actions under the law be limited to 3 years.

9. That the so-called "moral rights" section be amended to prevent court action thereunder unless appropriate notice of what constitutes actionable deformation, mutilation or modification of a work is given by the author or composer.

In the event the bill, when finally introduced, is unsatisfactory to the broadcasting industry, the NAB will ask for hearings on the measure. The bill undoubtedly will go to the Senate Patents Committee.

The American Society of Composers, Authors and Publishers were represented at the conferences by Louis D. Frolich, law partner of Nathan D. Burkan, counsel for ASCAP, and E. Claude Mills, general manager of ASCAP. They said ASCAP favored entry into the Union and urged that this country first ratify the treaty and then revise our copyright laws. This is opposite to the policy of the NAB, which favors revision first and adherence later.

Mr. Frolich and Mr. Mills urged retention of the \$250 minimum statutory damages as the only means of protecting the composer or author against what the former termed "piracy." He said there were no such things as "innocent infringements," in asking that the \$250 minimum for such infringements be retained. They predicted the law cannot be passed if the \$250 damage section is removed. They also objected to eliminating hotels, restaurants, and other places of business from the requirement of paying license fees for receiving broadcast programs.

Should all interested groups, or a substantial proportion of them, come into agreement on the State Department's final bill, and with the Administration urging ratification of the treaty, there is a strong possibility that the bill may receive consideration by Congress at an early date.

SENATE WILL PROBE NRA ABUSES

Full, open and complete investigation of the National Recovery Administration and code administration was voted by the Senate this week. A sum of \$5,000 was voted to pay the expenses of the inquiry. The probe will be conducted by the Senate Finance Committee. The investigation will get under way immediately.

On the eve of the Senate action, Congressman William P. Connerly, Jr., of Massachusetts, chairman of the House Labor Committee, in a radio address which was afterward published in the *Congressional Record*, attacked the radio broadcasting industry for its failure to reduce hours of work for radio technicians from 48 to 40 hours a week. "Apparently there is no force in the NRA or in the Federal Communications Commission strong enough or interested enough in the workers employed in the radio broadcasting industry to shorten these long hours," he said.

A hearing on this issue was held by the NRA last June but no agreement has been reached. Labor is urging a 30-hour week at the NRA and in Congress, and while the Senate investigation will embrace anti-trust and monopoly implications of the Recovery Act, it will deal largely with labor controversies.

In the meantime Attorney General Cummings promised early appeal to the Supreme Court of the United States in the two cases lost in the Federal courts this week by the Government. Judge John P. Niels in the Delaware District Court declared unconstitutional and void the collective bargaining clause (Section 7-a) as it applied to intrastate businesses, and on the same day Judge Charles I. Dawson in the Kentucky Federal Court restrained the Government from enforcing the hituminous coal code against 35 Kentucky coal operators.

FOOD AND DRUGS HEARING SATURDAY

Hearings on the latest revision of S. 5, the Copeland food and drugs bill, will be reopened Saturday (March 2) before a subcom-

mittee of the Senate Interstate Commerce Committee, headed by Senator Bennett Clark of Missouri.

Fraught with controversy from the beginning the bill has had a stormy career through the present session of Congress and the hearings now scheduled are designed to compose differences between interested groups and unite them behind a satisfactory measure.

Members of the NAB, who are being deluged with letters from advertisers and interested groups, are urged to refer all such persons to the NAB with a statement that the matter is being handled by the Association in Washington. Since the bill was introduced, more than a year ago, Henry A. Bellows, as chairman of the NAB legislative committee, has followed every step in the bill's progress and he will testify before the Clark subcommittee Saturday. He will state that the NAB is neither supporting nor opposing the measure at this time but will register vigorous objection to the provision in the bill which discriminates against radio advertising. As long as this measure, or any other measure, contains provisions discriminating against radio advertising, the NAB will object to its passage.

RADIO CONTROL TO RAYBURN COMMITTEE

The long-standing conflict between the House Interstate and Foreign Commerce and the House Merchant Marine, Radio and Fisheries Committees over communications legislation jurisdiction was settled this week when the House of Representatives adopted a resolution amending the rules of that body and giving jurisdiction over communications to the House Interstate and Foreign Commerce Committee, headed by Congressman Sam Rayburn of Texas.

Congressman O. S. Bland of Virginia, chairman of the House Merchant Marine and Fisheries Committee, made a fight to retain jurisdiction over radio for his Committee but received an adverse ruling from the Rules Committee. Judge Bland's Committee, since Congress first gave consideration to radio legislation, has had jurisdiction of such legislation, but with the consolidation of telephone and telegraph regulation with radio, the House ruled that it was more logical that the Interstate and Foreign Commerce Committee, which always has had charge of telephone and telegraph matters, should consider all future radio bills. This Rayburn Committee had charge of the Federal Communications Commission bill which passed last session.

Democratic members of the House Interstate Commerce Committee are as follows:

Representative Sam Rayburn (Chairman), Texas; George Huddleston, Alabama; Clarence F. Lea, California; Robert Crosser, Ohio; Parker Corning, New York; Alfred L. Bulwinkle, North Carolina; Virgil Chapman, Kentucky; Paul H. Maloney, Louisiana; William P. Cole, Jr., Maryland; Samuel B. Pettengill, Indiana; Edward A. Kelly, Illinois; Edward A. Kenney, New Jersey; George C. Sadowski, Michigan; Joseph P. Monaghan, Montana; John A. Martin, Colorado; Edward C. Eicher, Iowa; Theodore A. Peyser, New York; Thomas J. O'Brien, Illinois; David D. Terry, Arkansas.

Republican members are: John G. Cooper, Ohio; Carl E. Mapes, Michigan; Charles A. Wolverton, New Jersey; James Wolfenden, Pennsylvania; Pehr G. Holmes, Massachusetts; Schuyler Merritt, Connecticut; B. Carroll Reece, Tennessee; and James W. Wadsworth, Jr., New York.

STATE LEGISLATION

State legislative proposals continue to threaten the security of broadcasting in various ways. The chief dangers lie in the efforts being made to impose special or general taxes on broadcasting revenues, despite the fact that broadcasting has been held to be wholly interstate commerce. There are also a number of efforts to enact special statutes regarding libel or slander by radio, extending the liability definitely to the stations.

Arizona House Bill 118 imposes an excise tax on practically all forms of business, and under the sections providing a tax of 1 per cent on gross revenues it specifically includes radio advertising.

Connecticut Senate Bill 257 prohibits the operation, on all highways within the state, of any motor car equipped with a radio receiving set, exception being made of police cars. It is difficult to see how such a measure could be enforced as applied to cars with other than Connecticut licenses.

Connecticut Senate Bill 411 sets up a general commission to control all transportation and communication facilities, including radio, within the state.

Delaware House Bill 377 regulates all forms of advertising of alcoholic liquor, but does not specifically refer to radio.

Georgia House Bill 561 imposes a general occupational tax on almost every form of business within the state, but as drafted it

appears not to cover broadcasting or newspapers, though it provides a specific tax on advertising agencies.

Indiana House Bill 297 prohibits any person from advertising any alcoholic beverages by radio, newspaper, periodical or billboard.

Indiana Senate Bill 217 likewise restricts liquor advertising within the state.

Kansas Senate Bill 311 and House Bill 438 establish a sales tax on practically all sales of commodities and services, and specifically includes sales of radio advertising.

Maryland Senate Bill 134 prohibits the broadcasting of advertising by insurance companies not authorized to do business in the State of Maryland.

Massachusetts House Bill 165 limits the hours of employment of women and children in all forms of business, including radio.

Missouri House Bill 352 imposes a tax of 5 per cent on the gross receipts from sales of tangible property, including specifically radio receiving sets costing \$50 or more.

Missouri House Bill 455 authorizes the state to sell and dispose of radio station WOS, which has been operated by the State Bureau of Markets.

New Mexico House Joint Resolution 27 provides for a legislative committee to investigate radio station KOB at Albuquerque.

New Mexico Senate Bill 1 provides for a 2 per cent tax on the gross business of amusement enterprises, including specifically radio broadcasting stations. Section 202 of this bill, however, provides that these taxes shall not apply to transactions in interstate commerce.

North Dakota Senate Concurrent Resolution "F" calls for an investigation of telephone rates within the state with special reference to the cost of radio hook-ups.

Oklahoma House Bill 222, providing a system of old-age pensions, includes a variety of taxes, including one of 50 cents for radio registration fees.

Pennsylvania House Bill 951 prohibits dentists, physicians, osteopaths, chiropractors and drugless therapists from advertising their professions in any way.

Washington House Bill 312 provides for the licensing of radio technicians who engage in any form of repair or installation of radio receiving sets.

Washington House Bill 346 declares that all news matter published in newspapers becomes public property immediately on publication except for purpose of resale. This bill is in line with the recent court decision on the subject in Washington, and seeks to make all news matter legally available for broadcasting immediately on publication. In view of the situation in the courts, it is obvious that this bill, if enacted, would immediately be attacked by the news associations, as it goes to the heart of the question of property rights in news.

Washington House Bill 494 forbids electrical interference with radio communication from noon to midnight.

Washington House Bill 526 provides for an assessment on every broadcasting station at the rate of 50 cents per watt annually. This appears to be a direct effort to impose a special state tax on an instrumentality of interstate commerce.

Washington House Bills 518 and 531 extend the application of the state libel laws to broadcasting stations and speakers using radio facilities.

Wisconsin Assembly Bill 271 creates a department of radio intelligence for the purpose of apprehending criminals.

A number of state legislatures are now in recess, but most of them will reconvene before the end of March. In many instances the first session is devoted largely to the introduction of bills, with action on them deferred to the second session. It is probable, therefore, that most of the pending legislative proposals affecting radio will come up for active consideration in the course of the next six or eight weeks.

ROOSEVELT TO INAUGURATE WOR 50 KW

President Roosevelt will press a key at the White House at 3:30 p. m. March 4, formally inaugurating the new 50-kilowatt transmitter installed by Station WOR. Governor Harold G. Hoffman of New Jersey will be among those who will speak during the dedicatory program. Important radio officials from New York and Washington will attend the dedication ceremonies.

ADVOCATES GOVERNMENT NETWORK

The Public Ownership League this week heard Bruce Bliven, editor of the *New Republic*, urge establishment of a nationally owned broadcasting system with Franklin D. Roosevelt as its general manager. "Through a series of historical accidents for which

no one in particular is to blame, the radio has degenerated from a device whose main purpose is to aid the public into a device whose only purpose is to make money," Bliven said. "I do not suggest," he added, "that we do away with the private broadcasting that now goes on. It would not be hard to clear sufficient channels for the government broadcasting without displacing more than a very few at most of the 600 private stations in the United States, 90 per cent of which never under any circumstances broadcast anything worth hearing."

WOMEN TO STUDY PROGRAMS

The Women's National Radio Committee, embracing 21 women's organizations with a combined membership of 10,000,000 women, will make four awards for the best sustaining and best commercial programs on the air, it was announced by Mme. Yolanda Mero-Irion, advisory chairman of the Committee, this week.

Two of the awards will be for the best sustaining programs on the air and the other two for the best commercial programs. One award in each classification will be given for a musical program and one for a non-musical program. The presentations will be made at a luncheon on April 10, according to present plans.

The placing and the character of advertising in commercial programs will receive special consideration in the awards, Mme. Mero-Irion explained. She said that if in the opinion of judges the advertising is too long, too persistent or lacks the fundamentals of good taste, the program on which it appears, even though otherwise excellent, will be eliminated from consideration.

The judges will include: Fannie Hurst, novelist; Eva La Gallienne, actress; Mrs. Elmer James Ottaway of Port Huron, Mich., former president of the National Federation of Music Clubs; Mrs. Oliver Harriman, for many years president of the Women's Exposition of Arts and Industries; Mr. Walter W. Naumburg, head of the Naumburg Musical Foundation, and Mr. A. Walter Kramer, editor of *Musical America*. Mr. Kramer is chairman of the committee, and Mme. Mero-Irion, who, before her retirement from the concert stage a few years ago, was internationally known as a pianist, will be an ex-officio member.

METHODISTS UPHOLD FREE SPEECH

The Methodist Federation for Social Service at its recent meeting issued a statement calling upon Methodist ministers and laymen and upon churches, Epworth Leagues, Sunday schools, students' groups, women's organizations and bona fide patriotic organizations to exert pressure upon members of Congress in an effort to get them to vote against such legislation as might limit freedom of speech, freedom of the press or freedom of assembly and education.

EDUCATION MEETING MAY 6-8

The sixth annual institute for Education by Radio combined with the fifth annual assembly of the National Advisory Council on Radio in Education will be held at Ohio State University, Columbus, Ohio, May 6, 7, and 8.

The program committee, consisting of W. W. Charters as chairman, Levering Tyson, and George F. Zook, is now making arrangements for this joint conference, and detailed announcements will be made in the next month.

At this conference representatives will be present from college and university stations, commercial broadcasters, including representatives of the National Association of Broadcasters, the Columbia Broadcasting System, and the National Broadcasting Company; members of the Federal Communications Commission and other agencies of the federal government; and individuals from all parts of the country, including members of parent-teacher organizations, learned societies, and other educational associations and institutions.

The program will include an outline of possibilities for the development of educational broadcasting under the Federal Communications Act of 1934, a discussion of the educational problems of the college and university broadcasting stations, consideration of ways for organizing and supporting better and more popular programs for adults and children, as well as problems of finance. Emphasis will be placed upon the growing power of radio broadcasting as an instrument to reach the public for political or public purposes.

Techniques of presentation, and various ways of organizing listeners for local or national purposes in this and other countries will be reviewed. Demonstrations and clinics of recorded broadcasts will be held in connection with the meeting.

CONSTRUCTION PERMIT RULE CHANGED

The Federal Communications Commission issued the following statement in connection with construction permits:

"It has been observed that in many cases an incorrect estimate of the period of time required for construction necessitates the filing of a subsequent application for modification of the permit to authorize a later completion date. Frequently such applications for modification are not filed in conformity with Rule 11, which results in the expiration of the permit prior to action by the Commission on the application for modification.

"Effective immediately, all construction permits granted by the Commission normally will specify a completion date not less than six months subsequent to the date of commencement of construction specified thereon, regardless of the date of completion shown in the application. The permittee, however, may actually complete the installation and file formal application for license or modification. Although the minimum period of construction which normally will be authorized will be six months, a longer period than this may be requested in exceptional cases where reasons are submitted to show the need for such authority and the Commission will consider such cases.

"Applications for extension of the construction period which are not filed in accordance with Rule 11 and, as a result thereof, are not presented to the Commission for action prior to the date of expiration of the permit in question, will not be considered by the Commission. The applicant, however, may file application for a new construction permit which may be acted upon by the Commission as provided by Section 319 of the Communications Act of 1934."

RECOMMENDS BAKER DENIAL

Norman Baker filed an application with the Federal Communications Commission asking for a construction permit for a broadcasting station at Muscatine, Iowa, to use 1170 kilocycles, 5,000 watts power, to operate limited time. R. H. Hyde (e), in Report No. I-24, recommends that the application be denied as in cases of default.

Hearing on the application was set for February 14. The day before the date for the bearing a petition for a continuance of the hearing for a period of sixty days was received. The Commission denied the petition. No evidence was offered on behalf of the applicant.

NEW MINNESOTA STATION RECOMMENDED

The Southern Minnesota Broadcasting Company filed an application with the Federal Communications Commission for a construction permit for a new broadcasting station at Rochester, Minn., to use 1310 kilocycles, 100 watts power, unlimited time. R. H. Hyde (e), in Report No. I-22, has recommended that the application be granted.

The Examiner found that the applicant is qualified to own and operate such a station as proposed. Also that there is need for the new broadcasting service in and near Rochester, and that such a station would not interfere with existing service.

RECOMMENDS OHIO STATION

Application was filed with the Federal Communications Commission by the Ohio Valley Broadcasting Corporation asking a construction permit for a new broadcasting station to be located at Parkersburg, W. Va. The corporation asked for unlimited time on 1420 kilocycles, using 100 watts power. George H. Hill (e), in Report No. I-23, recommends that the application be granted.

It was found by the Examiner that the applicant is financially and otherwise qualified to own and operate such a station, that there is need for local service, and talent is available for the station. No objectionable interference would be caused to the service areas of any other licensed stations, and the proposed new station would serve public interest.

COURT UPHOLDS COMMISSION

The United States Court of Appeals for the District of Columbia has upheld the Federal Communications Commission in its order authorizing broadcasting station KWWG to move from Brownsville to Port Arthur, Texas.

The Court ruled that the move would not interfere with station KRVT, Beaumont, Texas, which protested that there was not room for two broadcasting stations in that part of the state.

RADIO COMMITTEE TO MEET

The American Section of the International Committee on Radio will hold a dinner meeting at the University Club, Washington, D. C., on March 4. There will be a discussion of the proposed new legislation covering communications, and of the recent C. C. I. R. meeting at Lisbon. Senator Wallace H. White, Jr., of Maine, president of the American Section, will preside.

MORE LAND FOR GRAND ISLAND

Representative Binderup of Nebraska has introduced a bill (H. R. 6095) to "authorize the Federal Communications Commission to purchase and enclose additional land at the radio station at Grand Island, Nebr." The bill, which has been referred to the House Committee on Merchant Marine, Radio and Fisheries, provides for the purchase of an additional tract of ten acres adjacent to the present monitoring station at \$2,000.

SECURITIES ACT REGISTRATION

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

- Corporate Equities, Inc., New York City. (2-1292, Form C-1)
- Kiley Brewing Company, Inc., Marion, Ind. (2-1293, Form A-1)
- Bankers Bond & Mortgage Company, Philadelphia, Pa. (2-1294, Form E-1)
- Bankers Bond & Mortgage Guaranty Co. of America, Newark, N. J. (2-1295, Form E-1)
- Waco Development Company, Waco, Tex. (2-1296, Form D-1A)
- Waco Development Company, Waco, Tex. (2-1297, Form E-1)

SEVERAL ANNALS COPIES AVAILABLE

Stations desiring copies of "Radio: The Fifth Estate," published as the January number of the Annals of the American Academy of Political and Social Science, are urged to place their orders with the Academy office, 3457 Walnut Street, Philadelphia, Pa., as soon as possible. Demand for the issue has been such that there are little more than 100 copies remaining.

The radio issue of the Annals is the most comprehensive discussion of American and foreign broadcasting to be published in several years. Contributors include William Hard, H. V. Kaltenborn, Glenn Frank, Morse Salisbury, Roy S. Durstine, Ewin L. Davis, chairman of the Federal Trade Commission; former Senator Clarence C. Dill, Louis G. Caldwell, James C. McNary, Technical Director of the NAB, and other prominent figures in American and foreign broadcasting.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Wednesday, March 6, 1935

- WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Renewal of license, 1160 kc., 10 KW, S-WWVA night.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Renewal of license, S-WOWO night.

Thursday, March 7, 1935

- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of license, 1440 kc., 1 KW, unlimited time. Present assignment: 1440 kc., 500 watts, 1 KW LS, unlimited time.
- WDNC—Durham Radio Corporation, Durham, N. C.—C. P., 590 kc., 1 KW, unlimited time. Present assignment: 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted 1180 modification of C. P. to make changes in antenna.
- WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—590 Granted modification of C. P. to extend commencement date to November 1, 1934, and completion date to May 1, 1935.
- WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted 570 modification of C. P. extending commencement date to 4-18-35 and completion date to 7-18-35.
- KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of 1420 C. P. extending completion date to 60 days after this date.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted modification of C. P. extending completion date to 3-15-35.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, 600 Conn.—Granted license covering changes in equipment, increase in power from 500 watts to 1 KW day; 600 kc., 500 watts night, specified hours.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—800 Granted application for consent to transfer control of Associated Broadcasting Corp., licensee of station WTBO, by sale of majority of stock now held by Herbert Lee Blye to Roger W. Clipp and Frank V. Becker, respectively.

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—1210 Granted C. P. for new station to operate on 1210 kc., 100 watts, daytime.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted extension of special experimental authorization to operate with 1 KW at night, 5 KW day, from March 1, 1935, to September 1, 1935.

WJAR—The Outlet Co., Providence, R. I.—Granted extension of 890 special experimental authorization to use additional power of 250 watts night for period beginning March 1 and ending September 1, 1935.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted renewal of license, 560 kc., 1 KW night, 2½ KW day, unlimited.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Granted extension of special experimental authorization to operate on 600 kc., 1 KW night, 2.5 KW day, unlimited time, for period ending September 1, 1935.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special experimental authorization to use additional 880 250 watts power for period ending September 1, 1935.

W8XAR—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of special experimental station license for experimental service, effective March 23, 1935, to June 23, 1935, in exact conformity with existing license.

SET FOR HEARING

KFWB—Warner Bros. Broadcasting Corp., Los Angeles, Calif.—950 C. P. to make changes in equipment and increase day power from 2½ to 5 KW (to be heard with others for California before Commissioner Brown).

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—710 Modification of license to increase hours of operation from limited to unlimited (to be heard by the Division en banc, April 17, 1935, 11 a. m.).

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of 850 C. P. to change type of equipment; extend commencement date from July 30, 1934, to 30 days after granting, and completion date from November 30, 1934, to 60 days thereafter (to be heard before Commissioner Brown in California).

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—C. P. 1380 to move station locally, install new equipment, and change assignment to 1380 kc., 1 KW, unlimited time.

NEW—C. L. Burns, Brady, Tex.—C. P. for new station, 1210 kc., 1210 100 watts, daytime (site to be determined).

NEW—Robert K. Herbst, Fargo, N. Dak.—C. P. for new station, 1310 1310 kc., 100 watts, unlimited time (site to be determined).

WRJN—Racine Broadcasting Corp., Racine, Wis.—C. P. to make 1370 changes in equipment and increase day power from 100 watts to 250 watts.

NEW—Joseph H. Hallock, Vancouver, Wash.—C. P. for new station, 1500 kc., 100 watts, daytime (site to be determined).

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of 1200 C. P. for new equipment, and change assignment to 1200 kc., 100 watts night, 250 watts day, unlimited; also requests extension of commencement date from 12-13-34 to 20 days after granting this application, and completion date to 60 days thereafter.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification of 560 of C. P. to install new equipment; increase day power from 2½ KW to 5 KW; extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, 600 Conn.—Modification of license to increase power from 500 watts, 1 KW LS, to 1 KW night and day.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Calif.—Modification of license to change frequency from 1440 kc. to 1280 kc., and increase hours of operation from daytime to unlimited, with 250 watts night.

NEW—Universal Advertising Agency, Laredo, Tex.—Application for permit to transmit programs from studio in Laredo, Tex., to station **XENT**, at Nuevo Laredo, Mexico, and possibly to other Mexican stations through **XENT** as key station. (To be heard before Commissioner Brown with other Texas cases, April 1.)

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Special experimental authorization to install new equipment; operate on **1280 kc.**, 1 KW night and day power, unlimited time, for period ending April 1, 1935, employing directional antenna.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—**1420** Special temporary experimental authorization to operate simultaneously night-time with station **WEED** for period of 30 days.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Special experimental authorization to operate for period of 6 months on **1380 kc.** instead of **1420 kc.**; increase night power to 250 watts, employing a directional antenna.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—C. P. to move **1330** station from Eau Claire to De Pere, Wis.; increase hours of operation from simultaneous day, shares night **KSCJ**, to unlimited; also install new directional antenna. Also requests consent to voluntary assignment of license to **WHBY**, Inc.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modification of C. P. requesting approval of transmitter site and extension of commencement date from 3-8-35 to 30 days after grant, and completion date to 6 months thereafter.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—C. P. requesting **1320** approval of new site at Des Moines; also new transmitter equipment.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification of C. P. requesting approval of new transmitter site, Marion Township, northeast of Cedar Rapids; install new equipment; and extending commencement date from 3-8-35 to 60 days after grant, and completion date to 90 days thereafter.

MISCELLANEOUS

WEED—William Avera Wynne, Rocky Mount, N. C.—Denied **1420** special temporary experimental authority to operate simultaneously night-time with **WEHC** for period of 30 days.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Denied special temporary authority to operate from 1 to 1:30 a. m. with power of 750 watts, and from 1:30 to 2 a. m. with power of 1 KW, and from 2 to 2:15 a. m. with power of 750 watts, and from 2:15 to 2:30 a. m. (all EST) with power of 500 watts on February 17, 18, and 19, 1935.

NEW—Garden City Broadcasting Co. (Homer A. Ellison and Frank **1210** D. Conard), Garden City, Kans.—Granted C. P. for new station to operate on **1210 kc.**, 100 watts, unlimited time (action taken January 29, 1935.)

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—**780** Granted petition requesting that Commission reconsider action of February 19, 1935, designating for hearing application for extension of special experimental authorization to use 250 watts additional power during night-time hours, and upon reconsideration the Broadcast Division directed that said special temporary experimental authorization be extended for a period beginning March 1, 1935, and ending no later than September 1, 1935.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted **970** application for renewal of license and for extension of special temporary experimental authority.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted **830** renewal of license for the regular license period.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—**570** Granted renewal of license for the regular license period.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Denied petition to **550** consider action in designating for hearing application for authority to install new equipment and increase power from 500 watts night, 2½ KW day, to 1 KW night and 5 KW day.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Suspended **610** grant modifying license increasing power for night-time use from 500 watts to 1 KW and application designated for hearing because of the protest of station **WCAO**, Baltimore.

ACTION ON EXAMINERS' REPORTS

WSMB—Ex. Rep. No. 1-9: **WSMB**, Inc., New Orleans, La.—**1320** Granted modification of license increasing operating power from 500 watts to 1 KW, unlimited time, upon condition that

directional antenna be installed to comply with specifications to be outlined by Engineering Department. Sustaining Examiner R. L. Walker.

WBNX—Ex. Rep. No. 1-19: Standard Cahill Co., Inc., New York **1350** City.—Granted renewal of license and license to cover C. P. for the installation of new transmitting equipment and removal of studio. Denied application for special experimental authorization to increase power to 500 watts. Examiner R. L. Walker sustained.

WHOM—Ex. Rep. No. 1-21: New Jersey Broadcasting Corp., Jersey City, N. J.—Granted application for C. P. to move transmitter to Hoboken and renewal of license for regular period. Examiner Geo. H. Hill sustained.

NEW—Ex. Rep. No. 1-24: Norman Baker, Muscatine, Iowa.—**1170** Denied as in default application for a new radio station at Muscatine, Iowa, to operate on frequency **1170 kc.**, 5 KW, limited time. Applicant failed to appear at hearing and no evidence was offered in his behalf. Examiner R. H. Hyde sustained.

APPLICATIONS DISMISSED

The following applications were dismissed at request of applicants:

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind. **1010** —C. P., **1010 kc.**, 500 watts, unlimited time.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Special **1310** experimental authorization, **1310 kc.**, 100 watts, unlimited time.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license, **1430 1430 kc.**, 1 KW, unlimited time.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P., **1270 1270 kc.**, 5 KW, unlimited time.

WBBZ—James F. Kyler, Ponca City, Okla.—Involuntary assignment of license, **1200 kc.**, 100 watts, unlimited.

NEW—A. L. Chilton, Kilgore, Tex.—C. P. for new station, **1200 1200 kc.**, 100 watts, unlimited.

The following application was denied because applicant failed to file an appearance in accordance with Rule 48 (b):

NEW—A. H. Sconberg, Salinas, Calif.—C. P. for new station, **1500 1500 kc.**, 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—**1420** Construction permit for a new station on **1420 kc.**, 100 watts power, unlimited time.

W1XCW—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, Portable.—License to cover construction permit to erect a new general experimental station to operate on **31100 kc.**, 20 watts.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & **1390** Bostwick, St. Albans, Vt.—Construction permit to install new equipment, make change in specified hours, change frequency from **1370 kc.** to **1390 kc.**, and power from 100 watts to 1 KW. Amended to change specified hours.

WMFE—William J. Sanders, New Britain, Conn.—Modification of **1380** construction permit to erect a new station to operate on **1380 kc.**, 250 watts, daytime, requesting equipment changes and extension of commencement and completion dates.

NEW—Roy L. Albertson, Buffalo, N. Y.—Construction permit to **1370** erect a new station to operate on **1370 kc.**, 100 watts, 250 watts day, share-WSVS.

WMFE—William J. Sanders, New Britain, Conn.—Modification of **1380** construction permit to erect a new station to operate on **1380 kc.**, 250 watts, daytime, to request extension of completion date from 2-16-35 to 5-16-35.

Second Zone

None.

Third Zone

KADA—C. C. Morris, Ada, Okla.—Construction permit to install **1200** new equipment; change hours of operation from daytime to unlimited; change power from 100 watts to 100 watts night and 250 watts day. Amended to omit request for night-time power and night operation.

WLAC—Life & Casualty Insurance Co. of Tennessee., Nashville, 1470 Tenn.—Voluntary assignment of license to WLAC, Inc.

WBHS—Virgil V. Evans, Huntsville, Ala.—Construction permit to 1200 move transmitter and studio from 121 West Clinton Street, Huntsville, Ala., to site to be determined, Chattanooga, Tenn. Request change of call letters to WTVA. Amended to request change in hours of operation from six-sevenths time to unlimited.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.— 780 Extension of special experimental authorization to operate with power of 1 KW, 2½ KW day, for period from 3-1-35 to 9-1-35 (directional antenna).

WWL—Loyola University, New Orleans, La.—Modification of 850 license to change hours of operation from specified hours to unlimited.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of 1200 license to change hours of operation from S-WBNO to unlimited, contingent upon granting of B3-ML-130 filed by WBNO for 1500 kc. frequency.

Fourth Zone

WBOW—Bank of Wabash, Inc., Terre Haute, Ind.—Construction 1310 permit to make equipment changes, increase day power from 100 to 250 watts. (Old form.)

Fifth Zone

NEW—R. R. West, Rock Springs, Wyo.—Construction permit for 1200 a new station to be operated on 1200 kc., 100 watts power,

limited time. (Hours of operation, location, alternate facilities.)

NEW—J. B. Kiefer, Los Angeles, Calif.—Construction permit for a 1480 new station to be operated on 1480 kc., 5 KW power, unlimited. (No reply to our letters.)

NEW—Harold H. Hanseth, Fresno, Calif.—Construction permit to 1410 erect a new station to operate on 1410 kc., 1 KW night, unlimited time. Amended giving daytime power as 1 KW.

NEW—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Con- 1500 struction permit to erect a new station to operate on 1500 kc., 100 watts, unlimited time.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification 1430 of C. P. (S-P-B-2837) as modified to extend completion date from 3-15-35 to 6-15-35.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Con- 780 struction permit for new station on 780 kc., 500 watts, 1 KW power, unlimited. Consideration under Rule 6-B. Amended: change frequency from 1310 kc. to 780 kc., power from 100 to 500 watts, facilities of KGHL.

NEW—Ward Walker, Seattle, Wash.—Construction permit for new 760 station on 760 kc., 250 watts night, 500 watts day power, unlimited. Amended: site of transmitter to be determined.

NEW—Clark Standiford, Porterville, Calif.—Construction permit 1420 for new station on 1420 kc., 100 watts power, unlimited. Amended as to transmitter site, near Porterville, Calif.

Advertiser Publishing Co., Ltd., South and Kapiolani Streets, Hono- lulu, T. H.—Construction permit for experimental relay station for 17780 and 9570 kc., 2 KW day and night power.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Copyright, 1934. The National Association of Broadcasters



Vol. 3 - - No. 13
MARCH 7, 1935

AMP AND SESAC LICENSES

So many members have written concerning the licensing activities of the Associated Music Publishers, Incorporated (AMP), 24 West 45th Street, New York, and the Society of European Stage Authors and Composers (SESAC), 113 West 42d Street, New York, that it has become impossible for the NAB office, with its present staff, to answer each letter separately. However, we have taken this vast amount of correspondence, analyzed the questions to which answer is sought, and with the thought in mind that all might be interested, we shall endeavor through NAB REPORTS to answer, in so far as we are able, the questions raised.

AMP claims to have the right to license in the United States compositions published by the following publishers:

Universal Edition, Vienna; Albert J. Gutmann, Vienna; Otto Maass, Vienna; W. Bessel & Cie., Paris; Ed. Bote & G. Bock, Berlin; Editions Max Eschig, Paris; Julius Hainauer, Breslau; F. E. C. Leuckart, Leipzig; B. Schott's Soehne, Mainz; N. Simrock, Leipzig; Breitkopf & Hartel, Leipzig.

As will be noted in the subjoined correspondence, there are a few isolated instances in which the above publishers prior to the AMP agreements assigned certain United States rights to other American publishers, but in almost every case the publisher to whom such rights were assigned is a member of the American Society of Composers, Authors and Publishers (ASCAP). AMP, by contract, is exclusive agents for the serious copyrighted music of the firms of Hanson of Copenhagen and Doblinger of Vienna, but since these copyrights have not been assigned, the AMP does not indemnify any licenses against other claims.

SESAC claims to have the right to license in the United States compositions published by the following publishers:

Vertriebsstelle des Verbandes Deutscher Bühnenschriftsteller und Bühnenkomponisten, Berlin; "Solunastra" Musik Verlag, H. Haberer Helasco, Berlin; Edition Adler, Berlin; Ahn U. Simrock Bühnenverlag, Berlin; Allegro Theaterverlag, Berlin; Max Beck Verlag, Leipzig; Bryant Music Company, New York; Ernst Eulenburg, Leipzig; S. Fischer Verlag, Berlin; Rob. Forberg, Leipzig; Paul Gordon, Bühnenvertrieb, Berlin; Harmonie-Verlag, Berlin; International Edition, Leipzig; Richard Kaun-Verlag, Berlin; Kollo-Verlag, Berlin; Gebrueder Reinecke, Leipzig; Rondo-Verlag, Berlin; Robert Ruehle, Berlin; Schlesinger'sche B. u M., Berlin; Edward Schuberth & Co., Inc., New York; SESAC Publications, New York; Steingraeber Verlag, Leipzig; Chr. Friedr. Vieweg, Berlin; Edition Vuvag Verlag u. Vertrieb, Berlin; Wernthal, Berlin; Gebethner and Wolff, Warsaw; Carl Gebrmans Musikfoerlag, Stockholm.

AMP and SESAC are independent organizations. Neither is affiliated with the ASCAP.

A Word About Copyright

A copyright in a musical work is property, protected by the laws of the United States, and the public performance for purposes of profit of such properly copyrighted work may not be lawfully presented except by permission or license of the owner of the copyright. Unlicensed performances are considered infringements.

The Copyright Act of 1909, now in effect, requires that musical works, in order to enjoy protection in the United States, must be published with the following form of notice: "COPYRIGHT (year) BY (name of owner)." Such notice must appear upon the title page or the first page of the music. Such imprint must appear upon all music, domestic or foreign, enjoying copyright protection in the United States.

Many stations have written asking for copies of the catalogs of the publishers whose works AMP and SESAC claim to control in the United States. While in instances the request was made for the purpose of ascertaining the scope of the catalogs and whether or not the rights claimed were actually worth the license fee asked, in some instances stations wanted such catalogs in order that infringements might be avoided.

It would be highly desirable if AMP and SESAC would publish complete catalogs of the works they license. At the present time each has filed with the NAB copies of the catalogs of the publishers whose works they claim to represent in the United States. With few exceptions these catalogs are published in foreign languages, prepared in differing classifications, and embrace many thousands of titles. While it is not an impossible task, it would require more money than the NAB can afford to have these catalogs translated, the titles classified, and published in a usable form.

Avoiding Infringements

It is my understanding that both the National Broadcasting Company and the Columbia Broadcasting System have licenses from both AMP and SESAC and that these licenses protect their affiliated stations with respect to programs originated by these networks. It is important that every station associated with a network or receiving programs from another source should adopt every precaution to see to it that proper copyright protection is obtained. Each station should exercise the greatest degree of care to ascertain that it is licensed to perform each and every musical composition which goes out over its antenna, regardless of whether such composition is performed by live talent either in the studio or from a remote control point, or received from a network; or by transcription, phonograph record or other mechanical means.

Since each copyrighted musical composition must bear the imprint of a copyright notice, it is possible to ascertain from the music to be used the name of the copyright owner. Upon ascertaining the name of the copyright owner, a check should be made against the list of publishers from whom licenses are held. If the station holds no license to perform the composition, either the composition should not be performed or a license for its performance should be secured.

Term of Copyright

The term of copyright protection in the United States is 28 years from the date of first publication plus an additional 28 years if the extended period is applied for. Under the present law, therefore, the maximum term of protection is 56 years. If the work shows by the imprinted notice of copyright to have been in publication in excess of 56 years, stations may make free use of such work. Compositions which have been in publication in excess of 56 years, compositions in publication for 28 years but which have not been renewed for the additional like term, and foreign works which have not complied with our laws with respect to registration and notice, are considered as part of the public domain of music.

Scope of AMP and SESAC Catalogs

AMP is reputed to have the licensing rights in the United States of more than 500,000 musical compositions, mostly of foreign origin. SESAC is reputed to have the licensing rights to some 275,000 titles, and most of these also are of foreign origin. These figures are estimates only. The NAB has not made an actual count, and furthermore both of these groups are undoubtedly acquiring additional catalogs from time to time. Many of these works undoubtedly are in the public domain, but it is a fact that each group controls a substantial number of compositions under current copyright and with respect to these the formalities of our law have been met. Their unauthorized or unlicensed performance is prohibited.

Warranties

The standard form of ASCAP license fully protects stations as to any non-dramatic public performance of works of American members of ASCAP. The warranty under the ASCAP contract extends only to its own members but ASCAP has stated that it is prepared to go further when, through no carelessness on the part of the station, it has, in good faith and with good sound reason to support

it, performed a composition which it had a right to believe was in ASCAP repertoire. But the station must be careful.

As will be seen from the correspondence published as a part of this report, both AMP and SESAC are prepared to warrant and save the station harmless with respect to the works they license. Such warranties are of the greatest importance, especially where there might be conflicting claims of copyright in a single composition.

Other Copyright Groups

Leaving out of consideration works in the public domain, stations may perform only such currently copyrighted musical compositions as fall within their licenses. ASCAP, AMP and SESAC do not control all of the music under current copyright. Even if a station has all three of these licenses, the greatest care should be exercised not to perform compositions not covered by such licenses.

Radio Program Foundation

For example, some 125,000 musical compositions are embraced in the Ricordi catalog which is licensed to the Radio Program Foundation and any station not having a sublicense from this Foundation has no right to perform this excellent Italian music. The Foundation was created by the NAB two years ago for the purpose of assisting members in their copyright problems, which were at the time and are continuing to become more complex, but this organization, except its acquisition of the Ricordi catalog, has been able to do very little in a constructive way. It has not been supported by all stations and this is due, perhaps, to the fact that stations now pay a percentage of money received from all programs (except political campaign speeches) and that they cannot afford to expend additional funds for copyright purposes.

Finally, be sure that you have a license to perform every copyrighted musical composition which goes out over your station. If there is doubt, and you do not have time to make a thorough check, don't use the number. If you desire to use a certain composition for which you have no license, ascertain the name of the copyright owner and obtain a license. If you desire to use the copyrighted musical compositions of any group such as ASCAP, AMP, SESAC or the Program Foundation you must have their licenses. It is difficult enough to check your programs against the licenses you hold. It is virtually impossible to check the music you have no right to perform. Both NBC and CBS have taken both AMP and SESAC licenses in addition to ASCAP and Foundation licenses. Many other stations likewise have taken these licenses. If you have need for and want to use the copyrighted compositions of AMP and SESAC there is no alternative except to take licenses. Otherwise, if you use their works you may be subject to infringement damages.

NATIONAL ASSOCIATION OF BROADCASTERS
NATIONAL PRESS BUILDING
WASHINGTON, D. C.

December 21, 1934.

Mr. M. E. Tompkins, Vice President,
Associated Music Publishers, Inc.,
25 West 45th Street,
New York, N. Y.

MY DEAR MR. TOMPKINS:

A number of the members of this Association have written me with reference to the licensing agreement which the Associated Music Publishers Incorporated is offering to broadcast stations. A copy of this form of agreement has just reached my desk.

In checking over the catalogs which you were good enough to send me some months ago I find that the catalogs of Doblinger (Vienna), Albert J. Gutmann (Vienna), Hansen (Copenhagen), Julius Hainauer (Breslau), Otta Maass (Vienna), Nagel Archives (Hanover), and Vienna Philharmonia Edition are missing from my file. Some of these undoubtedly are among your later acquisitions. Will you therefore send me copies of these catalogs so that my file may be complete?

While paragraph numbered (1) grants a license as to each of the compositions owned or controlled by the licensor during the term of the agreement, there is nothing in the agreement to the effect that the licensor's agreements with its publishers subsist throughout the period for which the license is issued. I presume this was an oversight in drafting. In order that this point may be clarified, may I ask if your contracts with publishers do not give you control of their works in the United States for, at least, the period for which you grant licenses?

With further reference to paragraph numbered (1) do you have the exclusive right in the United States to license all of the works

of the publishers whose names are listed in the agreement? Do you agree to protect the licensee against another claiming similar rights, or different rights in the same catalogs? Do you agree to defend against another claiming the same rights you claim? Would the licensee be compelled to meet such infringement suit himself or would you assume such defense in his behalf? If such suit were successful as against the licensee, do you agree to save him harmless with respect to resulting damages?

I would greatly appreciate an early reply to these questions in order that I might be in a position to pass this information along to our members.

Cordially yours,

NATIONAL ASSOCIATION OF BROADCASTERS
PHILIP G. LOUCKS, Managing Director.

PGL-S

ASSOCIATED MUSIC PUBLISHERS, INC.
25 WEST 45TH STREET
NEW YORK

January 31, 1935.

Mr. Philip Loucks, Managing Director,
National Association of Broadcasters,
National Press Building,
Washington, D. C.

MY DEAR MR. LOUCKS:

First, let me thank you for your letter of December 21st and also for sending to me a transcript of Mr. Heinecke's letter which I observe has appeared in *Broadcasting*.

I am pleased to send you the catalogs of those publishers for which you ask in the second paragraph of your letter, with exception of Gutmann and Otto Maass, which firms are subsidiaries of the Universal Edition, and Hainauer, whose catalogs are not available at present.

Answering the third paragraph of your letter we would say that in case we terminate any of the agreements now in effect with our publishers we should, of course, expect to make reasonable adjustment with any licensed broadcasters.

Answering the fourth paragraph of your communication, would advise that we do have the exclusive right in the United States to license and prohibit the performance by broadcasting of all of the works of the publishers copyrighted in the United States whose names we list in our regular agreements with radio stations, with certain minor exceptions listed below.

The following publishers have contracts with us which provide for the proper assignment to us of the United States copyrights of their catalogs, with the exceptions noted below:

Universal Edition, Vienna; Albert J. Gutmann, Vienna; Otto Maass, Vienna; W. Bessel & Cie., Paris; Ed. Bote & G. Bock, Berlin; Editions Max Eschig, Paris; Julius Hainauer, Breslau; F. E. C. Leuckart, Leipzig; B. Schott's Soehne, Mainz; N. Simrock, Leipzig; Breitkopf & Hartel, Leipzig.

We will indemnify and hold harmless any broadcasting licensee from and against any claim or suit that may be brought against such licensee for alleged infringement of copyright with respect to the performance by broadcasting of any copyrighted work of the above named publishers licensed by us if at the time of such performance the copyright has been assigned to us and properly recorded in the records at Washington and if the licensee gives us prompt notice of such claim or suit and permits us to conduct the defense thereof, furnishing us with reasonable assistance in connection therewith.

With respect to the catalogs of the above named firms, there are a very few isolated instances in which the publishers, prior to our agreement, assigned certain United States rights to other American publishers such as Schirmer, Fischer, etc. This would not seriously affect the rights under our broadcastings agreements as in almost every case the publisher to whom such few assignments were made is a member of ASCAP and therefore there would never be any difficulty respecting the broadcasting of these compositions.

In addition to the publishers named above we are by contract exclusive agents for the serious copyrighted music of the firms Hansen of Copenhagen and Doblinger of Vienna, but as these copyrights have not been assigned to us we do not indemnify any licensee against other claims, although under our contracts we have full right to license and prohibit the use of this music.

Yours most respectfully,

ASSOCIATED MUSIC PUBLISHERS, INC.
By (signed) M. E. TOMPKINS,
Vice President.

MET SLG

NATIONAL ASSOCIATION OF BROADCASTERS
NATIONAL PRESS BUILDING
WASHINGTON, D. C.

December 8, 1934.

Mr. Paul Heinecke, President,
Society of European Stage Authors and Composers, Inc.,
113 West 42nd Street,
New York, N. Y.

DEAR MR. HEINECKE:

Several of our members have written me concerning your standard form of agreement. In order that certain points therein may be clarified for our records, herewith follows certain inquiries concerning the subject matter thereof.

I will appreciate your cooperation in answering at your earliest convenience, so that for the benefit of our members this data may be on file together with the catalogs and other information previously furnished.

What is meant by a "part" of a grand right? Does this mean that the licensee is prohibited from performing, say, an aria from an opera, musical comedy, operetta or revue?

Are additional publishers' catalogs of music as acquired by you made available to the licensee? How is the licensee to know that these additional acquisitions come under your license?

Why do you require that the title and composer of a number be announced? Why do you require that the name of a musical production or sound film be announced, in addition to the title and composer, if such composition is taken from such production or film?

Is the licensee given the right to arrange, adapt or interpolate the compositions covered by the agreement? I am sure that you must appreciate the importance of this right where radio presentations are concerned.

Why do you require that the licensee furnish weekly reports of its program records?

Will your Society maintain substantially the same number of compositions throughout the term of your licenses?

Is the licensee protected against wholesale restriction?

In your agreement you list certain publishers with which you have agreements, and you state that you have the right, subject to various terms and conditions contained in these agreements, to authorize, prohibit, supervise and control performances in this country of certain musical compositions, dramatico-musical works and dramatic works. Do you distinguish between the works you have authority to license and those you do not? Do you have the exclusive right to these works? Do you inform the licensee of the terms and conditions or limitations upon the performing rights which you mention? Is the licensee protected against another claiming similar rights, or different rights in these same catalogs? Do you agree to defend against another claimant of the same rights which you claim? Would the licensee be compelled to meet such an infringement suit himself? If so, under what provision of the agreement would he be made whole?

Thanking you for your early advice.

Sincerely yours,

NATIONAL ASSOCIATION OF BROADCASTERS
Philip G. Loucks, Managing Director.

SOCIETY OF EUROPEAN STAGE AUTHORS AND
COMPOSERS, INC.

113 WEST 42ND STREET, NEW YORK

Cable: SESACOM

Phone Bryant 9-3223-3224

December 12, 1934.

Mr. Philip G. Loucks, Managing Director,
National Association of Broadcasters,
National Press Building,
Washington, D. C.

DEAR MR. LOUCKS:

This is to acknowledge receipt of your letter of December 8th in which you seek further information about our standard form of license and its subject matter.

So that your records may be complete, and in order that you may be in a position to properly advise your members, we are herewith replying in detail.

In connection with your inquiry concerning "a 'part' of a grand right," and whether the same would include an "aria," we would advise that as a matter of uniform interpretation, and in accordance with the custom of the trade, whenever this inquiry has come to our

attention, we have further explained this clause by defining a "part" of a grand right as a dramatic sequence or dramatic integration from a grand right work, such as an opera, operetta, musical comedy, revue, stage work, etc. Separate non-dramatic numbers or compositions, however, taken from these "grand right" works, e.g., songs, arias, etc., are deemed "small rights," and are therefore available for performance under SESAC's license, since not within the "grand rights" exception.

Additional catalogs which are acquired by SESAC from time to time are made available to the licensee pursuant to the license, and the licensee is so notified by SESAC bulletins.

As you may know, the SESAC repertory of copyrighted compositions included in SESAC's agreements with, up to the time of the present writing, forty publishing houses, increases constantly as the various publishers continue to bring out new compositions. Furthermore, the number of publishers, and therefore the size of SESAC's licensing repertory, is being increased as SESAC is continuing to acquire new groups of publishers.

In the matter of announcements of title and composer, and of the musical production or sound film, if the composition is taken therefrom, the announcement of the title and composer of the composition is required in the interest of the author and composer, but where the station, in certain instances, finds it inconvenient to make such announcement, and informs SESAC thereof (which would be entirely unusual), permission is granted to waive these announcements. However, it should be borne in mind that the public from the educational and cultural standpoint is best satisfied and indeed requests such announcements. This is especially true because frequently there are many compositions by the same title, such as "Serenade," "Lullaby," etc., etc., and likewise there are many composers with the same or similar names; for instance, the Strausses (5 of them), the Hollaenders (3), etc. There is a certain general, but not inflexible, uniformity which SESAC would like observed. Announcements of musical production or sound film from which a particular musical selection is taken is usually waived by SESAC upon request, unless for certain productions the producer insists or requires of SESAC that such announcement be made. Thus far, in all instances where the request has been made SESAC has granted the same.

In the matter of special arrangements, adaptations or interpolations for broadcasting, SESAC observes within reason the general requirements of the broadcaster as well as publisher and copyright owner. While SESAC is in entire sympathy with the broadcaster, and appreciative of his occasional need in the matter of special broadcasting adaptations, abridgements or arrangements for the purpose of providing the desirable "air" background, or for suiting an ordinarily lengthier work into a shorter performance period, or for varying cast or number of performers, etc., nevertheless, certain broad limits must be observed, as the broadcaster can well understand, in compliance with the rights of the copyright owner and composer in the protection and preservation of his original work against impairment or inferior adaptations. SESAC, therefore, in accordance with the universal custom prevailing among publishers, authors, composers and performers, grants this right to make the special adaptation which comes in question, upon special permission applied for.

SESAC has liberally cooperated with broadcasters who wish to present special adaptations or arrangements of a work and who inform SESAC thereof and request permission for same.

The relaxation from general requirement where justified, upon request, is also made in connection with the clause re furnishing weekly or examining program records. Of course, information and data concerning SESAC's performances are generally necessary as an important aid in the allocation of revenues to the publishers and composers.

Furthermore, the experience of SESAC, especially in the operation of its Program Department devoted exclusively to the matter of program building and music service to the broadcaster, has shown that the broadcasters themselves wish to send in their programs and are doing so in order that SESAC's Program Department may be guided by the particular type and character of the program features and requirements, as evidenced by the program records.

In connection with maintaining the size of SESAC's present repertory, we wish to assure you that SESAC will maintain substantially the same number of compositions and expects to continue to increase its repertoire in the future as it has in the past.

You will understand that many of our agreements with the publishers contain, expressly or impliedly, such limitations and conditions which are usual in the trade, and compliance with which so far as it is possible, is desirable. For example, some of the agreements reserve the right to restrict compositions included in the con-

tracts, especially production numbers. While SESAC to date has not restricted a single number from performance to any licensee, it nevertheless will be understood that upon possible occasions as a matter of fair trade practice and usage, SESAC may be obliged to reserve this right where the separate number from a stage or film work must be restricted, in accordance with the requirements of producers' contracts with SESAC. However, SESAC's policy does not countenance restrictions of any sort which would lessen or impair the value of the license, and SESAC will at no time issue lists of restricted titles of musical compositions which aggregate in excess of ten per cent of its repertory.

All of SESAC's contracts are exclusive, and generally speaking, cover all the compositions included in the catalogs of the particular publisher, but cognizance must be taken of the universal trade practice of music publishers, who from time to time, prior to entering into such an agreement as SESAC's, have sold to others the rights to certain compositions and single numbers from their catalogs. In such instances, of course, the exceptions are usually written into the contract. However, these exceptions are proportionately negligible in the case of SESAC's contracts. We note that in your letter you inquire hypothetically about the possibility of a demand or claim being made on a licensee by another in connection with the rendition of a composition covered by our license. While this inquiry, we would respectfully point out, is entirely academic, inasmuch as during the five years of our existence no such claim or demand against any station or performer has been made, nevertheless, be assured that if such a contingency were to occur, both from our own standpoint in protecting our rights, as well as from the desire to cooperate with, and relieve the NAB member of the annoyance and inconvenience which would be occasioned thereby, we would, legally and otherwise, upon ten days' notice to us in writing by United States registered mail, after the making of such claim or demand, personally defend and thereafter, if necessary, hold harmless and indemnify the NAB member from loss through such possible situation occurring by reason of the member's performance of musical compositions licensed for performance by us according to the terms and conditions of the standard license.

I trust that the above furnishes you the information which you wish.

Assuring you of our cooperation, we are,
Sincerely yours,

SOCIETY OF EUROPEAN STAGE
AUTHORS AND COMPOSERS, INC.
(Signed) Paul Heinecke
PAUL HEINECKE,
President.

NO ACTION ON COPYRIGHT BILL

The Department of State is still considering the mass of testimony presented at its recent conferences on the bill to enable the United States to enter the International Copyright Union. It is expected that the revised draft of the bill will be made available within the next week. It will then go to the Congress.

SPECIAL NOTE TO MEMBERS

The By-Laws of the NAB provide that a member is in arrears and subject to expulsion when he has not paid his dues in advance for any quarter. As the first quarter reaches its close, a few stations are in arrears and subject to expulsion action.

FEDERAL TRADE COMMISSION ACTIVITIES

Consent Decree

No. 1452. The Federal Trade Commission's suit against Inecto, Inc., of New York, hair dye manufacturer, has been concluded by the entry of a final decree in court by consent of both parties. The decree prohibits the corporation from using advertising claims that its hair dye, theretofore sold as "Inecto Rapid Notox" and also referred to as "Notox," "Inecto" and "Inecto Rapid" is safe and harmless or is non-toxic or that it does not contain certain toxic, poisonous or deleterious ingredients. The use of non-genuine consumer testimonials and endorsements is also prohibited. This does not prohibit the company from representing that its product may be used with reasonable safety by those who are in good health and have no scratch or abrasion and who show no particular susceptibility to dyes of this character.

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2226. National Association of Ladies' Handbag Manufacturers, New York City. To cease and desist from carrying out agreements and combinations to fix and maintain uniform prices of imitation ladies' handbags. The respondents elected not to contest the proceeding and consented to issuance of an order.

No. 2197. Mallory Clothes, Inc., of New York City. To cease using the words "factory", "manufacturing" and "factory salesmen" until it owns or operates a factory making the clothes it sells and to stop advertising that these clothes are made to order and measure of the customer when in fact they are "ready made" clothing. The use of the words "tailor" and "tailored" in connection with order blanks is to be discontinued unless it is plainly printed that the customer is buying a suit to be taken from stock, or unless the clothing is made to measurement. The company must desist from stating that it maintains "representatives in all principal cities".

No. 2268. Eli Dane, trading as York Radio Co., New York City. To discontinue attaching to radio sets plates bearing the names "Edison" and "Victor" and to stop representing in literature or advertisements that the sets were manufactured or licensed by the Edison and Victor companies. The respondent consented to the issuance of the order.

No. 2255. Briarwood Corporation, Cleveland, O. To discontinue misleading advertising stating "Made from Genuine Imported Briar Root" or using the name "Briar Knobs" unless in connection with the word "ground" or other word of like import conspicuously displayed.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 1286. Universal Crushed Shell Co., Muscatine, Iowa. To cease using in its advertising the words "Crushed Oyster Shell" so as to imply that its crushed shell product is made wholly of crushed oyster shell, or that its shell flour product is composed entirely of powdery substance resulting from crushing oyster shells. Provision is made in the stipulation that the term shall be accompanied by other words in conspicuous type indicating clearly that the products are not made entirely of crushed oyster shells, where this is the case.

No. 1287. J. W. Gibson, trading as J. W. Gibson Co., Indianapolis, Ind. To cease using in his advertising the words "Vanilla", "Black Walnut" or "Strawberry" to describe flavoring products, unless, when the products simulate these flavors, their names shall be accompanied by words clearly showing that the flavorings are imitations. Also to discontinue using "LaFrance" independently or in connection with "Adoree" so as to imply erroneously that certain cosmetics are of French origin.

No. 1288. Red Top Brewing Co., Cincinnati, O. To discontinue advertising that all of its beer is "Krausened" (carbonizing beer with its own natural gases), provision being made that when the term is used in advertising with a picture of the bottle, it shall be definitely set forth that the process is used only in the manufacturing of such part of the product as is sold in barrels and kegs.

No. 1289. J. Morris & Co., 2540 Atlantic Ave., Brooklyn, N. Y. To cease using "Made in U. S. A." to describe its outfits unless the articles actually are manufactured in this country. When the product is composed only in part of pieces made in the United States, the aforementioned slogan shall be accompanied by words clearly designating this.

No. 1290. C. W. Hunter, trading as the Hunter Chemical Laboratory, Philadelphia. To cease using the name Hunter Chemical Laboratory in advertising or on labels or in other ways tending to confuse buyers into believing that he is a chemist or that he owns, controls or operates a chemical laboratory, when this is not true.

No. 1291. Benjamin Cisenfield, trading under the names Earle Soap Manufacturing Co., The Nursery Institute, Ben's Cut Rate Store, and Virginia Lee Cosmetics. To cease using the word "Castile" in his advertising or as a brand of soap having an oil or fatty composition not derived wholly from olives; to desist from publishing fictitious or exaggerated prices and to discontinue using the word "Doctor" as a trade name or designation so as to deceive buyers into believing that products have been compounded in accordance with prescription or under the direction of a doctor, when these are not the facts.

No. 1292. The D. Bacon Co., Harrisburg, Pa. To cease using methods promoting the sale of candy by gift enterprise or lottery.

No. 1293. H. Malkin's Sons, New York City. To cease using the word "Doctor" which tends to confuse buyers into believing the

children's shoes made by the company have been manufactured under the supervision of a doctor and to contain scientific or orthopedic features resulting from medical advice or services, when this is not true.

No. 1294. Pine Products International, Inc., New York, N. Y. To cease using "Swiss" or "Direct from Switzerland" in advertising unless the pine essence from which the bath preparation is made is a product of Switzerland or of pine needles grown in and imported from there.

No. 1295. Worcester Knitting Co., Worcester, Mass. To cease using phrases "100 per cent All Wool," "100 per cent Pure Wool" or "100 per cent Virgin Wool" to designate garments not composed wholly of wool.

No. 1296. Esterbrook Steel Pen Manufacturing Co., New York. To cease using in its advertising certain coined words of which gold is a part so as no longer to tend to deceive buyers into believing that the products so designated are composed wholly or in part of gold when this is not true.

No. 1297. P. J. Morton, Oakland, Calif., trading as Professional Systems Co. To cease and desist using in advertising the forms "McCaskey" so as to deceive buyers into believing that the products are those of the McCaskey Register Co., when this is not true, and from using forms identical with those used by the McCaskey Register Co., so as to avoid tending to mislead buyers.

No. 1298. Charles Spiegel Co., Inc., Salem, Mass. To cease using the term "Doctor" as a trade name or designation for its shoes so as to tend to mislead buyers into the belief that its products are made in accordance with the design or under the supervision of a doctor or to contain special or orthopedic features resulting from medical advice or services.

No. 1299. Barbasol Razor Corporation, Indianapolis, Ind. To desist from representations tending to deceive buyers into believing that certain of its products are manufactured by the company, when this is not true.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These companies will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2303. Climax Rubber Co., Brooklyn, N. Y. The respondent is charged with advertising products as being made of a kind of rubber having antiseptic and anti-acid properties which kill bacteria and neutralize perspiration and other body wastes, when this is not true. The complaint alleges violation of the Federal Trade Commission Act and the code of fair competition for the sanitary and waterproof specialties manufacturing industry. Hearing March 29.

No. 2087. Charles H. Bacon Co., Lenoir City, Tenn., and Scott-Bartels Company, Inc., New York City. Hosiery composed largely of cotton and rayon is alleged to have been represented as containing genuine and pure silk in a proportion greater than was in fact present. Violation claimed of both the Federal Trade Commission Act and the standard of fair competition of the hosiery industry. Hearing March 29.

No. 2299. Leon Friedman and Barney Miller, Hartford, Conn., trading as the New England Tea and Coffee Co. Selling a compound of coffee, chicory, cereal and other pulverized substances as "coffee with cereal and chicory of the finest quality," the words "with cereal" indicating to the public, according to the complaint, that the cereal content is a minor element and a mere incident to the coffee and chicory. The complaint points out that the respondents' products contain a large percentage of cereal and ingredients other than coffee and chicory, these percentages ranging from 25 to 60 per cent, far in excess of that indicated on the label.

No. 2300. William and Max Littman, New York City, trading as Imperial Laboratories. The complaint points out that use of the word "Laboratories" in the respondents' trade name and advertising is false and misleading because they do not own one. The complaint also alleges that the lotion made by the company has not been "perfected by leading chemists" as stated nor the formula invented by such chemists. Hearing March 29.

No. 2301. Economic Films, Inc., and Frank R. Wilson, New York City. Misleading and deceptive use of the likeness of the President of the United States in the picture and the accompanying oral comment are described as having "a substantial tendency to cause respondents' film, 'Forward America,' to be sold, leased, distributed and produced, in competition with other moving picture productions, to a greater extent than would be the case without said likenesses or comment." Hearing March 29.

No. 2302. The Market Gardeners' Seed Co., Cincinnati, Ohio. Misstatement of the number of noxious weed seeds in containers or packages sold by the company is charged. Hearing March 29.

Nos. 2304, 2306, 2307. V. S. Lankford and W. S. Wharton, Hampton, Va., the latter trading as Consolidated Crab Co., and E. L. Anderson, of Yorktown, Va. Complaint issued at the application of the National Recovery Administration. The respondents are alleged to have violated the code by paying pickers of crab meat compensation at less than code rates, and to have shipped crab meat for sale on consignment to persons and companies in various states when the code specifically prohibits shipment on consignment. Hearing April 5.

No. 2305. David Jacoby and Morris Gottshagen, New York City, trading as the Mills Sales Company. Alleged to have sold shoe laces with labels featuring the word "Mercerized" when these laces had not been treated with a mercerizing process. Hearing April 5.

No. 2308. Harry Greenberg and Leo Josefsberg, New York City, trading as Greenberg & Josefsberg, G & J Manufacturing Co., G & J Products, and the American Merchandise Co. Alleged to have sold Japanese-made toothpicks in boxes bearing labels closely imitating the labels, size and shape of boxes of toothpicks made in the U. S. and sold by the Diamond Match Co., Chicago. Hearing April 5.

Under stipulation No. 1300 respondents agreed to cease representing toothpicks as "hygienic," "packed by machine," "not touched by hands," and "cut from choice birch" when in fact the articles were not made or packed under these conditions.

RECOMMENDS MORE TIME FOR WTBO

Station WEBR, Buffalo, N. Y., applied to the Federal Communications Commission to change its frequency from 1310 to 800 kilocycles, its power from 250 watts day and 100 watts night to 1,000 watts, and from limited time to local sunset at Dallas, Tex. Also Station WTBO, Cumberland, Md., asked that its operating time be changed from daytime to local sunset at Dallas, Tex.

George H. Hill (e), in Report No. I-25, recommended this week that the application of WEBR be denied, but that the application of WTBO be granted. The Examiner found that the granting of the WEBR application would allow the station to render more service, but he points out that Buffalo is now served by four broadcasting stations and one experimental station. Also, WTBO is the only station rendering consistent service to the Cumberland area and no substantial interference would be caused to the service area of any existing broadcasting station if the application of WTBO were granted.

INTERNATIONAL COMMITTEE MEETS

Senator Wallace H. White, Jr., of Maine was reelected president of the American Section of the International Committee on Radio at a meeting held this week at the University Club.

Other officers elected include: Louis G. Caldwell, vice president; Howard S. LeRoy, treasurer; and Paul M. Segal, secretary. The executive council consists of William R. Vallance, chairman; A. L. Ashby, Henry A. Bellows, Thad H. Brown, J. H. Dellinger, and F. P. Guthrie.

At the meeting, Senator Wheeler, of Montana, chairman of the Senate Committee on Interstate Commerce, talked. Others who also spoke included Dr. J. H. Dellinger, Bureau of Standards; J. B. Weaver, chief of the Bureau of Navigation, Department of Commerce; and Dr. Austin Clark, of the Smithsonian Institute.

COMMISSION GETS \$750,000

The House of Representatives has passed the resolution providing \$750,000 for the Federal Communications Commission for the making of the investigation of the American Telephone & Telegraph Company. This resolution has already passed the Senate and it now goes to the President for signature to become law. It is expected that the resolution will be signed.

SECURITIES ACT REGISTRATION

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

- Committee for the Kelly-Springfield Tire Co., New York City. (2-1298, Form D-1)
- American Business Shares, Inc., Jersey City, N. J. (2-1299, Form A-1)
- Second Larkins-Warr Trust, Tulsa, Okla. (2-1300, Form A-1)
- Renotex, Inc., New York City. (2-1301, Form A-1)
- Conelius J. Shea, et al., St. Louis, Mo. (2-1302, Form F-1)
- T. I. S. Management, Inc., Jersey City, N. J. (2-1303, Form C-1)
- Sunrise Mines, Inc., San Diego, Calif. (2-1304, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION
ACTION

HEARING CALENDAR

Wednesday, March 13, 1935

- WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension of special experimental authorization, **1280 kc.**, 500 watts, 1 KW LS, 500 watts additional night power, unlimited time.
NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—C. P., **1010 kc.**, 1 KW, unlimited time.

Thursday, March 14, 1935

- KCRC—Enid Radiophone Co., Enid, Okla.—Modification of license, **1360 kc.**, 250 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, S-KGFG.
NEW—Guthrie Broadcasting Co., Guthrie, Okla.—C. P., **1200 kc.**, 100 watts, S. H. (facilities of WBBZ).
WBBZ—Estate of C. L. Carrell, deceased, Howard Johnson, representative, Ponca City, Okla.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.
NEW—Price Silver, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—C. P., **1500 kc.**, 100 watts, unlimited time.

Friday, March 15, 1935

Before Thad H. Brown, Commissioner, at San Antonio

- Mrs. Nellie H. Morris and W. C. Morris, working as "Hotel Eagle," El Paso, Tex.—Authority to transmit programs from Eagle Pass, Tex., over XEPN, Piedras Negras, Mexico, on **590 kc.** Licensed 100 KW, using 50 KW.

Before an Examiner

- NEW—Harris County Broadcast Co., Houston, Tex.—C. P., **9510, 11770, 15150 kc.**, 500 watts.

APPLICATIONS GRANTED

- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted modification of license to change frequency from **1440 kc.** to **900 kc.** and hours of operation from sharing with WMBD to daytime.
WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted modification of license to change hours of operation from sharing with WTAD to unlimited.
KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted **1440** C. P. to make changes in equipment and increase power from 500 watts to 1 KW.
WMFE—William J. Sanders, Britain, Conn.—Granted modification **1380** of C. P. extending completion date from 2-16-35 to 5-16-35.
WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted modification of C. P. to make changes in equipment; move transmitter from 505 Jefferson Ave., Toledo, to near Toledo; extend commencement date to 30 days after grant and completion date to 120 days thereafter.
WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted modification of C. P. to move studio and transmitter locally, extend commencement date to within 30 days of grant and completion date to within 90 days thereafter.
WLAC—Life & Casualty Ins. Co. of Tenn., Nashville, Tenn.—**1470** Granted consent to voluntary assignment of license to WLAC, Inc.
WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted modification of C. P. to extend completion date from 8-1-34 to 2-1-35.
KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted **1430** modification of C. P. to extend completion date from 3-15-35 to 6-15-35.
WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—**1310** Granted license to cover C. P., **1310 kc.**, 100 watts, daytime.
WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—**1420** Granted license to cover C. P., **1420 kc.**, 100 watts, daytime.
WIBU—Wm. C. Forrest, Poynette, Wis.—Granted license to cover **1210** C. P., **1210 kc.**, 100 watts night, 250 watts day, unlimited time.
WCBS—WCBS, Inc., Springfield, Ill.—Granted modification of **1420** license to change frequency from **1210 kc.** to **1420 kc.**; also to change hours of operation from sharing with WTAX to specified: 6 to 10 a. m.; 100 watts power.

- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted modification **1200** of license to change hours of operation from daily, except Sundays, 11:30 a. m. to 1:30 p. m.; Tuesday and Friday nights, 7:15 to 8:45 p. m.; and Sundays, 11 a. m. to 12:15 p. m., MST; to daily, except Sundays, 11:30 a. m. to 1:30 p. m.; Tuesday and Friday nights, 7:15 to 8:45 p. m.; and Sundays, 11 a. m. to 12:15 p. m. and 2:30 to 3:30 p. m., MST.
WSGN—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birmingham-**1310** ham, Ala.—Granted consent to voluntary assignment of license to Ormond O. Black and Mary Collett Black (lessees).
WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted consent **890** to transfer control of corporation from A. M. Rowe, Inc., to West Virginia Broadcasting Corp.

SET FOR HEARING

- NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—C. P. **1200** for new station, **1200 kc.**, 100 watts, unlimited time (site to be determined).
NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.—C. P. **1200** for new station, **1200 kc.**, 100 watts, unlimited time.
WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—**1210** C. P. to increase day power from 100 to 250 watts and make changes in equipment.
NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P. for new **1200** station, **1200 kc.**, 100 watts, unlimited time.
NEW—A. L. Chilton, Kilgore, Tex.—C. P. for new station, **990 kc.**, **990** 500 watts, daytime (site to be determined).
NEW—Evansville on the Air, Inc., Evansville, Ind.—C. P. for new **1370** station, **1370 kc.**, 100 watts, unlimited time.
WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P. to **920** make changes in equipment, move transmitter to new location locally, and increase operating time from daytime to unlimited.
NEW—Ward Walker, Seattle, Wash.—C. P. for new station, **760** **760 kc.**, 250 watts night, 500 watts day (site to be determined). To be heard by the Division en banc, April 24, 1935.
NEW—David Parmer, Atlanta, Ga.—C. P. for new station, **1370** **1370 kc.**, 100 watts night, 250 watts day, unlimited.
NEW—Clark Standiford, Porterville, Calif.—C. P. for new station, **1420** **1420 kc.**, 100 watts, unlimited.
WGST—Georgia School of Technology, Atlanta, Ga.—Modification **890** of license to increase night power from 500 watts to 1 KW. (Licensed for **890 kc.**, 1 KW day, unlimited.)

ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. No. 1-22: Southern Minnesota Broadcasting Co., **1310** Rochester, Minn.—Granted C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time, sustaining Examiner R. H. Hyde.
WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted C. P. **770** to increase power from 25 to 50 KW and install new equipment, **770 kc.**, unlimited time day, synchronize with KFAB night. Order effective March 26, 1935. (Heard by Commission en banc.)
KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted C. P. **770** to increase power from 5 to 10 KW; also install new equipment, **770 kc.**, unlimited day, synchronize with WBBM night. Order effective March 26, 1935. (Heard by Commission en banc.)

MISCELLANEOUS

- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied protest asking reconsideration of grant made on February 5, 1935, of a C. P. to the Missouri Valley Broadcasting Co., Inc., for a new station to operate on **1500 kc.**, 100 watts.
KSD—Pulitzer Publishing Co., St. Louis, Mo.—Denied protest asking reconsideration of grant made on February 5, 1935, of a C. P. to the Missouri Valley Broadcasting Co., Inc., for a new station to operate on **1500 kc.**, 100 watts.
KWK—Thomas Patrick, Inc., St. Louis, Mo.—Denied protest asking reconsideration of grant made on February 5, 1935, of a C. P. to the Missouri Valley Broadcasting Co., Inc., for a new station to operate on **1500 kc.**, 100 watts.
WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Suspended grant and designated for hearing application for increase in power for night-time use from 500 watts to 1 KW, because of the protest of Station WICC, Bridgeport, Conn.
WHFC—WHFC, Inc., Cicero, Ill.—Denied petition asking for reconsideration of Commission's action of January 29, 1935, designating for hearing application for C. P. to operate on **1420 kc.**, 100 watts night, 250 watts LS.

NEW—Alexandria Broadcasting Co., Alexandria, La.—Denied petition asking Commission to reconsider its action in designating for hearing application for authority to erect a new broadcast station in Alexandria to operate on **1370 kc.**, 100 watts.

Milwaukee Broadcasting Co., Milwaukee, Wis.—Suspended grant for C. P. for a new station in Milwaukee, Wis., to operate on **1310 kc.**, 100 watts power, and designated application for hearing because of the protest of Station WHBL, Sheboygan, Wis.

NEW—W. C. Hilgedick and Ge. C. Knaur, Denison, Tex.—C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours, heretofore designated for hearing, was dismissed at request of applicant.

NEW—Guilford Broadcasting Co., Abilene, Tex.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time, heretofore designated for hearing, was denied as in cases of default, for failure to file a written appearance and statement of facts in accordance with Rule 48 (b).

WOW—Woodmen of the World Life Ins. Co., Omaha, Nebr.—Modification of C. P. to increase power and move transmitter, heretofore authorized, was retired to the closed files upon request of applicant.

RATIFICATIONS

WNBO—John Brownlee Springs, Silver Haven, Pa.—The Commission, Broadcast Division, upon its own motion, ordered that the effective date of the termination of the temporary license of Radio Station WNBO be extended from 3 a. m., EST, March 1, 1935 (as shown in Minute 108), to 3 a. m., EST, March 15, 1935.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary experimental authorization to operate on **560 kc.**, 1 KW power, night, for the period beginning 3 a. m., EST, March 1, 1935, and ending in no event later than March 31, 1935.

APPLICATIONS RECEIVED

First Zone

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of construction permit to erect a new station to operate on **900 kc.**, 500 watts, daytime, requesting extension of commencement and completion dates.

NEW—The Monocacy Broadcasting Co., Frederick, Md.—Construction permit to erect a new station on **900 kc.**, 500 watts power, daytime.

NEW—Paul Sullivan Andrews, Lewiston, Maine.—Construction permit for a new station on **560 kc.**, 250 watts power, nighttime operation.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to change frequency from **830 kc.** to **1230 kc.**, hours of operation from local sunset at Denver, Colo., to unlimited time.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification of license to increase power from 250 watts to 500 watts.

Second Zone

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of special experimental authorization to use 500 watts power from local sunset to 6 a. m., using directional antenna to reduce signal in Niagara to Lockport, N. Y., area to equivalent of 50 KW, for period ending 8-1-35.

WPHR—WLBG, Inc., Petersburg, Va.—License to cover construction permit (2-P-B-3291) as modified to change location of transmitter, change frequency, install new equipment, change hours of operation, and increase power.

WELL—Enquirer-News Co., Battle Creek, Mich.—Construction permit to make equipment changes; increase power from 50 to 100 watts; move transmitter from 38 W. State Street and move studio from 221 Champion Street to 1 West Michigan Ave., Battle Creek, Mich.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to make changes in equipment.

WHBC—Edward P. Graham, Canton, Ohio.—Modification of **1200** license to change hours of operation from specified hours to unlimited. Facilities of Station WNBO.

Third Zone

WJTL—Oglethorpe University, Oglethorpe University, Ga.—Voluntary assignment of license from Oglethorpe University to J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Company.

KPRC—Houston Printing Co., Houston, Tex.—Extension of special experimental authorization to increase power to 5 KW day for period ending 9-1-35.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of **1500** license to change hours of operation from specified hours to unlimited time.

Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—Construction permit for experimental broadcast station, **1550 kc.**, 1 KW power. Amended: request **1570 kc.**

KBTM—W. J. Beard (Beard's Temple of Music), Paragould, Ark.—Modification of construction permit (3-P-B-2987) as modified to extend commencement date from 12-21-33 to 10-1-34 and completion date from 11-1-34 to 3-1-35.

KWEA—International Broadcasting Corp., Shreveport, La.—Voluntary assignment of license to The Allen W. Hinkel Dry Goods Co., Wichita, Kans.

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—License to cover construction permit (3-P-B-2987) as modified to move station from Paragould to Jonesboro, Ark.

WKEU—Radio Station WKEU, Griffin, Ga.—License to cover construction permit (B3-P-195) to move transmitter and studio and change hours of operation.

NEW—Homer York, Lufkin, Tex.—Construction permit to erect a new station to operate on **1340 kc.**, 250 watts, unlimited time. Amended to change frequency to **1350 kc.** and hours of operation to specified hours (2 p. m. to 10 p. m.).

NEW—Florida Capitol Broadcasters, Tallahassee, Fla.—Construction permit to erect a new station to operate on **1310 kc.**, 100 watts, unlimited. Amended: Transmitter location to be determined.

WAIM—Wilton E. Hall, Anderson, S. C.—Modification of construction permit authorizing a new station to operate on **1200 kc.**, 100 watts, unlimited time, to request changes in equipment and move of transmitter from 316-320 N. Main Street, Anderson, S. C., to Anderson, S. C.

WJAX—City of Jacksonville, Jacksonville, Fla.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.

NEW—Eugene DeBogory and Mildred English, d/b as Dallas Broadcasting Co., Dallas, Tex.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts power, daytime. Amended re hours of operation.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to make equipment changes; increase power from 1 KW, 2½ KW day, to 5 KW day and night; change frequency from **1330 kc.** to **1290 kc.** Amended to omit request for increase of night power.

WGCM—WGCM, Inc., Mississippi City, Miss.—Construction permit to change frequency from **1210 kc.** to **1120 kc.**; make equipment changes; change hours of operation from specified hours to unlimited time; change power from 100 watts, 250 watts day, to 500 watts day and night.

WQER—Georgia School of Technology, Portable.—License to cover construction permit of broadcast pickup station. Amended: Change to **1646, 2090, 2190, 2830 kc.**

WQET—Georgia School of Technology, Portable.—License to cover broadcast pickup station for **1622, 2190 kc.**, 15 watts. Special. Amended to change to **1646, 2090, 2190, 2830 kc.**

Fourth Zone

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to move transmitter from 715 Locust St., Des Moines, Iowa, to north of Des Moines, Iowa. Amended to make changes in equipment.

NEW—Duluth Broadcasting Co., Duluth, Minn.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited. Amended re frequency.

WTRC—Truth Radio Corp., Elkhart, Ind.—Construction permit to make change in equipment and increase power from 50 watts, 100 watts day, to 100 watts, 250 watts day.

WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Company, Bloomington, Ill.—License to cover construction permit B4-P-249 for equipment changes.

WILL—University of Illinois, Urbana, Ill.—Modification of license 580 to change frequency from 890 kc. to 580 kc. and hours of operation from S-KUSD and KFNF to daytime.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction 1310 permit to make changes in equipment, increase day power from 100 to 250 watts.

NEW—Hammond-Calumet Broadcasting Corporation, Hammond, 1480 Ind.—Construction permit to erect a new station to be operated on 1480 kc., 5 KW power, daytime operation.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construction 1120 permit to erect a new station on 1120 kc., 250 watts, specified hours (unlimited, except 8 p. m. to 9 p. m., CST, Monday and Friday nights). Amended: Transmitter site to be determined.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Construction 1500 permit to erect a new station on 1500 kc., 100 watts power, unlimited.

NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—Construction 1310 permit to erect a new station on 1310 kc., 100 watts power, unlimited time.

WDAF—The Kansas City Star Co., Kansas City, Mo.—License to 610 cover construction permit (B4-P-334) for changes in equipment and increase in day power.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Extension and 550 modification of special temporary authorization for power of 1 KW night, and changes in equipment, requesting extension to 9-1-35, and modification for approval of data obtained in survey as requested under paragraph 3 of Special Authorization, so as to permit operation during regular broadcast day.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modification 1430 of construction permit authorizing move of transmitter from 3d Ave. and 3d St., Cedar Rapids, Iowa, to site to be determined near Des Moines, Iowa, and studio from Montrose Hotel, 3d Ave. and 3d St., Cedar Rapids, Iowa, to 715 Locust St., Des Moines, Iowa, requesting approval of transmitter site as north of Des Moines, Iowa; make changes in equipment and extend commencement and completion dates. Amended to make further changes in equipment.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Modification of 900 license to change frequency from 1440 kc. to 900 kc. and hours of operation from share-WMBD to daytime.

Fifth Zone

KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—License to 1500 cover construction permit (B5-P-127) to move station locally, increase day power, and make changes in equipment.

KWYO—R. E. Carroll, tr/as Big Horn Broadcasting Co., Sheridan, 1370 Wyo.—Voluntary assignment of license to Big Horn Broadcasting Co., Inc.

KWSC—State College of Washington, Pullman, Wash.—Construction 1220 permit to make changes in equipment and increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit 810 to change frequency from 1270 kc. to 810 kc.; increase power from 1 KW, 2½ KW day, to 5 KW; make changes in equipment and move transmitter from 11th S. W. and W. Florida Sts., Seattle, Wash., to site to be determined, Seattle, Wash., and studio from Third and University Sts., Seattle, Wash., to 11th W. and Florida, Seattle, Wash.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Modification 1120 of construction permit (B5-P-88, to install new equipment, increase power from 500 watts to 1 KW, 2½ KW day) to extend completion date from 3-20-35 to 4-20-35.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson, 950 Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Modification of construction permit (B5-P-281, for new station on 950 kc., 250 watts power daytime) giving transmitter and studio sites as Gage's Bldg., bounded by First, Second, and Wall Streets, Chico, Calif.

NEW—Hauser Radio Co., C. R. Hauser and John McGinniss, Ventura, Calif.—Construction permit for new station on 1310 kc., 100 watts day and night power, unlimited time. Amended re frequency.

W10XEV—Nichols & Warinner, Inc., Portable-Mobile.—License to cover construction permit for general experimental station.

KIFO—Nichols & Warinner, Inc., Portable-Mobile.—Construction permit, broadcast pickup station for 1566, 2478, 1622, 2150 kc., 200 watts power. Amended for 1622, 2060, 2150, 2790 kc., 200 watts power.

Louis Wasmer, Inc., Mobile.—Construction permit for general experimental station for 3460, 4060 kc., 2 watts. Amended to 3110, 3460, 3760, 4060 kc.

KGIW—Leonard E. Wilson, Alamosa, Colo.—Modification of 1420 license to change hours of operation from S-KIDW to specified hours (7 a. m. to 4:30 p. m., 6 p. m. to 9:30 p. m.).

NEW—Luther D. Gibson, d/b as Times-Herald Publishing Co., 850 Vallejo, Calif.—Construction permit for a new station to be operated on 850 kc., 250 watts power, daytime operation.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Modification 1420 of license to change hours of operation from S-KGIW to specified hours (7 a. m. to 6 p. m., 9:30 p. m. to 12 midnight).

KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction 1340 permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day. Amended as to transmitter site, to be determined.

NEW—Robert Louis Sanders, San Pedro, Calif.—Construction permit 1180 to erect a new station on 1180 kc., 250 watts day, daytime hours of operation. Amended re power.

NEW—Harry Prezant, Los Angeles, Calif.—Construction permit for 1120 new station on 1120 kc., 1 KW power, unlimited, facilities of KFSG and KRKD.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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Vol. 3 - - No. 13
MARCH 11, 1935

BROADCAST ADVERTISING IN JANUARY

Improvements in Reports

SEVERAL improvements have been made in the NAB broadcast advertising reports, beginning with the current issue. Ratio charts, showing the *percentage* of increase or decrease in advertising volume have been introduced in order to present a truer picture of the *relative* increase or decrease of advertising volume from month to month.

Two charts are now presented for non-network advertising by type of rendition, one for national and one for local business. The two types of business are so dissimilar as to require different treatment. The general media chart has been eliminated, since the NAB Reports claim to present original data only for broadcasting.

National network figures have been made more comprehensive by the inclusion of data for the Mutual Broadcasting System. This has been included in the aforementioned category in that the territory which it covers meets the requirements of common usage of the term "national" in modern distribution better than it does the term "regional."

Terminology has been simplified by the elimination of the word "spot." Hereafter "national spot" will be known as "national non-network" and "spot announcements" as "announcements." Greater clarity is thus achieved.

Finally, the sample of contributing stations has been added to materially and will be further increased during the current year.

Developments of the Month

Broadcast advertising exhibited the usual seasonal trends during January. Gross time sales totalled \$7,387,825, a gain of 2.9% over the preceding month. National network volume rose 5.8%, slightly more than the usual seasonal up-swing. National non-network volume re-

mained unchanged. Local broadcast advertising declined 12.2% as compared with December, a normal decrease for this period of the year. Regional network advertising decreased 9.2% during the month.

Comparison with January, 1934

Gross time sales during the month were materially ahead of those for the corresponding month of 1934. Total broadcast advertising experienced a gain of 19.8% over the previous January. National network volume was 25.2% greater. National non-network volume gained 14.3%, local broadcast advertising 8.8%, and regional network advertising 8.0%.

Comparison with Other Media

National magazine volume remained comparatively unchanged, and stood 27.5% above the January, 1934, level. Newspaper advertising lineage decreased 22.8% as compared with the previous month, a decline slightly greater than the normal seasonal one. Newspaper volume was 13.0% above the same month of the preceding year. National farm paper advertising was 12.0% less than in December and 3.7% greater than in January, 1934.

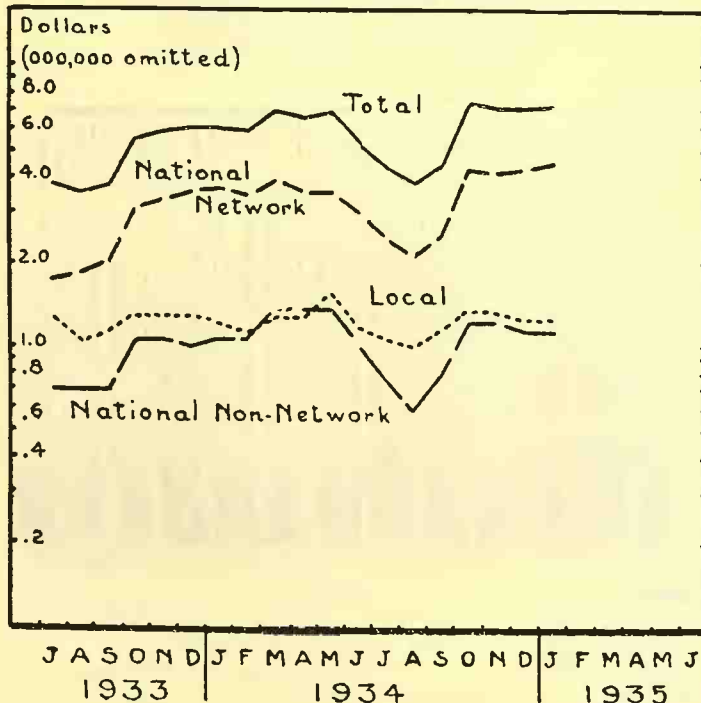
Other Trends

Non-network advertising over stations over 1,000 watts in power declined 5.2% as compared with December, while volume on other power classes rose slightly. Increased network business may be partly responsible for the decline in the high-power group. Gross time sales on stations over a 1,000 watts in power were 9.0% greater than during the previous January. Volume in the 250-1,000-watt class gained 8.3% and among the 100-watt group rose 3.1%.

The New England-Middle Atlantic Area's non-network volume declined 11.3% as compared with December, but was 9.0% ahead of January, 1934. Southern volume de-

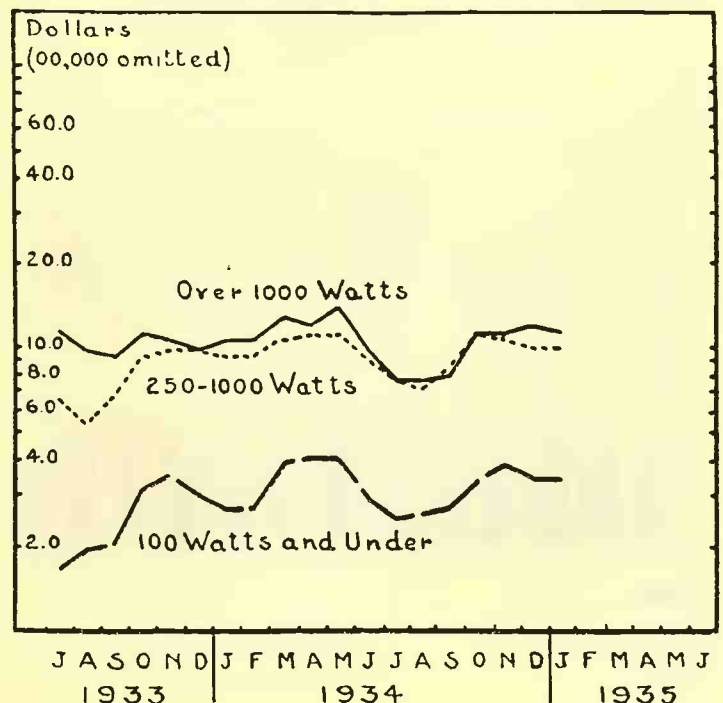
RADIO BROADCAST ADVERTISING VOLUME

July, 1933, to January, 1935



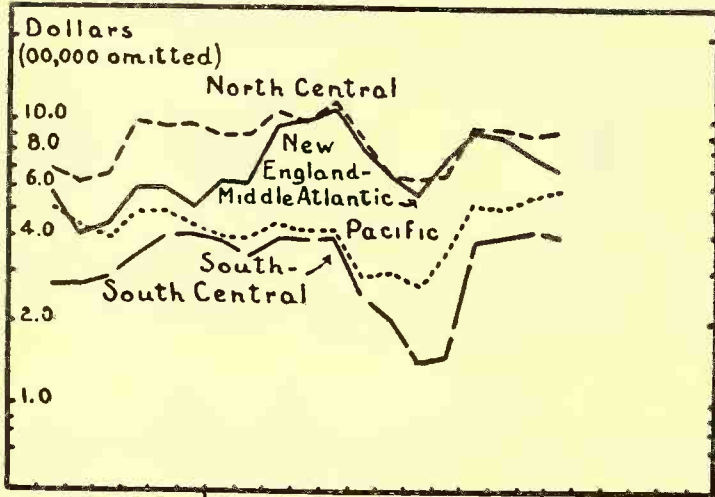
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to January, 1935



NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

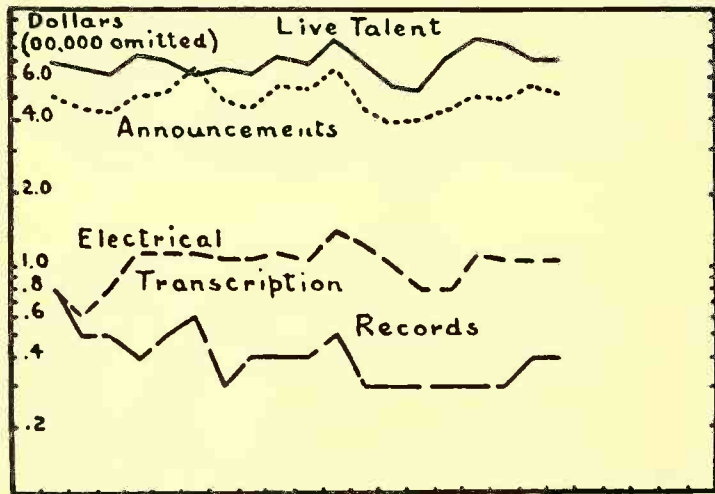
July, 1933, to January, 1935



J A S O N D | J F M A M J J A S O N D | J F M A M J
1933 | 1934 | 1935

LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

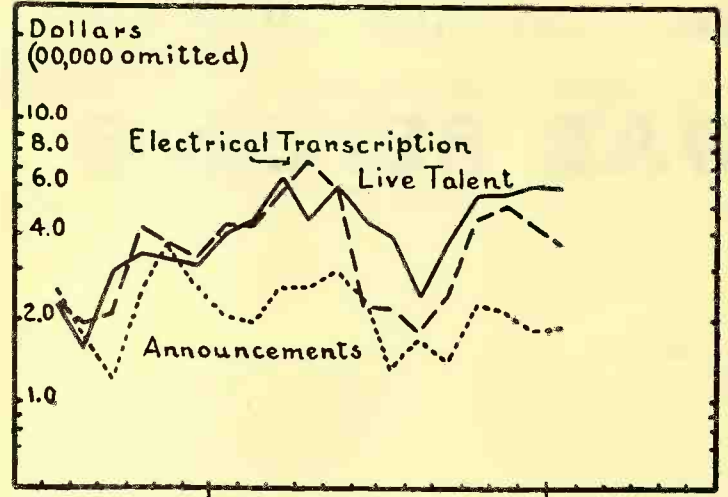
July, 1933, to January, 1935



J A S O N D | J F M A M J J A S O N D | J F M A M J
1933 | 1934 | 1935

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

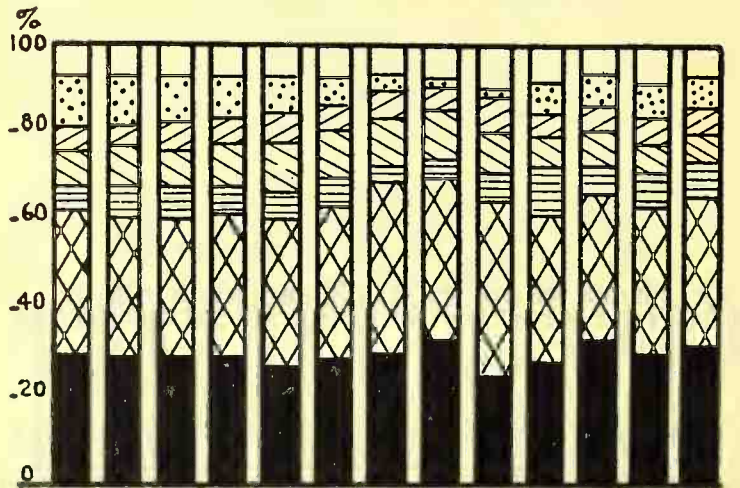
July, 1933, to January, 1935



J A S O N D | J F M A M J J A S O N D | J F M A M J
1933 | 1934 | 1935

NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

January, 1934, to January, 1935

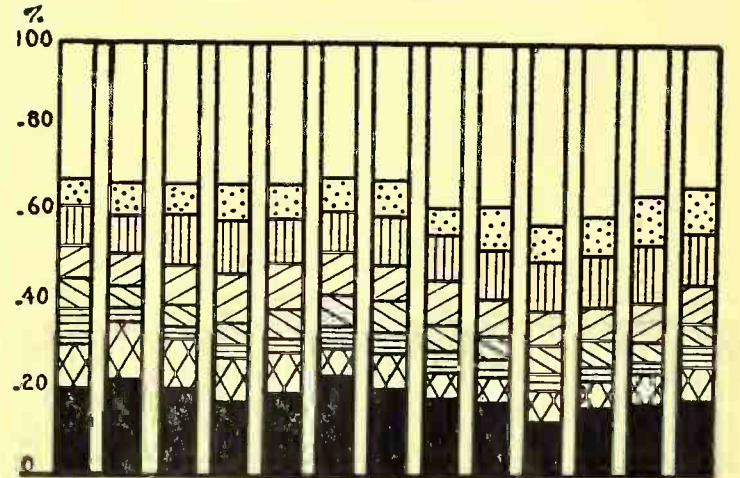


Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec. Jan.

- Food
- ▨ Drugs
- ▧ Autos
- ▩ Gasoline and Accessories
- ▤ Household Goods
- ▥ Tobacco
- ▦ Miscellaneous

LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

January, 1934, to January, 1935

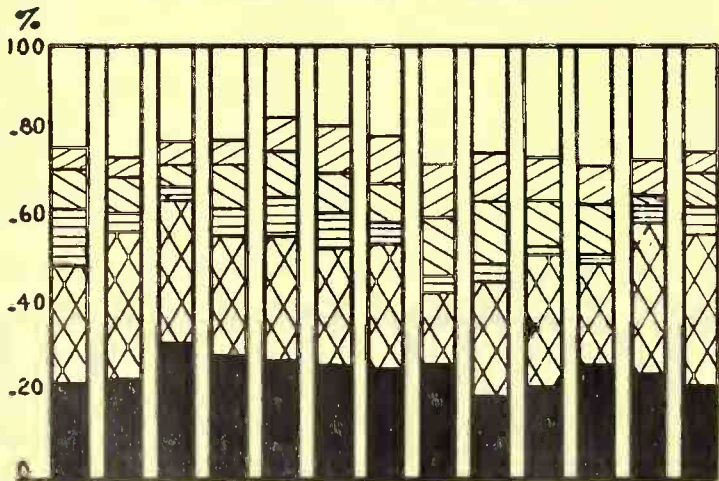


Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec. Jan.

- Foods
- ▨ Drugs
- ▧ Autos
- ▩ Household Goods
- ▤ Gasoline and Accessories
- ▥ Clothing
- ▦ Department Stores
- ▧ Miscellaneous

NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

January, 1934, to January, 1935



Jan. Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec. Jan.

- Food
- ▨ Drugs
- ▧ Autos
- ▩ Gasoline and Accessories
- ▤ Household Goods
- ▥ Miscellaneous
- ▦ Tobacco

clined slightly, while Middle Western and Far Western volume rose slightly. Southern volume was 2.8% above the same month of 1934, Middle Western volume 3.8% ahead, and Far Western volume 45.4% above the preceding January.

National non-network transcription business dropped 11.7% as compared with December, and was 2.1% under the January, 1934, level. Live talent volume declined slightly, but remained 46.5% above the corresponding month of last year. Announcement business rose 25.9% during the month and was 12.7% above last year.

No significant changes occurred during the month in local broadcast advertising. Transcription volume was 5.5% above January, 1934, live talent 10.2% greater, announcement volume 4.1% higher, and records 14.3% over the previous year's level.

Sponsor Trends in January

General seasonal trends prevailed throughout the various fields of sponsorship with few exceptions. Automobile advertising continues its spectacular gains, though a trend toward network from national non-network and local sponsorship is indicated. Less local auto show pressure occurred this year. Radio set advertising remained comparatively unchanged, contrary to seasonal trend.

Retail advertising showed the most interesting developments, declining but 4.0% as compared with the preceding month and standing at a level 34.4% higher than in January, 1934. The December-January decline last year was 13.2%. Local department store advertising was double that of the same month of the preceding year.

Detailed information regarding broadcast advertising by various product and service groups is as follows:

1a. **Amusements.** Increased 10.8% as compared with December, and 27.5% higher than same month last year. National non-network volume double following serious decline for several months. This is reason for increase.

1. **Automotive.** National network volume 11.4% above December, regional network volume materially above, national non-network volume and local advertising both 40.0% greater. National networks 192.8% above January, 1934. Regional volume down 21.0%, national non-network down 50.0%, and local down 30.0%. Network trend and less auto show promotion are the reasons.

2. **Gasoline and accessories.** Usual seasonal decline except for local business. National networks down 2.8% against December, regional networks 16.8%, and national non-network volume 25.0%. Local advertising up 35.8%. National network volume 8.8% below January, 1934, regional advertising one-half as great, local 18.8% under, and national non-network 11.7% over.

3. **Clothing.** Decline less than usual seasonal down-swing. National network down 2.0%, national non-network 11.1%, and local 8.4%. Regional volume up 59.1% compared December. National network advertising 6.0% above January, 1934, regional network tripled, national non-network nearly double, and local 46.6% above.

4. **Drugs and pharmaceuticals.** Usual seasonal up-swing. National networks 7.1% above, regional networks 46.5%, and local 9.0%. National non-network down 7.6%. Compared same month last year, national networks 67.3% above, regional volume double, national non-network business 54.5% greater, and local advertising down 16.8%.

5. **Toilet goods.** National network volume 10.7% above December, regional volume unchanged, local slightly down, and national non-network 80.0% greater. National networks 20.0% above January last year, national non-network business 28.6% above, local volume unchanged, and regional networks materially higher.

6. **Foodstuffs.** Decline national network volume 4.5%, regional 10.0%, national non-network 16.0%, and local 18.8% compared December. National networks 39.0% above last January, regionals 35.3%, and national non-network 22.1%. Local 19.8% under.

7. **Beverages.** Network business 22.4% above preceding month, and local up 40.0%. National non-network down 24.4%. National non-network volume double preceding January, local 24.0% above, and national network 6.1% below.

8. **Confectionery.** National network volume up 17.0% and national non-network up 68.8%. Material declines in local and regional business. National non-network 16.4% above same month of 1934, regional unchanged, national non-network half as great, and local increased materially.

9. **Household appliances.** Slight increase national and regional network volume compared December. National non-network down 13.4%, and local 10.6%. National network volume still materially below 1933-34; 72.8% during January. Regional up, national non-network 17.7% greater, and local up 55.3%.

10. **Soap and kitchen supplies.** National network volume unchanged, national non-network down 20.0%, and local down 40.9%. Network volume 42.9% above last January, national non-network more than double, and local business but one-quarter as great.

11. **Insurance and financial.** Moderate gains all fields. National networks 24.6% over January, 1934, national non-network 39.0%, and local 75.0%.

12. **Radio.** Network volume unchanged from December, national non-network down materially, and local up 25.0%. Network volume 51.5% over last January, local double, and national non-network unchanged.

13. **Department and general stores.** Decline of 10.0% as against December. This compared with 52.1% decline last year. National non-network volume equal January, 1934, and local business double.

14. **Tobacco products.** Slight gain network volume was 23.0% increase national non-network as compared with December. Na-

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS (January, 1935)

Type of Sponsoring Business	Gross Time Sales				Total
	National Networks	Regional Networks	National Non-network	Local	
1a. Amusements	—	—	\$10,950	\$39,765	\$50,715
1-2. Automobiles and Accessories:	—	—	\$10,950	\$39,765	\$50,715
(1) Automobiles	\$371,109	\$2,650	71,630	71,510	516,899
(2) Accessories, gas and oils	287,041	9,382	105,240	69,418	471,081
3. Clothing and apparel	28,592	3,477	24,350	174,810	231,229
4-5. Drugs and toilet goods:	—	—	—	—	—
(4) Drugs and pharmaceuticals	706,308	6,311	343,700	89,133	1,145,452
(5) Toilet goods	913,352	1,060	90,045	19,700	1,024,157
6-8. Food products:	—	—	—	—	—
(6) Foodstuffs	1,015,385	23,229	209,900	177,740	1,426,254
(7) Beverages	289,434	—	33,840	62,880	386,154
(8) Confections	194,873	250	27,125	6,775	229,023
9-10. Household goods:	—	—	—	—	—
(9) Household equipment and furnishings	15,362	4,909	45,770	118,236	184,277
(10) Soap and kitchen supplies	254,034	—	31,540	2,650	288,224
11. Insurance and financial	48,561	—	23,368	56,665	128,594
12. Radios	96,703	—	200	16,565	113,468
13. Retail establishments	—	—	7,250	140,955	148,205
14. Tobacco products	322,628	—	15,835	1,420	339,883
15. Miscellaneous	168,147	6,648	188,787	340,628	704,210
Total	\$4,711,529	\$57,916	\$1,229,530	\$1,388,850	\$7,387,825

tional network 35.3% below January last year, and national non-network doubled. Local unchanged.

15. *Miscellaneous.* Slight decrease all around. Network volume 22.8% above last year, national non-network 10.0% below, and local 16.0% under.

Retail Advertising. Retail advertising has shown most encouraging improvement. January decline from the preceding month was 4.0% as compared to 13.2% last year, while volume stood 34.4% above the same month of 1934. Outstanding gains as compared with last January are as follows: Gasoline stations, garages, etc., 150.0%; clothing and apparel stores, 44.6%; beauty parlors, double; beverage retailers, six-fold increase; household equipment, 11.5%; furniture stores, 63.0%; hardware stores, 12.0%; radio retailers, 77.0%, and department stores, approximately doubled. Principal declines were one of 20.0% among food retailers and restaurants and 17.6% on the part of automobile dealers.

TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	December, 1934	January, 1935
National networks	\$4,450,523	\$4,711,529
Regional networks	63,702	57,916
National non-networks	1,231,492	1,229,530
Local	1,430,494	1,388,850
Total	\$7,176,211	\$7,387,825

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	Gross Time Sales	
	December, 1934	January, 1935
Radio broadcasting	\$7,176,211	\$7,387,825
National magazines ¹	9,115,326	9,025,361
National farm papers	349,108	307,367
Newspapers ²	44,788,000	36,481,279
Total	\$61,428,645	\$53,201,832

¹ National magazine totals for 124 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and a portion of national network figures also are taken.

² Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station ¹	Gross Time Sales	
	December, 1934	January, 1935
Over 1,000 watts	\$1,302,276	\$1,237,090
250-1,000 watts	1,012,300	1,030,840
100 watts	347,410	350,450
Total	\$2,661,986	\$2,618,380

¹ This includes principally high-powered regional and clear channel stations ranging from 5 kilowatts in power upwards.

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		Local		Total	
	Dec., 1934	Jan., 1935	Dec., 1934	Jan., 1935	Dec., 1934	Jan., 1935
Electrical transcriptions	\$427,510	\$376,480	\$112,580	\$114,180	\$540,090	\$490,660
Live talent programs	614,952	597,685	731,534	723,735	1,346,486	1,321,420
Records	4,330	3,850	35,660	43,500	39,990	47,350
Announcements	184,700	251,515	550,720	507,435	735,420	758,950
Total	\$1,231,492	\$1,229,530	\$1,430,494	\$1,388,850	\$2,661,986	\$2,618,380

General Business Conditions

Business continues to gain, though at a slightly lesser rate than during December and early January. The *New York Times* index of business activity was 87.1 on February 16, approximately the same level as during the preceding month. Prices moved ahead slightly. The Bureau of Labor Statistics price index was 9.0% ahead of the same period of 1934 on February 16. Principal increases were in farm and food prices, other prices remaining practically unchanged. The farm product index was 79.2 as compared with 61.2 during the same period of last year.

Retail trade was fairly favorable. Variety store volume in January was 4.0% below 1934. Chain grocery store sales were 4.5% greater, and rural retail sales 10.0% above. Retail auto sales were 138.0% greater than in January, 1934. On the other hand, there has been a slight recession in automobile production during recent weeks.

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

	Gross Time Sales	
	Dec., 1934	Jan., 1935
Automobiles and accessories:		
Automobile agencies and used car dealers	\$54,360	\$84,400
Gasoline stations, garages, etc.	57,946	60,000
Clothing and apparel shops	193,030	177,800
Drugs and toilet goods:		
Drug stores	29,515	20,770
Beauty parlors	6,743	9,110
Food products:		
Grocery stores, meat markets, etc.	38,400	38,638
Restaurants and eating places	22,460	16,020
Beverage retailers	2,060	10,336
Confectionery stores	2,686	1,720
Household goods:		
Household equipment retailers	35,958	29,300
Furniture stores	74,945	72,486
Hardware stores	10,535	9,328
Radio retailers	20,294	15,957
Department and general stores	163,952	148,205
Tobacco shops	210	614
Miscellaneous	95,360	71,345
Total	\$808,724	\$766,029

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	Gross Time Sales	
	December, 1934	January, 1935
New England-Middle Atlantic Area	\$767,349	\$691,300
South Atlantic-South Central Area	422,090	401,460
North Central Area	911,233	939,790
Pacific and Mountain Area	561,314	585,830
Total	\$2,661,986	\$2,618,380

The National Association of Broadcasters

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

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NAB REPORTS

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Vol. 3 - - No. 14
MARCH 15, 1935

PRALL BECOMES FCC CHAIRMAN

Judge Eugene O. Sykes has resigned as chairman of the Federal Communications Commission and Commissioner Anning S. Prall was elected to succeed him.

Judge Sykes forwarded his resignation to President Roosevelt in a letter dated March 8 and it was accepted by the President on the same day in a letter expressing the President's "appreciation of your work as chairman during the period of reorganization."

Judge Sykes was immediately named chairman of the Broadcast Division of the Commission, succeeding Chairman Prall, who had held this post since his appointment to the Commission. Commissioner Norman S. Case was named as a member of the Broadcast Division in place of Commissioner Thad H. Brown, who was transferred to the Telephone Division.

The new lineup of Divisions as announced by the Commission follows:

Division No. 1—Broadcasting

Commissioner E. O. Sykes, Chairman;
Commissioner Norman S. Case, Vice-Chairman;
Commissioner Anning S. Prall.

Division No. 2—Telegraph

Commissioner Irvin Stewart, Chairman;
Commissioner George Henry Payne, Vice-Chairman;
Commissioner Anning S. Prall.

Division No. 3—Telephone

Commissioner Paul A. Walker, Chairman;
Thad H. Brown, Vice-Chairman;
Commissioner Anning S. Prall.

At the same time the Commission made public its new schedule of meeting dates for the various Divisions as follows:

1. The Broadcast Division meeting will be held each Tuesday, at 10 a. m.
2. The Telegraph Division meeting will be held each Tuesday, at 2:30 p. m.
3. The Telephone Division meeting will be held each Wednesday, at 10 a. m.
4. The Commission en banc meeting will be held each Wednesday, at 2:30 p. m.

The events of the week were taken as an indication that other shifts are to follow in the future. Chairman Prall made the motion under which Commissioner Case and Commissioner Brown changed assignments. It was seconded by Commissioner Stewart. All of the Commissioners voted in the affirmative except Commissioner Walker, who dissented, explaining that his opposition was due to his appreciation of Commissioner Case's services as a colleague and former member of the Telephone Division. Commissioner Case did not vote.

At the time of the change Commissioner Brown was in the South holding broadcast hearings in pursuance to instructions from the Broadcast Division. The Commission en banc approved this matter this week.

BILL WOULD REPEAL DAVIS AMENDMENT

A bill to repeal the allocation provisions of the Federal Communications Commission Act (S. 2243) was introduced in the Senate this week by Chairman Wheeler of the Senate Interstate Commerce Committee.

The bill would repeal section 302 of the present act which defines the boundaries of the five zones and amend subsection (b) of section 307 of the act as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and in so far as there is demand for the

same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same."

This bill, if enacted into law, would repeal the so-called Davis Amendment provisions of the old radio act. It is in line with the recommendations of the Federal Communications Commission and also in accordance with resolutions adopted by the NAB at all of its conventions since 1928.

The bill has been referred to the Senate Interstate Commerce Committee.

MUSIC PUBLISHERS GET CODE

The National Industrial Recovery Board has approved a code of fair competition for the music publishing industry, effective March 18.

The code provides a basic maximum work week of 38 hours and a basic minimum weekly wage of \$15. It sets up separate code authorities for the standard and popular music divisions of the industry, with a coordinating committee to deal with questions affecting both divisions.

The NIRB said in its order that approval of the code or of any subsequent amendments "shall not be deemed or construed as approving, sanctioning or condoning any of the acts alleged in the petition filed in the United States District Court of New York, August 30, 1934, and now pending therein, entitled United States vs. American Society of Composers, Authors and Publishers; Music Publishers' Protective Association, et al. * * *."

The NAB insisted that nothing in the code should in any way interfere with the court's determination of the above suit and also insisted that the code be not extended to cover public performance rights. Both of these points were accepted by the NIRB in approving the code.

"Song pluggers," outside salesmen, emergency repair and maintenance workers and executives are exempt from the hours provisions. Emergency maintenance and repair workers are to receive time and a half for hours beyond eight per day or 40 per week.

Regular employees are to receive a minimum weekly wage of \$15, and part-time employees a minimum of 42 cents per hour. The right of collective bargaining is guaranteed, and employment of persons under 16 is forbidden.

Practices forbidden by the trade practice rules include:

Bribery of performers to "puff" songs;
Furnishing of special arrangements or professional copies or orchestrations to performers by publishers;

Purchase of advertising space in benefit programs "if the purchase is in effect a gift to or favor for any performer"; or purchase of advertising "intended to puff, flatter, compliment or exploit any performer, singer or orchestra leader";

Payment by a publisher to induce talking machine, radio broadcasting, electrical transcription, motion picture or other entertainment companies or personnel to use a publisher's music;

Other forms of commercial bribery;

Publication of any compilation of songs or lyrics without the special written permission of copyright owner.

Separate code authorities, each with five members, are to be elected by the two divisions, under the supervision of the divisional code committees.

Each code authority is to name two members of the coordinating committee. The four are to choose the fifth member. An Administration member may be appointed to each code authority and to the coordinating committee by the NIRB.

"THE WRECK OF OLD 97"

Broadcasting stations have received letters from Robert L. Nase, attorney for David Graves George, demanding payment for infringement of use of the song "The Wreck of the Old 97."

These letters grow out of the following facts:

George claimed authorship of the song "The Wreck of the Old 97." He brought suit against RCA-Victor, and Judge Avis in the District Court filed an opinion upholding his claim of authorship. A master was appointed to assess damages.

An appeal was taken to the Circuit Court of Appeals, which Court reversed the findings of Judge Avis as to authorship of the song. A certiorari was then requested of the Supreme Court of the United States, which Court limited argument to the technical point as to whether or not the Circuit Court of Appeals had jurisdiction to hear the case before the damages had been assessed. The Supreme Court ordered the Circuit Court of Appeals to dismiss the appeal taken to it, which brings the case back to the master for assessment of damages.

It has been indicated by attorneys for RCA-Victor that following this assessment an appeal will then be taken to the Circuit Court of Appeals, which court has already determined that George is not the author of the song.

Broadcasters receiving requests for payment may communicate with Mr. Isaac D. Levy, 1622 Chestnut Street, Philadelphia, Pa.

SESAC ANNOUNCES ACQUISITIONS

The Society of European Stage Authors and Composers has announced the following catalog acquisitions:

- O. Pagani and Brother, New York, N. Y.
- Apollo Music Publishing Company, New York-Athens.
- F. Grabczewski, Warsaw, Poland.
- Leon Idzikowski, Warsaw, Poland.
- M. M. Cole Publishing Co., Chicago, Ill.

FEDERAL TRADE COMMISSION ACTIVITIES

Unfair competition of various types will be discontinued by the following companies under stipulation between the Federal Trade Commission and the concerns in question:

No. 1303. Unfair advertising by radio and in publications will be discontinued by George Moore, Volney James and Ben Odell, trading as "Formula 515 Laboratories," Hollywood, Calif. The use of the word "Laboratories" will be discontinued as part of the trade name or in any way so as to tend to deceive the public into believing that they own, control or operate a laboratory when this is not true.

No. 1304. Julius Goldstein, shoe jobber, 200 Lincoln St., Boston, Mass., agrees to discontinue using the word "Doctor" in any way tending to deceive the public into believing that the shoes he sells are made in accordance with the design or under the supervision of a doctor having a special knowledge of orthopedics.

COMMISSION WINS DON LEE CASE

The United States Court of Appeals for the District of Columbia has upheld the Federal Communications Commission in the appeal of the Don Lee Broadcasting System against the Commission.

This company applied to the Commission for a construction permit for a new station to be located at Redlands, Calif., asking for 780 kilocycles, 500 watts power, and full time on the air. At the same time Station KTM, Los Angeles, asked for a license renewal on 780 kilocycles, its channel, sharing time with KELW, and also asking permission to make a voluntary assignment of the license to the Evening Herald Publishing Company, of Los Angeles.

After due hearing the Commission denied the new construction permit to the Don Lee Company and granted license renewal to the two stations and allowed them to assign their license to the publishing company. "It is our opinion," says the court, "the foregoing decision of the Commission is founded upon substantial evidence and is not arbitrary or capricious. It is therefore affirmed."

RECOGNITION PLANS PROGRESS

Plans for the creation of an agency recognition bureau for broadcasting are progressing. Splendid response has been received from stations in reply to the NAB request for information regarding current practice as to agency recognition and for suggestions as to the services which might be rendered by the contemplated bureau.

Approximately two-thirds of all member stations replied to the NAB questionnaire. The completeness of the information furnished by stations and the soundness of many of the suggestions which were made were indicative of a rather thorough appreciation of the recognition problem among broadcasters.

Replies indicated information most desired by broadcasters to be with regard to the financial status and credit standing of agencies, and the extent to which they were bona fide agencies capable of rendering broadcast advertising service to clients.

A great deal of the preliminary work has been completed with regard to the contemplated bureau, and though final details still remain to be determined, it is certain that recognition standards employed will include measures of financial standing, competency to render broadcast advertising service, operation as a bona fide agency, and the translation of station commissions into advertising service without direct or indirect rebating.

While plans for a recognition bureau for broadcasting as a whole have been pushed in Washington, a highly significant step with regard to local agency recognition has been taken in the Minneapolis-St. Paul district in the formation of the Association of Twin City Newspaper and Radio Stations.

The purpose of the Association is to pass on the recognition of local advertising agencies and to bring about the exchange of credit information. The undertaking is an excellent example of what can be accomplished in the way of the development of standard recognition practice in the local field, and constitutes a most important supplement to any program which the NAB may develop for broadcasting as a whole.

Radio stations included in the Association are KSTP, WCCO, WDGY, and WTCN. James Cole is chairman of the group.

Standards which the agency must meet before being accorded recognition that have been adopted by the Association are as follows:

1. *Financial Stability.* The agency must furnish evidence of its financial stability. It must have resources adequate to its needs and have business practices that are sound.
2. *Demonstrated Ability.* The principals as individuals and the agency as an organization must have demonstrated their ability to develop and serve advertisers. The individual applicant must have satisfied the Association of his or its integrity and financial ability to meet its just obligations.
3. *Ethical Practices.* (a) The agency must be operated primarily in the advertising agency business with a minimum of three accounts; (b) Translating the commissions paid by newspapers and radio stations into service to the advertiser without direct or indirect rebating.
4. *Cooperative Practice.* No agency commission will be paid on accounts which the station has developed and where the station salesman has secured the order and schedule prior to receiving an agency order. Regular commissions will be gladly paid to the agency, however, on any subsequent contract or schedule that may come through the agency for this same account. Non-commissionable advertising as above outlined is not to be included in the twelve months' rebate allowed upon recognition.

A slightly different provision regarding non-commissionable contracts has been set up with regard to the newspapers in the Association in keeping with practice in that field.

Information required from applicant agencies includes a statement of ownership, financial references, name of the applicant's bank, and a list of active clients (billing during the past six months being considered active).

STATE LEGISLATIVE PROBLEMS ACUTE

Problems resulting from state legislation have reached the stage where they may represent a new and added burden on the broadcasting industry amounting to far more than the total tribute now paid to ASCAP. The major problem is that of taxation by the states, and the issue as to whether or not all radio broadcasting is in fact interstate commerce, and hence not taxable as to its revenues by the states, is due before long for a definite decision.

The outstanding development in this field is the announcement on Monday, March 11, that the United States Supreme Court will review the findings of the Supreme Court of Georgia in the case of City of Atlanta vs. Oglethorpe University. This case is of vital importance to the entire broadcasting industry.

The City of Atlanta imposed a license fee of \$300 per year on all broadcasting stations. Oglethorpe University, operating WJTL, went to the courts, and a first decision was rendered by the Supreme Court of Georgia on February 14, 1934. This decision held, in substance, that even though some of the messages from WJTL might go beyond state lines, that fact did not make the broadcasting of the station interstate commerce. After this first decision the case went back for trial to the lower court on the merits. The trial judge directed a verdict for the defendant, the City of Atlanta, and the case was again appealed to the Supreme Court of the State of Georgia. The decision of this Court, handed down January 21, 1935, sustained the trial judge in directing a verdict for the defendant.

This decision, manifestly based on an apparent admission in the pleadings that a considerable part of the activity of WJTL is intrastate, appears directly at variance with the many decisions, including those of the Supreme Court of the United States, that for regulatory purposes all broadcasting, without exception, is interstate commerce. This point is clearly brought out in the briefs filed in the other important state tax case now actively before the courts, the case of Fisher's Blend Station, Inc., vs. the Tax Commission of the State of Washington and the members of that Commission.

In the Washington case, the Supreme Court of Thurston County granted a permanent injunction restraining the Tax Commission of the State of Washington, and its members, from collecting from Fisher's Blend Station, Inc., the tax on the gross revenues of broadcasting provided in the state law. Briefs in this case have recently been filed in the Supreme Court of the State of Washington by Venables, Graham & Howe, attorneys for Fisher's Blend Station, Inc., and by the Attorney General representing the Tax Commission.

The briefs for the respondent clearly bring out the point, apparently not made clear in the Oglethorpe case, that every broadcast, no matter what its nature, is necessarily interstate in character, and that it is not possible to transmit a broadcast which does not pass over state lines.

What the final determination of this issue means to the broadcasters is apparent from a survey of the bills already pending in state legislatures on the subject, particularly when it is realized that if the Supreme Court of the United States upholds the Supreme Court of Georgia, it will not be long before practically all the other states will seek to enact laws similar to those now pending.

Arizona H. 118 provides for a general sales tax of 1 per cent on gross revenues, specifically including radio advertising.

Kansas S. 331 and H. 438 provide for a general sales tax on services, specifically including radio broadcasting. This bill has just been stricken from the calendar but may be introduced again.

Missouri S. 33 provides for a tax of 3 per cent on gross receipts, specifically including radio advertising.

New Mexico S. 1, which has passed both houses, provides a 2 per cent sales tax on gross receipts, specifically including radio broadcasting.

Oklahoma H. 440 provides for a 3 per cent tax on gross sales, specifically including broadcasting.

Pennsylvania H. 1353, just introduced, provides for special taxes on telephone messages and broadcasting, the tax on broadcasting being 2 per cent of the gross receipts.

Texas S. 62 and H. 661 provide for general sales taxes, including a tax of $2\frac{3}{4}$ per cent on the gross receipts of radio broadcasting. As a further measure of control, Texas S. 421 provides that every broadcasting station must file detailed semi-annual reports with the state comptroller.

Washington already has a sales tax bill which, in its application to broadcasting, is now under consideration by the state Supreme Court. In addition, the Washington House on March 10 passed H. 237, a general tax bill, including a tax on all radio broadcasting stations amounting to 10 cents per watt of rated power annually.

West Virginia already has a tax on all amusement enterprises, including broadcasting, and H. 527 and S. 274 propose an amendment to this act making the tax $\frac{1}{2}$ of 1 per cent on gross revenue. Broadcasting is specifically included in both these bills.

The foregoing outline indicates what the broadcasting industry is immediately facing in the way of taxation if it is found that broadcasting revenues are subject to state taxes. Obviously, however, this would only be the beginning. On the other hand, the whole structure of federal regulation of radio rests on the assumption that all radio transmission, including broadcasting, is exclusively interstate commerce. If it is held by the courts that some broadcasting is intrastate in character, the results, both in imposing enormous additional burdens on the broadcasters, and in breaking down the whole structure of federal regulation, are simply incalculable.

Just to indicate that the state legislative problems of the broadcasters are not confined to taxation, the Washington State Senate on March 7 passed House 518, already passed by the House, extending to broadcasting the provisions of the state laws regarding libel and slander. On the following day the Senate refused to reconsider this bill, which at last reports was before the Governor for his signature.

ASKS NEW RADIO COMMITTEE

Senator McAdoo of California has introduced a resolution in the Senate providing for a "Committee on Aviation and Radio, to consist of 15 Senators," as one of the regular standing committees of

that body. At present radio matters are handled by the Senate Committee on Interstate Commerce. The McAdoo resolution has been referred to the Senate Committee on Rules for action.

KSLM RECOMMENDED FOR FULL TIME

Station KSLM, Salem, Ore., applied to the Federal Communications Commission for full time instead of daytime hours. The station operates on 1370 kilocycles with 100 watts power. Ralph L. Walker (e), in Report No. I-26, recommends that the application be granted.

The Examiner found that there appears to be a substantial need for the proposed additional service in the Salem area. He found also that this additional time will not interfere with the "fair and efficient" radio service of stations already licensed.

RECOMMENDS NEW LOUISIANA STATION

Application was made to the Federal Communications Commission by the Evangeline Broadcasting Company for the erection of a new broadcasting station at Lafayette, La., to use 1310 kilocycles, 100 watts power, and unlimited time on the air. Melvin H. Dalberg (e), in Report I-27, has recommended that the application be granted.

It was found by the Examiner that the applicant is technically and financially eligible to erect and run such a station and there is a need in the locality for the proposed new service. No interference would be caused by its erection, he found also.

CONTINUE TIME-SHARING RECOMMENDED

Stations WOWO, Fort Wayne, Ind., and WWVA, Wheeling, W. Va., applied for a renewal of their time-sharing agreement. Ralph L. Walker (e), in Report No. I-28, recommends that the licenses on the time-sharing agreement be renewed.

The Examiner states that the hours specified in the time-sharing agreement are the same as those embodied in the agreement entered into by the two parties and under which the stations now operate.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act: Morgantown Water Company, Morgantown, W. Va. (2-1305, Form A-1)
Gaskoal Corporation, Chicago, Ill. (2-1306, Form A-1)
Fifth Avenue Realty Corporation, New York City. (2-1307, Form E-1)
Investment Counsel Investment Fund, Inc., Wilmington, Del. (2-1308, Form A-1)
Investment Counsel Equity Fund, Inc., Wilmington, Del. (2-1309, Form A-1)
Chicago Mail Order Company, Chicago, Ill. (2-1310, Form A-1)
Park City Consolidated Mines Co., Ogden, Utah. (2-1311, Form A-1)
Alameda Investment Bondholders Committee, Oakland, Calif. (2-1312, Form D-1)
Alameda Investment Bondholders Committee, Oakland, Calif. (2-1313, Form D-1)
Century Shares Trust, Boston, Mass. (2-1314, Form A-1)
Boulder Gold Mines, Inc., Oakland, Calif. (2-1315, Form A-1)
Refiners Petroleum Corporation, Detroit, Mich. (2-1316, Form E-1)
S. Broadway Building Committee, Los Angeles, Calif. (2-1317, Form D-1)
Doehler Die Casting Company, Toledo, Ohio. (2-1318, Form A-2)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 18, 1935

KFYO—T. E. Kirksey, tr/as Kirksey Bros., Lubbock, Tex.—C. P., 940 kc., 500 watts, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.
KGKL—KGKL, Inc., San Angelo, Tex.—C. P., 940 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.
NEW—Raymond L. Hughes, Midland, Tex.—C. P., 1200 kc., 100 watts, daytime.
NEW—The Herald Publishing Co., Denison, Tex.—C. P., 1200 kc., 100 watts, daytime.

NEW—F. N. Pierce, Taylor, Tex.—C. P., 1310 kc., 100 watts, daytime.
 NEW—Eugene DeBogory, tr/as Tem-Bel Broadcasting Co., Temple, Tex.—C. P., 1310 kc., 100 watts, daytime.
 NEW—Palestine Broadcasting Assn., Palestine, Tex.—C. P., 1420 kc., 100 watts, daytime.
 NEW—A. P. Mueller, Herbert Mueller, Alvin Mueller, Mueller Amusement Co., Seguin, Tex.—C. P., 1500 kc., 100 watts, 7:30 a. m. to 2 p. m., 4 p. m. to 10 p. m.
 NEW—East Texas Broadcasting Co., Dallas, Tex.—C. P., 1500 kc., 100 watts, simultaneously with KGKB, specified hours night.
 NEW—Eugene DeBogory, tr/as Paris Broadcasting Co., Paris, Tex.—C. P., 1500 kc., 100 watts, daytime.
 NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Denton, Tex.—C. P., 1420 kc., 100 watts, daytime.
 NEW—E. B. Gish (Gish Radio Service), Abilene, Tex.—C. P., 1420 kc., 100 watts, unlimited time.

Wednesday, March 20, 1935

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—C. P., 1120 kc., 100 watts, daytime.
 NEW—Winger and Thomas, Chattanooga, Tenn.—C. P., 1200 kc., 100 watts, unlimited time.

Thursday, March 21, 1935

NEW—Dudley J. Connolly, Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, unlimited time.
 NEW—M. D. Smith, Jr., d/b as Smith Broadcasting Co., Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, unlimited time.
 WNRA—Muscle Shoals Broadcasting Corp., Sheffield, Ala.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, daytime.

Friday, March 22, 1935

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—C. P., 1500 kc., 100 watts, unlimited time.
 NEW—Wm. A. Schall, Omaha, Nebr.—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted 1200 C. P. to make changes in equipment.
 WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted 1420 C. P. to move station locally.
 KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted 710 C. P. to install new equipment.
 WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted 1280 authority to determine operating power by direct measurement.
 WDAE—Tampa Times Co., Tampa, Fla.—Granted extension of 1220 special experimental authority to operate with 1 KW night, 2.5 KW day, unlimited time, from April 1 to October 1, 1935.
 WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Granted extension of special experimental authority to operate with 1 KW night, 2½ KW day, from March 1 to September 1, 1935.
 WMFE—William J. Sanders, New Britain, Conn.—Granted modification of C. P. to make changes in equipment, extend commencement date to within 60 days of grant and completion date to 90 days thereafter.
 WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. approving transmitter site at Bluff Road, near Columbia, S. C.; increase daytime power from 2½ to 5 KW and extend commencement date to within 30 days after grant and completion date to within 120 days thereafter; also to change equipment.
 WILL—University of Illinois, Urbana, Ill.—Granted modification of license to change frequency from 890 kc. to 580 kc.; change power to 1 KW, daytime hours.
 WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted 970 modification of C. P. to change type of equipment and antenna system.
 WPHR—WLBG, Inc., Petersburg, Va.—Granted license to cover 880 C. P., 880 kc., 500 watts, daytime.
 WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—620 Granted license to cover C. P., 620 kc., 250 watts, daytime. (Original C. P. authorized changes in modulating system.)

WKEU—Radio Station WKEU, Griffin, Ga.—Granted license to 1500 cover C. P. authorizing move from LaGrange to Griffin, Ga., and change specified hours to daytime only; 1500 kc., 100 watts.

WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted license to cover C. P. authorizing changes in equipment.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted 610 license to cover C. P. authorizing changes in equipment; 610 kc., 1 KW night, 5 KW day, unlimited.

KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted license to cover 1310 C. P. authorizing new station to operate on 1310 kc., 100 watts, unlimited time, site to be determined.

WPGA—Rome Broadcasting Corp., Rome, Ga.—Granted modification of license to change hours of operation from specified to unlimited, 1500 kc., 100 watts night, 100 watts day.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—1230 Granted C. P. approving transmitter and studio location in Albuquerque, and application dismissed from the Hearing Docket.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—1360 Granted renewal of license, 1360 kc., 500 watts, specified hours, with authorization to operate with 1 KW from local sunrise to local sunset on Sunday. (Application dismissed from Hearing Docket.)

WDZ—James L. Bush, Tuscola, Ill.—Application for renewal of 1070 license dismissed from Hearing Docket and granted for regular period; 1070 kc., 100 watts, daytime.

SET FOR HEARING

WCAO—The Monumental Radio Co., Baltimore, Md.—Application 600 for C. P. to make changes in equipment and increase night power from 500 watts to 1 KW.

NEW—George Bissell and Herbert Littlefield, Watertown, N. Y.—1420 Application for C. P. to erect a new station, 1420 kc., 100 watts, unlimited.

WBHS—Virgil V. Evans, Huntsville, Ala.—Application for C. P. to 1200 move studio and transmitter from Huntsville, Ala., to Chattanooga, Tenn.; change hours of operation from 6/7 time to unlimited.

NEW—John Brown University, Siloam Springs, Ark.—Application 1500 for C. P. to erect a new station, 1500 kc., 100 watts night, 250 watts day, unlimited time.

WTRC—Truth Radio Corp., Elkhart, Ind.—Application for C. P. 1310 to make changes in equipment and increase power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Application 1120 for modification of C. P. to extend completion date from March 20 to April 20, 1935. (To be heard before Commissioner Brown on April 8, in Los Angeles.)

NEW—Hazlewood, Inc., West Palm Beach, Fla.—Application for 1200 C. P. to erect a new station, 1200 kc., 100 watts, unlimited. (To be heard with Miami applications.)

NEW—Luther E. Gibson, d/b as Times Herald Publishing Co., 850 Vallejo, Calif.—Application for C. P. to erect a new station, 850 kc., 250 watts, daytime.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Application 1210 for C. P. to install new equipment and increase power from 50 watts night and day to 100 watts night, 250 watts day.

WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Application 600 for modification of special experimental authorization to operate additional power of 500 watts night and 1500 watts day, at new location in Marion Township, Iowa.

WLBC—Donald A. Burton, Muncie, Ind.—C. P., already in Hearing 1310 Docket, amended so as to request changes in equipment and increase in power from 50 watts night, 100 watts day, to 100 watts night, 250 watts day. (Formerly requested unlimited time, now requests present assignment of simultaneous day with WTRC, share with WTRC at night.)

NEW—Hauser Radio Co., C. R. Hauser and John McGinniss, 1310 Ventura, Calif.—C. P., already in Hearing Docket, amended so as to request 1310 kc., 100 watts, unlimited time, instead of 1210 kc., 100 watts, daytime.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and 1390 Bostwick, St. Albans, Vt.—C. P., already in Hearing Docket, amended so as to request the use of 1390 kc., and 1 KW day, to move transmitter 3 miles west of old location. Amendment requests changes in equipment and changes in specified hours formerly requested.

MISCELLANEOUS

WSBT—The South Bend Tribune, South Bend, Ind.—Application 1360 for renewal of license removed from Hearing Docket and granted for regular period; 1360 kc., 500 watts, specified hours.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Denied 1120 application for special temporary authorization to operate on 1120 kc., with power of 250 watts day and night, unlimited time, except for the hours of 8 to 9 p. m., CST, on Monday and Friday nights, which hours are now assigned to WTAW, but for a period not to exceed 30 days, in order to allow KGHI to more adequately serve the City of Little Rock and surrounding territory.

KIT—Carl E. Haymond, Yakima, Wash.—Denied application for 1310 special temporary authorization to operate from local sunset (March sunset 6 p. m., PST), to 7:45 p. m., PST, during month of March, 1935, with power of 250 watts, in order to broadcast frost warnings.

NEW—Dr. J. R. Burgess and Geo. B. Bairey, d/b as WHM Broadcasting Co., Helena, Mont.—C. P., 1420 kc., 100 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—Application 560 for modification of license, 560 kc., 1 KW, share with WFI, and application for special experimental authorization, 560 kc., 1 KW, share with WFI, were retired from Hearing Docket to closed files since the deletion of Station WLIT, after assignment of license to WFIL Broadcasting Co.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Reconsidered 610 action in consolidating this application with hearings scheduled on applications of KFRC and WDAF, and granted petition for separate hearing on KFBB application to be held March 25, 1935. This application is for a special experimental authorization to operate on 610 kc., with 1 KW.

WMFH—Joseph M. Kirby, Boston, Mass.—Denied petition asking 1120 that Commission reconsider its action in designating for hearing application for night-time operation with 250 watts.

W. O. Ansley, Jr., Abilene, Tex.—Granted petition to intervene at hearing of application of Denton Broadcasting Co. and Palestine Broadcasting Co. for new stations at Abilene, Denton, and Palestine, Tex.

KMAC—W. W. McAllister, San Antonio, Tex.—Hearing scheduled for March 18th continued for sufficient time to enable adequate notice to be given all interested parties of the enlargement of the notice of hearing to include the issue: "To determine the nature and character of experiments proposed to be conducted."

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Denied 1290 petition asking Commission to reconsider action in designating for hearing application for authority to make changes in equipment and to increase daytime power from 2.5 KW to 5 KW and to grant the same. Hearing scheduled for March 29, 1935.

WCLS—WCLS, Inc., Joliet, Ill.—Reconsidered and granted application for unlimited daytime operation. Denied application for unlimited night-time operation.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Denied motion asking that Commission default and deny application of Journal Company (Milwaukee Journal), Milwaukee, Wis.

John G. Curtis, Erie, Pa.—Denied request for continuance for 60 1370 days of hearing scheduled for March 26, 1935, on application for C. P. for new radio station to operate on 1370 kc., 100 watts.

Brothers & England, Wellington, Ohio.—Denied request for continuation of hearing scheduled for March 26, 1935, for authorization to operate a radio broadcasting station on 1370 kc., with 100 watts power.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Sustained 1460 motion to dismiss protest of KSTP against application of Minnesota Broadcasting Corp. so as to show location of transmitter site and extension of the commencement and completion dates of construction.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Denied petition asking that Commission reconsider action in designating for hearing application for C. P. to make changes in equipment and to increase power from 250 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license to 970 change frequency from 1430 kc. to 970 kc.

WEEL—Edison Electric Illuminating Co. of Boston, Mass.—Construction 590 permit for installation of new equipment and to change power from 1 KW to 5 KW day and night. Amended to use directional antenna.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—710 License to cover construction permit (1-P-B-1492) as modified to install new equipment, increase power, and move transmitter.

WSYB—Philip Weiss, d/b as Philip Weiss Music Co., Rutland, Vt.—1500 Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts.

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to 1120 install new equipment and increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification 1190 of license to change frequency from 1190 kc. to 1200 kc., power from 100 watts daytime to 100 watts day and night, and hours of operation from daytime to unlimited. Amended to omit request for change in frequency and to change hours of operation from daytime to limited time (local sunset at San Antonio, Tex.).

WAWZ—Pillar of Fire, Zarepath, N. J.—Construction permit to 1350 make equipment changes (antenna) and increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WAWZ—Pillar of Fire, Zarepath, N. J.—Authority to install auto-1350 to increase power from 250 watts, 500 watts day, to 500 watts, 1 KW day.

WAWZ—Pillar of Fire, Zarepath, N. J.—Modification of license 1350 matic frequency control.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Modification 1250 of license to use WHBI's transmitter as auxiliary.

Second Zone

WHJB—Pittsburgh Radio Supply House, Pittsburgh, Pa.—License 620 to cover construction permit (B2-P-307) to make equipment changes.

WKAR—Michigan State College, East Lansing, Mich.—Construction 1040 permit to make changes in equipment (antenna and transmitter).

WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Special experimental 560 authorization to increase power to 1 KW. Amended to change name to WFIL Broadcasting Co.

WSAN—WSAN, Inc., Allentown, Pa.—Extension of special experimental 1440 authorization to operate with additional 250 watts power (operating power 250 watts) for period of 90 days.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Construction 1420 permit to install new equipment and increase day power from 100 watts to 250 watts.

WCBA—B. Bryan Musselman, Allentown, Pa.—Extension of special 1440 experimental authorization to operate with additional 250 watts power (operating power 250 watts) for period of 90 days.

WFIL—WFI Broadcasting Co., Philadelphia, Pa.—Modification of 560 license to increase power from 500 watts to 1 KW. Amended to change name from WFI Broadcasting Co. to WFIL Broadcasting Co.

Third Zone

NEW—H. K. Glass and M. C. Kirkland, Eustis, Fla.—Construction 1310 permit for new station on 1310 kc., 100 watts day, request call WFIH. Amended as to transmitter site.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Special experimental 1240 authority to install new equipment, operate on 1240 kc., 250 watts, 1 KW day, for period of six months.

WALA—Pape Broadcasting Corp., Mobile, Ala.—Modification of 1380 license to increase power from 500 watts, 1 KW day, to 1 KW day and night.

KFRO—Voice of Longview, Longview, Tex.—Modification of 1210 license to change frequency from 1370 kc. to 1210 kc. and hours of operation from daytime to unlimited, facilities of KWEA.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—1420 Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

NEW—Big Spring Herald, Inc., Big Spring, Tex.—Construction permit to erect a new station to operate on 1500 kc., 100 watts, unlimited.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., 1420 Abilene, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, unlimited.

NEW—Reporter Publishing Co., Abilene, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, unlimited.

WAIM—Wilton E. Hall, Anderson, S. C.—Modification of construction permit to erect a new station to operate on 1200 kc., 100 watts, unlimited. Amended to make changes in equipment and giving transmitter and studio locations as Anderson College, Anderson, S. C.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of construction permit authorizing erection of a new station to operate on 1370 kc., 100 watts, daytime, requesting extension of completion date from 4-11-35 to 6-11-35.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, 920 Spartanburg, S. C.—Modification of construction permit authorizing changes in equipment, change of frequency from 1420 kc. to 920 kc., hours of operation from unlimited to daytime, and power from 100 watts, 250 watts day, to 1 KW day and night, and move transmitter locally, requesting extension of completion date from 3-21-35 to 4-21-35.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—License to cover construction permit (3-P-B-3269) to move transmitter, make changes in equipment, and increase power.

Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Extension of special experimental authorization to operate with an additional 15 KW power from 6 a. m. to local sunset, for period ending 11-1-35.

NEW—"Radio Chapel of the Air," Rev. Robert E. Connely, Pres., 1380 Minneapolis, Minn.—Construction permit for a new station to be operated on 1380 kc., 100 watts power, unlimited. Amended: Studio and transmitter sites to be determined.

KFBI—Farmers & Bankers Life Ins. Co., Abilene, Kans.—Construction permit to make equipment changes; move studio from 412 N. W. 3rd St., Abilene, Kans., to corner First and Market Sts., Wichita, Kans.; transmitter from corner 5th and Barry Sts., Milford, Kans., to 3 miles west of city limits on Highway No. 54, Wichita, Kans.

KFH—Radio Station KFH Co., Wichita, Kans.—Modification of license to move studio from 6400 E. Central Ave., Wichita, Kans., to Hotel Lassen, Wichita, Kans.

WIBW—Topeka Broadcasting Assn., Topeka, Kans.—License to cover construction permit (B4-P-247) to increase power from 1 KW to 1 KW, 5 KW day.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts, change frequency from 1070 kc. to 1020 kc. when KYW moves to Philadelphia. Amended to make further changes in equipment.

KLPM—John B. Cooley, Minot, N. Dak.—Consent to transfer of control of corporation from John B. Cooley to Northwest Radio Service, Inc.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

WTRC—Truth Radio Corporation, Elkhart, Ind.—Voluntary assignment of license to The Truth Publishing Co., Inc.

KFEQ—Scroggin & Company Bank, St. Joseph, Mo.—Construction permit to install new equipment and increase power from 2½ KW day to 5 KW day. Amended: Transmitter site to be determined.

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Modification of construction permit authorizing move of transmitter and increase of power from 5 KW to 50 KW, requesting extension of completion date from 4-4-35 to 7-4-35.

KFH—The Radio Station KFH Co., Wichita, Kans.—Construction permit to make changes in equipment and increase power from 1 KW to 1 KW, 5 KW day.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Special experimental authorization to operate with 5 KW power night for license period.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—License to cover construction permit (B4-P-196) to make changes in equipment and increase day power.

Fifth Zone

KIUJ—J. H. Speck, Santa Fe, N. Mex.—License to cover construction permit (B5-P-22) as modified for a new station.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new equipment.

KFWB—Warner Brothers Broadcasting Corp., Hollywood, Calif.—Special experimental authorization to install new equipment and to operate with 5 KW power night-time, for period to 4-1-35.

NEW—Southern Oregon Publishing Co., Roseburg, Ore.—Construction permit for a new station on 1500 kc., 100 watts, unlimited; request call of KRNR.

NEW—Clark Standiford, Chico, Calif.—Construction permit to erect a new station to operate on 1210 kc., 100 watts, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—Construction permit to erect a new station to operate on 850 kc., 100 watts, daytime.

KGIR—KGIR, Inc., Butte, Mont.—License to cover construction permit (B5-P-102) as modified to install new equipment and increase power.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—License to cover construction permit (B5-P-139) to make equipment changes.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to move 100-watt transmitter from 127 E. Main Street, Missoula, Mont., to 5 miles northwest of Missoula, near Frenchtown Road; to operate on 1200 kc., 100 watts, unlimited time, during period of construction of new transmitter.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Construction permit to increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day, and move transmitter from Sprague Avenue and Post St., Spokane, Wash., to site to be determined. Amended to request 5 KW power day and night.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Modification of construction permit to erect a new station to operate on 950 kc., 250 watts, daytime, giving exact transmitter site. Amended giving site as 2½ miles east of Chico, Calif.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

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EDUCATION CONFERENCE MAY 15

The Federal Communications Commission announced this week that the Broadcast Division has set May 15th for commencement of the conference provided for in the Commission's report to Congress following the general hearings (under Section 307c of Communication Act) last fall.

All broadcast licensees, the National Association of Broadcasters, all chain broadcasting companies, all educational, religious and non-profit eleemosynary institutions and all persons, groups and associations of every character interested in the subject to be presented have been invited to attend the conference.

The Broadcast Division also has requested United States Commissioner of Education Studebaker to participate in the hearings.

The Commission's statement follows:

"The Communications Commission, in its report to Congress, as required by Section 307 (c) of the Communications Act, under the caption 'Proposed Action' stated, among other things, the following:

"The Commission proposes to hold a national conference at an early date in Washington, at which time plans for mutual cooperation between broadcasters and non-profit organizations can be made, to the end of combining the educational experience of the educators with the program technique of the broadcasters, thereby better to serve the public interest. The conference should also consider such specific complaints as might be made by non-profit groups against the actions of commercial broadcasters in order that remedial measures may be taken if necessary.

"The Commission intends also actively to encourage the best minds among broadcasters and educators alike in order to develop a satisfactory technique for presenting educational programs in an attractive manner to the radio listener. Cooperation with the United States Commissioner of Education and other governmental agencies already established to assist in building helpful radio programs will be sought to an even greater degree than it now exists. The results of the broadcast survey, which is now being conducted by the Commission to determine the amount and quality of secondary service of large metropolitan broadcasting stations in remote sections of the United States as well as by broadcast stations generally, will be studied with the thought in mind of providing the best possible service to every American radio listener and to provide him with a well-balanced selection of non-profit and public-interest programs. The results of a direct questionnaire survey now under way will be studied with the same thought definitely in mind.

"The Commission feels, in particular, that broadcasting has a much more important part in the educational program of the country than has yet been found for it. We expect actively to assist in the determination of the rightful place of broadcasting in education and to see that it is used in that place.

"There have been protests, particularly by persons interested in the preservation of the broadcasting facilities of educational institutions, against the procedure under which licensees are required to defend their assignments in hearings upon applications of other parties. The Commission now proposes that provisions be made to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established station, to determine whether the application violates any provision of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Under such a provision, applications found inconsistent with law or regulations and applications of those found not qualified to operate stations will be refused without requiring the presence of licensees of existing stations at hearings.

"It is the earnest belief of the Commission that the action planned by it will accomplish results which will prove of lasting benefit to the broadcast structure as well as to the American radio public. The Commission seeks to accomplish the purposes for which the

non-profit interests and the broadcasters are earnestly working without the necessity of any radical reallocation, which would precipitate dissatisfaction and chaos and which would tend only to complicate and impede true progress in the broadcast public service.

"In making this report, the Commission is not unmindful of the sincerity with which the well-considered arguments were presented by the non-profit organizations supporting the proposal of a statutory allocation as well as by the broadcasters generally. The fine spirit and cooperation were most helpful. The Commission does not wish to seem to disregard the requests of the non-profit organizations. It is to effectuate these requests and to accomplish the greatest and the widest good that the Commission will undertake the action outlined in this report. It is our firm intention to assist the non-profit organizations to obtain the fullest opportunities for expression. Every sound, sensible and practical plan for the betterment of the broadcast structure will be speedily effected.

"The Commission en banc has delegated to the Broadcast Division the power and duty of calling and holding this conference. Pursuant thereto, the Broadcast Division hereby calls a national conference of all broadcast licensees of the Commission, the National Association of Broadcasters, all chain broadcasting companies, all educational, religious and non-profit eleemosynary institutions and all persons, groups and associations of every character interested in the subject to be present and participate in this conference. The cooperation and participation of all governmental agencies, particularly the United States Commissioner of Education, are especially requested by the Broadcast Division. It is also hoped that, at this hearing, definite plans may be presented for consideration and study.

"The conference will be held in the offices of the Commission in the New Post Office Building, in Washington, D. C., beginning at 10 o'clock Wednesday, May 15th.

"The Commission would like for those who desire to participate to inform it of this fact not later than April 24th, so that an agenda may be prepared by the Division."

TELEGRAPH HEARING CONTINUES

The FCC Telegraph Division, which has been holding hearings since March 4, 1935, under Order No. 12 of that Division, announced today that "Leased Wire Service" will be taken up Monday, March 25th, beginning at 10 A. M.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2286. Clayton R. Hastings, Muncie, Ind., trading as the National Civil Service Institute. A consent order to discontinue using the words "Civil Service" in connection with the order "National" in his trade name or in any way which implies connection with the Federal Government. The order also prohibits misleading representations regarding the availability of Civil Service positions under the Government.

No. 2204. Maurice Smooke, 491 Broadway, New York City, trading as the Standard Handkerchief Manufacturing Co. To cease and desist representing himself or his company as a manufacturer of handkerchiefs until he owns, controls or operates factories in this field; to cease advertising handkerchiefs made in the United States as "London Kerchiefs." Other representations order discontinued, until facts are as represented, are the respondent's allegations that his company purchases raw cotton, that he has factories in Brooklyn, New York and Newark, and that due to large distribution and personal ownership and management buyers are assured the lowest price at all times.

No. 2269. H. Gordon, shoe wholesaler, 118 Duane St., New York City. To discontinue directly or indirectly using "Doctor" or "Dr." in advertising his products or in any way tending to lead buyers

into believing that they are made in accordance with the design or under supervision of a doctor, and that they contain special scientific features, when such is not the case. However, certain of the respondent's shoes actually contained orthopedic features.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0830. The Philadelphia Inquirer Co., publisher of the Philadelphia Inquirer, newspaper. To abide by any such action as the Commission may take against certain manufacturers of toilet and beauty preparations inserting advertisements containing allegedly false and misleading representations in the said publication.

No. 0831. W. H. Gannett Pub. Inc., Augusta, Maine, publisher of Comfort Magazine. Same stipulation.

No. 0832. W. J. Thompson Co., Inc., New York City, publisher of Gentlewoman Magazine. Same stipulation.

No. 0833. Hexin, Inc., Chicago, Ill. To cease advertising that its product "Hexin" will afford "quicker" relief; that it is compounded according to physician's formula; that it will relax the muscles or blood vessels, remove pressure on nerve ends, or neutralize acidity, and that "Hexin" is the latest and most startling discovery in modern science.

No. 0834. DeLos Rios Co., Detroit, Mich. To stop representing that its product "Pestanol" is capable of growing or promoting the growth of the eyelashes; that its formula originated in Spain, that the preparation is an old Spanish secret, and to cease using the name "Barcelona" on labels or otherwise indicating erroneously that the company maintains a plant in Barcelona.

No. 1305. Charles Komar, Inc., 152 Madison Ave., New York City. To stop representing certain products as "All Silk," "Pure Silk," or "Silk Crepe," unless the said products meet the agreed standards; and, if they do not, to employ the word "Weighted" in conspicuous type to indicate clearly that the products are weighted with mineral salts and not composed wholly of silk.

No. 1306. Spiro Ruosos, Rochester, N. Y. To cease using the words "Product of Italy" either independently or with the word "Imported" or with Italian pictures as a brand or label so as to imply that his product has been imported from Italy. If the product is made of a substantial part of olive oil produced in Italy, and "Product of Italy" used, then similarly clear indication must be given that the food is not made entirely of Italian ingredients.

No. 1307. William Grennon, New York City, trading as the Liquidating Company. To cease using the trade name "The Liquidating Company" and the word "Liquidating" in a way tending to deceive purchasers into believing that he is acting or is offering goods for sale as a receiver or liquidator under a court order in bankruptcy. He also agrees not to use "Paris" or "France" or words of similar import to the effect that products he sells are made by secret formulae obtained from Paris or that a Parisian has made this "Parfum" for Hollywood.

No. 1308. Agash Refining Corporation, Brooklyn, N. Y. To cease using the words "Lucca" on cans or labels containing its product, either alone or with Italian pictures so as to imply erroneously that the products are imported from the "Lucca" district of Italy. Also to discontinue using the words "Imported from Italy" for these oil products, unless when they are composed in substantial part of Italian-produced oils, the fact that they are not entirely so is clearly indicated.

No. 1309. Adolph Hauptman, importer, New York City. To desist from the use of the word "Mercerized" on brands or labels attached to shoe laces when they have not been mercerized.

No. 1310. Reiss Premier Pipe Co., West New York, N. J., also trading as Island Products Co. To cease using the words "West Indian" independently or in connection with other words or pictures of a tropical island or in any way tending to deceive buyers into believing that the bay rum sold by the company is produced and manufactured in the West Indian Islands.

No. 1311. The University Extension Forum and Kappa Gamma Sorority, Dallas, Texas. To abandon the use of the word "University" either alone or as with the word "Extension" as part of their corporate name, in the sale of courses or instruction or so-called educational programs, and to cease from using the said words in such a way as to deceive the public into believing that the University Extension Forum is an educational institution as such words imply.

No. 1312. I. Haber, Inc., Brooklyn, N. Y., trading as Lily Food Products Co. To discontinue erroneously giving the impression that certain products consist wholly of olive oils imported from the Lucca district in Italy when this is not the case.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These companies will be given until April 12 to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2310. Hoyt & Worthen Tanning Corp., Haverhill, Mass. The respondent's phrase "Sunshine Chamois Genuine Oil Tan French Process," as a brand for its product, is alleged to have a tendency to deceive dealers and public into believing that it is tanned and manufactured in France or according to a French process.

No. 2311. Williams Bros. Tailoring Corp., Troy, N. Y. The respondent is charged with using sales methods which tend to lead the public to believe that clothes ordered from the company are tailor-made or according to individual measurements; that they are made from cloth selected by the purchasers; and that the customers' money is refunded if they are not satisfied, when such is not the fact.

No. 2317. Galion Metallic Vault Co., Galion, Ohio. The respondent is alleged to advertise that its grave vaults remain water-proof and air-tight when placed under ground, when, according to the complaint, water or air may seep into the vaults through the joints, holes, fastening or flanges thereof or through pit holes due to rust or corrosion.

No. 2318. James McCreery & Co., department store, New York City. The store is alleged to have sold as "Toyo Panama" a hat made from paper derived from rice pulp and twisted and woven into a product resembling a Panama straw hat. Though the word "Toyo" means paper, the public is unaware of this, while the word "Panama" as applied to straw hats has a specific geographical meaning.

No. 2319. Chesapeake Distilling & Distributing Corp, Baltimore, Md. The respondent's use of the word distilling in its corporate name, when it is not a distiller but merely engaged in rectifying, blending and bottling liquors, is alleged to tend to mislead dealers and the public into believing that they are buying a product bottled by the original distiller thereof. The complaint charges violation of the Federal Trade Commission Act and the distilled spirits industry code.

Nos. 2312, 2313, 2314, 2315, 2316, 2320 and 2321. H. C. Horseman and S. S. Coston, the latter trading as S. S. Coston Co., Hampton, Va.; George A. Philpotts, Philpotts Post Office, Va.; R. P. Hunt & Son and N. R. Coulbourn, Hampton, Va.; F. H. Ayers & Son, Portsmouth, Va., and Ballard Bros. Fish Co., Willis Wharf, Va. Violation of the blue crab industry code of fair competition.

SECURITIES ACT REGISTRATION

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

George A. Schmidt and Louis Meyer, Trustees, New York City (2-1319, Form F-1)

Committee for Kelly-Springfield Co., New York City (2-1320, Form D-1)

Snow Point Mining Company, Inc., Wilmington, Del (2-1322, Form A-1)

Texla Oil Corporation, Houston, Texas (2-1323, Form A-1)

Forest Lawn Company, Glendale, Cal. (2-1325, Form A-1)

Commodity Corporation, Boston, Mass. (2-1326, Form A-1)

California Alaska Exploration Co., Reno, Nev. (2-1327, Form A-1)

A. P. W. Properties, Inc., Albany, N. Y. (2-1328, Form A-1)

Geneva Terrace Apts. Trust, Chicago, Ill. (2-1329, Form E-1)

Beaver Valley Water Company, Beaver Falls, Pa. (2-1330, Form A-2)

Western Auto Supply Company, Kansas City, Mo. (2-1331, Form A-2)

Hostetter Corporation, Pittsburgh, Pa. (2-1332, Form A-1)

Black Gold Mines Ltd., Fort Erie, Ontario, Canada (2-1333, Form A-1)

Mancos Canyon Gold, Inc., Denver, Colo. (2-1334, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 25, 1935

Before Commissioner Brown, at San Antonio, Texas

KFBI—The Farmers and Bankers Life Insurance Co., Abilene, Kans.—Renewal license, 1050 kc., 5 KW, limited time.

Monday, March 25, 1935

- NEW—Helena Broadcasting Co., Helena, Montana—C. P. 1420 kc., 100 watts, unlimited time.
NEW—Montana Broadcasting Co., Freda Wessell, Secretary, Helena, Montana—C. P., 1420 kc., 100 watts, specified hours.
NEW—E. B. Craney, Helena, Montana—C. P., 1420 kc., 100 watts, unlimited time.
KFBB—Buttrety Broadcast, Inc., Great Falls, Montana—Special experimental authorization, 610 kc., 1 KW, 2½ KW, LS, unlimited time. Present assignment: 1280 kc., 1 KW, 2½ KW, LS, unlimited time.

Tuesday, March 26, 1935

- NEW—John C. Curtis, Erie, Pa.—C. P., 1370 kc., 100 watts, unlimited time.
NEW—F. L. Whitesell, Forty Fort, Pa.—C. P., 930 kc., 500 watts, daytime.
NEW—Jackson D. Magenau, Erie, Pa.—C. P., 1370 kc., 100 watts, unlimited time.
NEW—Brothers & England (L. C. Brothers & H. P. England), Wellington, Ohio—C. P., 1370 kc., 100 watts, unlimited time.
NEW—WMAN Broadcasting Co., Mansfield, Ohio—C. P., 1370 kc., 100 watts, unlimited time.
WWPA—Clarion Broadcasting Co., Clarion, Pa.—C. P., 850 kc., 250 watts, daytime.
WESG—Cornell University, Ithaca, N. Y.—Modification of license, 850 kc., 1000 watts, daytime.

Friday, March 29, 1935

- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—C. P., 1290 kc., 1 KW, 5 KW, LS, unlimited time. Present assignment: 1290 kc., 1 KW 2½ KW, LS, unlimited time.
KSCJ—Perkins Brothers Co., Publishers, Sioux City Journal, Sioux City, Iowa—Modification of license, 1290 kc., 1 KW, 2½ KW, LS, unlimited time. Present assignment: 1330 kc., 1 KW, 2½ KW, LS, simultaneous day with WTAQ, S. H. night.
NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—C. P., 1370 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- WELL—Enquirer-News Company, Battle Creek, Mich.—Granted C. P. to move transmitter and studio locally; make changes in equipment and increase power from 50 to 100 watts.
WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted C. P. to make changes in equipment and change power to 100 watts night, 250 watts day, unlimited time.
KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted C. P. to move studio and transmitter locally and increase power from 250 watts to 1 KW.
WCOL—WCOL, Inc., Columbus, Ohio—Granted C. P. to make changes in equipment and move transmitter locally.
NEW—Louis Wasmer, Inc., Mobile (Spokane, Wash.)—Granted two C. P. (general experimental station); frequencies 31100, 34600, 37600, 40600 kc., 2 watts.
WAWZ—Pillar of Fire, Zarepath, N. J.—Granted authority to install automatic frequency control.
WAIM—Wilton E. Hall, Anderson, S. C.—Granted modification of C. P. to move studio and transmitter locally and make changes in equipment.
KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted modification of C. P. to make changes in equipment and make change in studio and transmitter location locally.
WQER—Georgia School of Tech., Atlanta, Ga.—Granted license to cover C. P. (temporary broadcast pickup station), frequencies 1646, 2090, 2190, 2830 kc., 5 watts.
WQET—Same—Same except 10 watts power.
KLO—Interstate Broadcasting Corp., Ogden, Utah—Granted license covering C. P. authorizing changes in equipment.
WTAX—WTAX, Inc., Springfield, Ill.—Granted modification of license to change hours of operation from sharing with WCBS to unlimited.
KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of license to move studio location to Hotel Lassen, Wichita, Kans.
KGIW—Leonard E. Wilson, Alamosa, Colo.—Granted modification of license to change hours of operation from sharing with KIDW to specified hours, to 7 a. m. to 4:30 p. m. daily and 6 to 9:30 p. m. night.
KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted modification of license to change hours of operation from

sharing with KGIW to specified (7 a. m. to 6 p. m. daily; 9:30 p. m. to 12 midnight).

- NEW—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted C. P. for a new station to operate on 1310 kc., 100 watts, unlimited time.
WCBA—B. Bryan Musselman, Allentown, Pa.—Granted extension of special experimental authorization to operate with 250 watts additional power for 90 days.
WSAN—WSAN, Inc., Allentown, Pa.—Same.

SET FOR HEARING

- NEW—Lafayette Advertiser Gazette Co., Inc., Lafayette, La.—Application for C. P., 1310 kc., 100 watts, unlimited time.
NEW—Oscar C. Hirsch, Cape Girardeau, Mo.—Application for C. P., 930 kc., 1 KW, daytime.
NEW—H. K. Glass and M. C. Kirkland, Eustis, Fla.—Application for C. P., 1310 kc., 100 watts day, 6 a. m. to local sunset.
WGCM—WGCM, Inc., Mississippi City, Miss.—Application for C. P. to make changes in equipment and change frequency from 1210 to 1120 kc., and power from 100 watts night, 250 watts day to 500 watts, specified hours to unlimited.
NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for C. P.; frequency 1480 kc., 5 KW day. Day-time hours.
NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Application for C. P. (experimental relay broadcasting station), frequency 17,780 and 9570 kc., 2 KW.
NEW—Robert Louis Sanders, Palm Beach, Fla.—Application for C. P., frequency 1420 kc., 100 watts, unlimited time.
NEW—Louis O. Holzman, Hilo, Hawaii—Application for C. P., frequency 1420 kc., 100 watts, unlimited time.
NEW—LeRoy Haley, Durango, Colo.—Application for C. P., 1370 kc., 100 watts, unlimited time.
NEW—Carl C. Struble, The Dalles, Ore.—Application for C. P., frequency 1200 kc., 100 watts, unlimited time.
NEW—Hearst Radio, Inc., Albany, N. Y.—Applications for C. P., frequency 970 kc., 1 KW, unlimited time and use directional antenna. (To be heard by the Division en banc on May 9, 1935.)
WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Application for C. P. to change studio site locally; make changes in equipment and change frequency from 1300 kc. to 970 kc. and increase power from 1 to 5 KW. (To be heard by the Division en banc May 9, 1935.)
NEW—Amon G. Carter, Fort Worth, Tex.—Application for C. P., frequency 970 kc., 5 KW power, unlimited time. (To be heard by the Division en banc May 9, 1935.)
KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Application for C. P. to change site of transmitter locally, make changes in equipment and increase power from 5 to 10 KW. (To be heard by the Division en banc May 9, 1935.)
NEW—Springfield Newspapers, Inc., Springfield, Mo.—Application for C. P., frequency 1120 kc., 250 watts power; S. H. (Unlimited except 8 to 9 p. m., CST, Monday and Friday nights.)
NEW—Harold H. Hanseth, Fresno, Cal.—Application for C. P., frequency, 1410 kc., 1 KW power, unlimited time.
NEW—Robert Louis Sanders, San Pedro, Calif.—Application for C. P., frequency, 1180 kc., 250 watts, daytime.
WMFI—Patrick J. Goode, New Haven, Conn.—Application for modification of C. P. to extend commencement date to March 13, 1935, and completion date to July 13, 1935.
WHBC—Edward P. Graham, Canton, Ohio—Application for modification of license to change hours of operation from specified to unlimited. Requests facilities of WNBO.
KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Application for modification of license to increase power from 50 to 100 watts.
WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for special experimental authority to install new equipment, change frequency from 1500 to 1240 kc., and increase power from 100 to 250 watts night, 1 KW day, for period of 6 months.
NEW—Eugene DeBogory, trading as Dallas Radio Research Engineers, Dallas, Tex.—Application to amend C. P. (already in hearing docket) to read: 1570 kc. instead of 1550 kc. Power 1 KW night, 1 KW day.
NEW—Homer York, Lufkin, Tex.—Application to amend C. P. (already in hearing docket) so as to request transmitter and studio site 1.648 air miles from Court House on Broadshire Road, Lufkin, Tex.; new equipment 1350 kc., 250 watts, specified hours. (Original C. P. for 1340 kc., unlimited time.)

KADA—C. C. Morris, Nr. Ada, Okla.—Application to amend C. P. so as to request 1200 kc., 250 watts daytime, and new equipment. (Originally requested 100 watts night, 250 watts day, unlimited.)

WMFH—Joseph M. Kirby, Boston, Mass.—Application for modification of C. P. to extend time of completion.

MISCELLANEOUS

Joplin Broadcasting Co., Pittsburg, Kans.—Denied petition requesting that its application designated for hearing January 29th, be reconsidered and granted without a hearing.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Hearing is set for April 8, 1935, at Los Angeles, before Commissioner Brown.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills., Calif.—Same.

KIEV—Cannon System, Ltd., Glendale, Calif.—Same.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Same.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Same.

WSAN—WSAN, Inc., Allentown, Pa.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Applicant requests increase of power from 250 to 500 watts day and night and to continue to share with WCBA.

WCBA—B. Bryan Musselman, Allentown, Pa.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Applicant requests increase of power from 250 watts to 500 watts day and night and to continue to share with WSAN.

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—Denied petition requesting Commission to reconsider action in designating for hearing application for a new station and grant same without a hearing. Applicant desires C. P. to operate on 1370 kc., 100 watts, unlimited time.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Denied petition requesting that its application designated for hearing be reconsidered and granted without a hearing. Applicant requests authority to change frequency from 1200 to 1500 kc. and to increase operating time from sharing with WJBW to unlimited.

Pittsburgh Publish Co., St. Joseph, Mo.—Granted permission to intervene at hearing of applications of J. L. Scroggin and KGBX, Inc., of St. Louis, Mo., both requesting authority to erect a new station in that city to operate on 1500 kc., 100 watts power. Pittsburgh Publishing Co. has pending application for C. P. for new station at Pittsburg, Kans., to operate on same frequency.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Denied petition requesting that its application designated for hearing be reconsidered and granted. Applicant desires to move station to De Pere, Wisc., to modify its license and approval of sale to WHBY, Inc.

NEW—Dudley J. Connolly, Chattanooga, Tenn.—C. P., 1420 kc., 100 watts unlimited time, heretofore set for hearing, was dismissed inasmuch as this application has been superseded by the application of Dudley J. Connolly & Co.

APPLICATIONS RECEIVED

First Zone

National Broadcasting Co., Portable-Mobile—Construction permit for special experimental station for 13050 kc., 10 watts.

National Broadcasting Co., Portable-Mobile—License to cover above (B1-PSE-9).

WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to install new equipment, increase power from 500 watts night, 1 KW day, to 5 KW day and night, move transmitter site to be determined. Amended re power.

WICC—The Southern Connecticut Broadcasting Corp., Bridgeport, 600 Conn.—Construction permit to make change in equipment.

Second Zone

NEW—Robert E. Cole, Washington, Pa.—Construction permit to 1200 erect a new station to operate on 1200 kc., 100 watts, specified hours. Facilities of WNBO.

WWJ—The Evening News Association, Inc., Detroit, Mich.—Construction permit to move transmitter from 810 W. Lafayette Blvd., Detroit, Mich., to Intersection of Meyers and Eight Mile Road, Oak Park, Mich.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of 1380 construction permit (B2-P-149) to make further changes in equipment. (Antenna.)

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-148) to make changes in equipment. (Antenna.)

Third Zone

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to change equipment, increase daytime power from 100 to 250 watts. Amended: To omit request for change in frequency.

NEW—Plainview Broadcasting Co., S. T. Cooper and Mrs. Cumi Cooper, Plainview, Tex.—Construction permit for new station on 1500 kc., 100 watts, day, and limited operation. Amended: To omit request for limited time.

NEW—Milton Kaufman and Jonas Weiland, Kinston, N. C.—Construction permit for a new station on 620 kc., 1 KW power, unlimited time.

NEW—Reporter Publishing Co., Inc., Abilene, Tex.—Construction permit to erect a new station to operate on 1420 kc., 100 watts, unlimited time. Amended: Transmitter site to be determined.

NEW—The North Texas Publishing Co., A. G. Mayse, President, 1500 Paris, Tex.—Construction permit to erect a new station to operate on 1500 kc., 100 watts, daytime. Amended: Transmitter site to be determined.

NEW—J. W. Birdwell and S. J. Jennings, Johnson City, Tenn.—Construction permit to erect a new station to operate on 1210 kc., 100 watts, unlimited time (7 a. m. to 9 p. m.). Amended: To change frequency from 1200 kc., unlimited time.

NEW—Big Spring Herald, Inc., Big Spring, Tex.—Construction permit to erect a new station to operate on 1500 kc., 100 watts, unlimited time. Amended: Transmitter site to be determined.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Extension of 1460 special experimental authorization to operate with 500 watts night power for period ending April 30, 1935.

Fourth Zone

WNAX—The House of Gurney, Inc., Yankton, S. D.—Modification of construction permit (B4-P-172) as modified to make equipment changes, and for approval of present transmitter site (2nd and Capitol Streets).

KGW—Oregonian Publishing Co., Portland, Ore.—License to cover 620 construction permit (5-P-B-3106) as modified to increase day power.

Fifth Zone

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification of license to change frequency from 880 kc. to 630 kc. NEW—W. H. Kindig, Hollywood, Calif.—Construction permit to 1160 erect a new station to operate on 1160 kc., 1 KW, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—License to cover construction permit (5-P-B-3325) as modified to change equipment, move transmitter and studio and increase power.

KMJ—James McClathy Co., Fresno, Calif.—Modification of license 580 to increase power from 500 watts to 500 watts, 1 KW, daytime.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Construction permit 610 to make changes in equipment, increase power from 100 watts, 250 watts day, to 1 KW, change frequency from 1310 kc., to 610 kc., and change hours of operation from specified hours to unlimited time and move transmitter from Main and Fourth Sts., Wolf Point, Mont., to Wolf Point, Mont. (locally).

NEW—A. Corenson, Ventura, Calif.—Construction permit for new 1210 station on 1210 kc., 100 watts power, unlimited time.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—1370 Modification of construction permit (B5-P-96) to extend completion date from April 11, 1935, to July 11, 1935.

The National Association of Broadcasters

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

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters



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MARCH 30, 1935

COPYRIGHT DEVELOPMENTS

With the expiration date of license contracts between the American Society of Composers, Authors and Publishers and the broadcasters just five months off, the broadcasting industry is vitally interested in two recent important developments in the copyright situation. The Interdepartmental Committee on Copyright, headed by Wallace McClure of the Department of State, has completed a draft of a copyright bill which will be introduced in the Senate within a few days and Federal Judge John C. Knox of New York granted the motion filed by the United States Government in the ASCAP anti-trust suit to strike from the Society's answer all irrelevant and non-responsive matter.

The ruling by Judge Knox is a decided victory for the Government since it virtually has the effect of reducing the issues involved in the litigation to price fixing. It also will have the effect of expediting trial of the case. At the same time Judge Knox substantially denied the motion filed by the Society asking that a commission be appointed to take testimony in this country and abroad, stating that in the event a "strong case for relief" is shown by the Society the motion might be renewed with respect to witnesses residing in the United States.

Argument on the motion was heard by the court last January 11. Andrew W. Bennett, special assistant to the Attorney General, in charge of the Government's suit, argued the case for the Government and Nathan Burkan of New York, chief counsel for the ASCAP, argued for the Society.

COPYRIGHT BILL DUE SOON

The copyright bill, which is now being completed, will be introduced in the Senate within the next few days. This bill, the result of extensive conferences at the Department of State, among all interested parties, will be designed to enable this country to adhere to the Convention for the Protection of Literary and Artistic Property under the provisions of the Rome revision of the Convention. It will be introduced by Senator Duffy (D.) of Wisconsin, a member of the Senate Foreign Relations Committee, which committee has under consideration the question of ratification of the treaty. Adherence to the Convention has the sanction of President Roosevelt and it is expected that strenuous efforts will be made to pass the bill at the present session of Congress. Senator Duffy's bill will, of course, be referred to the Senate Patents Committee, headed by Senator McAdoo (D.), California.

Briefly, the revised bill changes the present law by striking out minimum statutory damages and leaving to the court determination of damages suffered by the copyright owner, with a proviso that in each instance the amount awarded may not be less than the fair value of a license. The bill also places broadcasting on a par with newspapers and periodicals, with respect to issuance of injunctions.

The views of the broadcasters were submitted to the State Department by the NAB on February 23 and in a letter to Philip G. Loucks, managing director of the NAB, Chairman McClure explained disposition of the contentions urged by the Association in the following letter under date of March 20:

My dear Loucks:

You received, I trust, the copies of the revised draft of the copyright bill, which your messenger called for this morning. I shall, of course, be glad to discuss it with you in person tomorrow as arranged in our telephone conversation. Meantime, you may

find it helpful to have some explanation of the changes which have been made, particularly with reference to the desires of the Radio Broadcasters as expressed at the conference on February 23 and in the brief of the National Association of Broadcasters filed at that time. Let me say to begin that the Interdepartmental Committee on Copyright has considered with sympathy the peculiar situation of the broadcasters as a comparatively new industry making very large use of copyright material and not finding in the present copyright law, which was enacted before the advent of broadcasting, any special reference to their needs. You will therefore find, I believe, that the amendments in the new draft have approached closely the requirements of the broadcasting industry as stated in your brief. The items of the brief may be taken in order as follows:

The right of radio broadcasting granted in Section 1 (f) has been enlarged to include other analogous forms of communication to the public, to which it is assumed the broadcasters will find no objection.

The word "writings" (revised draft, p. 6, line 9) has been restored in place of the word "works," thus removing any danger as to the adoption of so-called "oral copyright." The Committee did not believe that oral copyright would be required under the Convention and this opinion has been concurred in by some of the counsel who appeared at the hearings. However, the use of the word "writings" serves to remove any doubt on the question.

Careful consideration has been given to the language proposed by you for an amendment in the proviso to Section 8 of the present law (pp. 11-12 of the new draft). It is understood that the broadcasters desired to be certain that they may continue the use of recordings or arrangements of music made for broadcasting from works hitherto in the public domain but to which copyright will accrue after the adherence of the United States to the Convention. It is believed that the language of Section 8, proviso, is broad enough to permit such continued use, but for the sake of better assurance in this respect, certain changes have been made in the language of the final clause (p. 12), consisting of the insertion of the word "further" before "use" and the elimination of the words "already existing" after "reproduction." The word "substantial" has also been omitted before "expenditure or liability," which should serve to remove the doubts expressed regarding it. It is not understood that the broadcasters would contend for the right to use an arrangement or recording not made by them but merely purchased. The purpose of the proviso in Section 8 is to afford all equitable protection to persons who have themselves invested money or incurred liability in the direction of performance of works which were not copyrighted at the time when the undertaking began, but not to permit everyone to use a work which was in the public domain, since the Convention requires generally the protection of all works for which copyright exists in union countries.

The changes suggested by you in Section 23 (pp. 19-21 of the new draft) as to the permissibility of other proof of the date of origin of a work only in the absence of notice and registration, have been adopted. You will note also that language has been added providing that the term shall in no case exceed 56 years, so that when an unpublished work has been copyrighted, a new term will not begin upon subsequent publication.

In the new draft (p. 24, line 4), broadcasters have been included, as desired by you, in the exemption from temporary restraining orders.

THIRTEENTH ANNUAL NAB CONVENTION

THE BROADMOOR, COLORADO SPRINGS, COLO.

JULY 6, 7, 8, 9, 10, 1935

The Committee considered carefully the request of your organization for a change in the bill which would restrict the owner of copyright to either damages or profits and not give him both, but it was doubted whether it would be wise to make this change from the present law. The notion of giving profits unconscionably made to the copyright owner in an infringement case is solidly embedded in copyright law and has not hitherto, so far as the Committee is aware, met with any special criticism. The proportion of the profits to be awarded to the plaintiff is left to the discretion of the Court. While the Committee does not regard the question as entirely closed, it has not so far been convinced that the change proposed is desirable. As you know, effort has been made to avoid any changes going beyond what seemed necessary for the purposes of the draft.

You will be very much interested to observe that, on page 26 of the new draft, very material changes have been made amounting, briefly, to the removal of any stated minimum for statutory damages and the increase of the maximum in all cases to \$10,000. The Committee recognizes that there have been great changes in the conditions and forms of the use of copyright material since 1909, when the present Act, including the provision for minimum damages of \$250, was adopted. It seems reasonable and, all things considered, desirable to leave more to the discretion of the Court, while damages should not be so low as to amount to a license to infringe. The Committee believes that the change is in the public interest.

On pages 26-27 of the new draft, the requirement has been inserted of both notice and registration in order to permit the copyright owner to obtain any remedy other than an injunction or the value of a license. This is in accordance with the desire of the broadcasters. It will be further noted that the maximum value of a license under such circumstances has been reduced from \$2,500 (old draft) to \$1,000 (new draft).

On pages 27-28 of the new draft, the suggestions of the broadcasters have been adopted in part. It is provided that proof of fraud, or of good faith on the part of the infringer, shall be sufficient to exempt him from any liability except for the value of a license. The Committee, however, did not feel warranted in going so far as to strike out entirely the saving value of some record in the Copyright Office or of the notice on a published work. Here, as in some other instances, there is danger of incurring the criticism that this is an "infringers' bill". The reference to performance of works in cities of over 100,000 population, however, has been omitted. It is hoped that with these changes the subsection will meet the needs of those whom you represent.

In the provisions relating to infringing advertising matter as to which the infringer was innocent, broadcasters have been included in the exemptions granted, as desired, and similar amendments have been made in other portions of the infringement section, placing broadcasters in general on the same footing as publishers of periodicals (new draft at pp. 31-34).

Another change not specially asked for by the broadcasters, but which seems fair to them, is in the provisions relating to possible impoundment or destruction of infringing matter (p. 36). The harshness of impounding and particularly of destruction is recognized and it has been provided that they shall not take place where the publisher of a periodical or the broadcaster has acted in good faith.

Your proposed change in Section 25 (9) b (new draft, pp. 39-40) has been adopted by providing that there shall be no liability, in respect of "the ordinary occupation by a guest of a hotel or lodging-house room", for the reception of a radio broadcast. You will be interested to note the amendment in paragraph (5) of the same subsection which provides that the incidental reproduction of the copyrighted work in a broadcast relating to current events is not to raise any liability. The Committee recalls, in this connection, Mr. Bellows' remarks as to the situation arising at the time of the broadcast of President Roosevelt's inaugural. The same considerations apply, of course, to the broadcasts of sports events such as the big football games.

Section 34 of the existing law (pp. 43-44 of the new draft) has been amended to accord the right of review of damages on appeal.

Through an unfortunate inadvertance, the amendment desired by the broadcasters in Section 39, providing for no liability in civil cases more than three years after infringement, was omitted in mimeographing the revised draft. The Committee intended to include this change and it will be added before the bill is presented to Congress.

Section 41, dealing with the moral right of the author, has been the subject of much comment on the part of various groups who have been represented before the Committee and who desired to be adequately protected against any possible abuse that might

arise from the inclusion of this right in the law. Accordingly, a somewhat elaborate series of provisions have been added in order to cover all reasonable requirements. First, the full freedom of contract has been reserved; this means the right of the author to waive his moral right entirely if he so desires. Further language has been adopted to apply to cases where there is no contract and to permit the user of the copyrighted material in such cases to edit, arrange or otherwise modify the work for publication, broadcasting or motion pictures, in accordance with customary standards and reasonable requirements. While the language adopted differs from that proposed by you, it is believed that it will have substantially the same effect.

Doubtless you will be interested to observe that a new amendment has been made to Section 42 of the existing law giving to authors a high degree of divisibility of copyright. This has long been strongly urged by representatives of the authors and has been accepted in principle by other interested groups.

The Committee appreciates your comment with reference to the Berlin revision of the copyright convention. Very careful study has convinced it, however, that, regardless of absolute possibilities, the only practicable course for the United States is adherence to the Convention in its latest revised form (Rome, 1928). Moreover, the Committee feels confident that the new provisions of the bill (revised draft, pp. 45-46) fully protect your position in respect of moral rights and that the advantages, if any, of making reservations have been greatly overemphasized. It is very doubtful whether the United States should make reservations in any event. The forward looking course is to encourage the complete elimination of reservations. The Committee feels assured that formal action by the Brussels Conference with reference to legislation in the United States is out of the question and that adverse criticism is extremely unlikely. On the other hand, the Conference will offer to the United States, if it has ratified the Convention, a welcome opportunity to obtain acceptance for some of its own policies and their inclusion in international law.

In conclusion, I wish again to thank you for your very helpful cooperation and to bespeak continued conference with you.

Sincerely yours,
(Signed) WALLACE McCLURE,
Chairman, Interdepartmental
Committee on Copyright.

REORGANIZED FCC MEANS BUSINESS

Twenty-one stations are facing difficulties as a result of broadcasting programs sponsored by medical groups who advertise personal medical and dental care and nine others are being cited for broadcasting advertising of certain medical products.

This is the result of the desire of the reorganized Federal Communications Commission to put a stop to abuses in the field of advertising medical and dental services and medical products.

"Our current campaign," said Chairman Prall, "may seem to be drastic and too inclusive. It is our view, however, that lax practices must be cleaned up for the benefit of the industry itself as well as for the public. In the long run, I am confident that all groups affected will realize that the course is wise, for it is far more desirable and usually more effective to clean house voluntarily than to do it by legislation."

And the Commission means business. Steps are being taken to rid the Commission staff of "politics" and "wire pulling."

Speaking over the NBC, Chairman Prall told the public of the proposed "new deal" for radio. He said:

"We have decided to tighten up broadcasting regulation and enforce our rules more rigidly. That means that radio stations must toe the mark if they want to earn their license renewals. We will not brook any trifling with our regulations. The radio people who disregard them—and I include the broadcasting of harmful and manifestly fraudulent material—are going to be made conscious that there is a board in Washington to whom they must render an accounting. We will punish the malefactors even if it means their extinction from the wave lengths.

"To maintain the high standards of radio programs, to render the most efficient and satisfying service to the people of the country, to aid the broadcasting industry in every possible legitimate way, and to bring to the administration, to which we are responsible, honor and credit in this particular field of its activity, is the purpose of the seven members of the FCC."

Chairman Prall said there was no plan pending for any sort of general reallocation. He said it was his view that the fullest possible use of radio as an educational and cultural force had not yet been made, and that a greater cooperation was essential.

WOMEN'S GROUP PROPOSES STUDY

Members of the Women's National Radio Committee and representatives of the broadcasting industry met with Chairman Anning S. Prall of the Federal Communications Commission in New York this week to discuss a cooperative program.

Those present were: Mrs. Harold V. Milligan, president; Mme. Yolanda Mero, advisory chairman; and Miss Luella S. Laudin, executive secretary, representing the Women's National Radio Committee; Chairman Anning S. Prall, Federal Communications Commission; J. Truman Ward, president; and Philip G. Loucks, Managing Director, representing the NAB; M. H. Aylesworth, president of NBC; Frederic A. Willis, assistant to William S. Paley, president CBS; and Franklin Dunham, NBC educational director.

In opening the conference Mrs. Milligan explained that the committee is composed of twenty-one affiliated and six cooperating national organizations. She explained that the committee desired to cooperate with the broadcasters and stated that her group is opposed to government ownership of broadcasting and is enthusiastically in favor of the American system of broadcasting. The committee, she said, is of the belief that radio should be as "free as the press."

The organization is not in any sense a "reform" organization but its purpose is simply that of offering to commercial radio the women's viewpoint with respect to programs.

Miss Laudin enlarged upon Mrs. Milligan's statement and reported that listening groups had been formed in the south and west.

Mr. Aylesworth suggested that the committee might well begin its work by undertaking a systematic study of station fan mail and offered to make available the fan mail of his company. On behalf of CBS, Mr. Willis said his company would also cooperate in this effort.

President Ward, on behalf of the NAB, pledged cooperation of the industry and Mr. Loucks explained the work which has been undertaken by the Federal Trade Commission with respect to false and misleading advertising in programs.

Chairman Prall said that the broadcaster should set as his goal "the composite American home" and design his programs for the family group. In suggesting that similar conferences be held, he said that cooperation in planning and presenting programs designed for feminine and juvenile listeners should prove both wholesome and productive.

"If stations should fail by reason of even the small stations doing the wrong thing," he added, "you certainly will find enough legislative power not only to take action on applications on renewal of station license but also to take prompt and effective action when transgressions are made. We are going to protect that portion of the industry that is doing the right thing," he concluded.

NEW NRA ACT INTRODUCED

Senator Harrison of Mississippi, chairman of the Senate Finance Committee, introduced a bill to extend the National Industrial Recovery Act for a period of two years. The bill was drafted following recommendations made to the Congress by the President in his recent message and also in accordance with recommendations made by Donald Richberg, NRA chairman, in his recent appearance before the finance committee at the NRA investigations.

Section 7 (a), dealing with labor, is very similar to the present law except that the preamble has been slightly changed and the third paragraph completely eliminated.

The introduction of the bill coupled with the President's recent statement that NRA violators be prosecuted is interpreted as meaning that the Administration intends to put new life into the NRA. The bill, if enacted, would not materially change the code for the radio broadcasting industry.

EDUCATORS PROPOSE NETWORK

The National Committee on Education by Radio is considering a proposal submitted by subcommittee under which the government would operate a broadcasting system paralleling the existing commercial structure. The proposed system would be supported by taxes levied upon the sale of receiving sets and parts and from license fees levied on commercial broadcasting stations. It is expected that the plan, if approved by the whole Committee, will be made the basis of this group's presentation at the forthcoming educational conference called by the Federal Communications Commission for May 15 in Washington.

The NAB is opposed to such system and is preparing to present a plan for cooperation with educational and non-profit organizations at the conference. The NAB will speak for its members at the conference.

DISCRIMINATION AGAINST RADIO

The Senate bill to rewrite the food and drug law, S. 5, as favorably reported by the Committee on Commerce, contains on page 41, line 25, and page 42, lines 1 to 4, the following provision:

"No retail dealer shall be prosecuted under this section for the dissemination, in good faith, other than by radio broadcast, of any advertisement offering for sale at his place of business any article which he does not distribute or sell in interstate commerce."

Commenting on this, the report of the Committee on Commerce (No. 361) says:

"Retail dealers who sell only at their own establishments frequently advertise articles of local manufacture in small newspapers which are delivered through the mails or which may to some extent be carried across State lines. Since such advertisements are primarily local and not interstate, exemption from prosecution has been extended to retail dealers for such advertising which would otherwise be subject to Federal jurisdiction."

The NAB is vigorously opposed to the portion of this section discriminating against broadcast advertising and will seek an amendment to the bill when it comes up for consideration in the Senate.

FOOD AND DRUGS BILL REPORTED

Revised in many particulars, the Senate Commerce Committee reported favorably to the Senate the Copeland-Tugwell bill to revise the food and drugs acts.

At the same time President Roosevelt sent a message to Congress asking that the bill be passed during the present session. In his message, he said:

"Every enterprise in the United States should be able to adhere to the simple principle of honesty without fear of penalty on that account. Honesty ought to be the best policy not only for one individual, or one enterprise, but for every individual and every enterprise in the Nation. In one field of endeavor there is an obvious means to this end which has been too long neglected: The setting up and careful enforcement of standards of identity and quality for the foods we eat and the drugs we use, together with the strict exclusion from our markets of harmful or adulterated products.

"The honor of the producers in a country ought to be the invariable ingredient of the products produced in it. The various qualities of goods require a kind of discrimination which is not at the command of consumers. They are likely to confuse outward appearance with inward integrity. In such a situation as has grown up through our rising level of living and our multiplication of goods, consumers are prevented from choosing intelligently and producers are handicapped in any attempt to maintain higher standards. Only the scientific and disinterested activity of Government can protect this honor of our producers and provide the possibility of discriminating choice to our consumers.

"These principles have long been those on which we have founded public policy. But we have fallen behind in their practical application. No comprehensive attempt at reform in the regulation of commerce in food and drugs has been made since 1906. I need not point out to you how much has happened since that time in the invention of new things and their general adoption, as well as in the increase of advertising appeals. Because of these changes loopholes have appeared in the old law which have made abuses easy.

"It is time to make practical improvements. A measure is needed which will extend the controls formerly applicable only to labels to advertising also, which will extend protection to the trade in cosmetics; which will provide for a cooperative method of setting standards and for a system of inspection and enforcement to reassure consumers grown hesitant and doubtful; and which will provide for a necessary flexibility in administration as products and conditions change.

"I understand this subject has been studied and discussed for the last 2 years and that full information is in the possession of the Congress.

"No honest enterpriser need fear that because of the passage of such a measure he will be unfairly treated. He would be asked to do no more than he now holds himself out to do. It would merely make certain that those who are less scrupulous than I

know most of our producers to be, cannot force their more honest competitors into dishonorable ways.

"The great majority of those engaged in the trade in food and drugs do not need regulation. They observe the spirit as well as the letter of existing law. Present legislation ought to be directed primarily toward a small minority of evaders and chisellers. At the same time even-handed regulation will not only outlaw the bad practices of the few but will also protect the many from unscrupulous competition. It will, besides, provide a bulwark of consumer confidence throughout the business world.

"It is my hope that such legislation may be enacted at this session of the Congress."

NAB EXECUTIVE COMMITTEE MEETS

The NAB Executive Committee held a meeting in Philadelphia this week. President Ward, Treasurer Levy and Managing Director Loucks were present. The Committee discussed the problems before the NAB including the KVOS appeal, the WJTL tax appeal, copyright, the educational conference, and other general legal and legislative matters.

DELLINGER SUBMITS CCIR REPORT

The report to the Secretary of State of the United States Delegation to the Third Meeting of the International Radio Consulting Committee, held at Lisbon during September and October, 1934, has recently been submitted by Dr. J. H. Dellinger, chairman of the delegation.

The report includes the official opinions of the meeting, and interpretations to be applied to them. The opinions comprise an account of the international aspects of the art of radio communication, including broadcasting, point to point telegraph and telephone, and marine and other mobile communication.

While the Lisbon meeting was held in accord with the usual five-year interval between meetings, it is probable that the invitation of Roumania to hold the next meeting at Bucarest in 1937, just prior to the administrative conference in Cairo late in 1937, will be accepted, because of the fact that the rapidly changing state of the art will undoubtedly make necessary revision of some of the opinions for proper use by the Cairo conference, at which matters of such importance as frequency allocations to the various services become subject to international agreement. The CCIR meetings function to express the state of the art as a basis for the deliberations at the treaty-making conference. The last administrative conference was held at Madrid in 1932, and the resulting Madrid treaty was proclaimed by the President in 1934.

DELLINGER PRAISES McNARY

In a letter to the NAB, Dr. J. H. Dellinger, chairman of the Delegation of the U. S. International Radio Consulting Committee, commended "the highly meritorious services" of J. C. McNary, NAB technical director, during the Lisbon international conference.

"Mr. McNary," he wrote, "contributed deep knowledge of the technical questions considered and of the related fields of radio engineering. He was distinguished for the fair-minded and unbiased manner of his participation in discussions. He served as U. S. spokesman on many occasions in two of the five committees into which the conference was divided."

NAB ENGINEERING HANDBOOK SOON AVAILABLE

The preparation of an Engineering Handbook for use by NAB member stations has progressed to a point where it appears that copy will be sent to the printer May 1. The Handbook is being prepared by J. C. McNary, technical director of the NAB, and will be published with the approval of the Engineering Committee. It will contain a wealth of material of value to every operator.

FCC CALLS CONFERENCE ON MODULATION INDICATORS

Dr. C. B. Jolliffe, Chief Engineer of the Federal Communications Commission, has called a conference of manufacturers of modulation indicating devices to be held in Washington, April 12.

The FCC Engineering Department is giving consideration to the feasibility of requiring experimental broadcasting stations, and certain other broadcasting stations adhering to high-fidelity performance specifications, to install modulation indicators for

determining the operating percentage of modulation of broadcast transmitters. The plan under consideration contemplates approval of modulation indicators by type in a manner similar to that used for approval of frequency monitors. A list of approved modulation indicators by manufacturers' names and type numbers would be released after the completion of a series of tests by the Bureau of Standards.

The conference has been called to obtain as much information as possible on which to base specifications.

CLEAR CHANNEL SURVEY PROGRESSES

Fifty-eight fixed field intensity recorders have been placed in operation in accordance with the plan of operation of the secondary coverage survey being jointly conducted by the Engineering Department of the Federal Communications Commission and the majority of clear channel licenses. The recorders, which operate on a 24-hour schedule seven days per week, have been distributed among the following locations: Burlington, Mass.; Florham Park, N. J.; College Park, Md.; Marietta, Ga.; Dallas, Texas; Chicago, Ill.; Grand Island, Nebr.; Salt Lake City, Utah; Seattle, Washington, and Los Angeles, Calif. Some of the recorders have been in operation for more than a month, while others have only recently commenced functioning. In addition to the fixed recorders, several portable recorders will be operated on intermittent schedules in various parts of the country.

Except for analysis of records, the Commission's portion of the survey is expected to be completed by June 1. This includes calibration of the fixed recorder installations, the measurement of radiated power of the clear channel transmitters whose signals are being measured, a number of trips by the field staff of the Commission to determine listening habits of rural and small town receiving set owners, and a mail survey of listener preferences. The mail survey records are being obtained from 130,000 post cards sent to fourth-class postmasters and a selected list of rural listeners throughout the United States.

No date has been set for the completion of the field intensity recording schedule. While it appears highly desirable that the recorders operate indefinitely, it is probable that a date will be set for the preparation of a preliminary report based on information obtained prior to that time.

BUREAU OF AIR COMMERCE AND NEW TRANSMITTER SITES

A number of broadcasting stations have encountered difficulty in securing approval of the Bureau of Air Commerce of new antenna tower locations from the point of view of their being a possible menace to air navigation.

When an application involving a new transmitter site is filed with the FCC, it is promptly forwarded to the Bureau of Air Commerce for comment on possible menace to air navigation because of the proposed construction. The Bureau, in turn, usually requests comments from its field staff and from air line operators in the vicinity of the proposed construction. On their advices, a recommendation to the FCC is prepared.

In many cases, long delays have been encountered in securing approval of the Bureau of Air Commerce.

While efforts are being exerted at the present time to secure clarification of the procedure, it is suggested to stations proposing re-location of antenna towers, that, as a practical matter, time may be saved by contacting the field representative of the Bureau of Air Commerce before filing a construction permit application with the FCC, rather than afterward. Also, under present conditions, it is advisable to withhold purchase of ground for transmitter sites and to refrain from incurring expenses of field intensity surveys until becoming well informed of the local airways situation.

The addresses of the Bureau of Air Commerce field offices are as follows:

New England, New York, New Jersey, Pennsylvania, Maryland, Delaware, Northern Virginia, Northern Kentucky, Eastern Ohio, and District of Columbia: Manager, First Air Navigation District, Municipal Airport, Newark, New Jersey.

Southern Virginia, Southern Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee: Manager, Second Air Navigation District, Box 4327, Atlanta, Georgia.

North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Western Ohio: Manager, Third Air Navigation District, 1204 New Post Office Building, Chicago, Illinois.

Arkansas, Louisiana, Oklahoma, Texas, Kansas, New Mexico, and Eastern Arizona: Manager, Fourth Air Navigation District, Box 1689, Fort Worth, Texas.

Nebraska, Montana, Wyoming, Colorado, Utah, Nevada, Idaho, Eastern Oregon and Eastern Washington: Manager, Fifth Air Navigation District, 434 Federal Building, Salt Lake City, Utah.

Western Washington, Western Oregon, California and Western Arizona: Manager, Sixth Air Navigation District, 201 New Post Office Building, Oakland, California.

STATE LEGISLATIVE ACTIVITY

Forty-four of the forty-eight state legislatures have been in session during the past three months. Of these, twenty-seven are still sitting, one has recessed, and sixteen have adjourned. Adjournment, however, means little, as the legislatures are all subject to calls for special sessions to consider revenue matters.

A total of eighty bills directly affecting broadcasting have been reported to the state legislative bureau of the NAB. Of these, twenty-seven are tax bills and fifty-three are miscellaneous, mostly concerned with such matters as the regulation of radio advertising, libel or slander by radio, and conditions of employment in broadcasting stations.

In each state where an NAB state committee of broadcasters has been set up, constant contact has been maintained with that committee. In all other states contact has been maintained with representative broadcasters who have accepted the responsibility of keeping in close touch with their states' legislative activities.

By far the most significant part of the work has concerned legislative proposals for the taxation of broadcasting revenues. For the first time, the material demonstrating that all broadcasting is exclusively interstate commerce, and hence not subject to taxation by the states or subdivisions thereof, has been put together in such shape as to be readily usable, and has been supplied by the NAB to every state where bills proposing to tax broadcasting have been under consideration. It is still too early to sum up the results of this service, but to date practically all of the current proposals to tax broadcasting have either been withdrawn or are still in committee.

Of the four outstanding efforts to enact state laws covering libel or slander by radio, three have been withdrawn, and the fourth was enacted with an amendment protecting the broadcaster in all cases where he can show that the defamatory statement was broadcast without his prior knowledge, or that he could not prevent its utterance.

Practically all of the miscellaneous bills affecting broadcasting have either been dropped or have been so amended as to be entirely fair and workable.

In general, the very large amount of correspondence which has resulted from the institution of this state legislative service proves conclusively that the broadcasters and their local attorneys are urgently in need of centralized information and assistance in dealing with their state problems, and their response has been uniformly enthusiastic. It is clear that a real start has at last been made on a type of service which is vitally important to every broadcaster from the very practical standpoint of dollars and cents.

BROADCAST ADVERTISING INCREASES

February broadcast advertising volume promises to be approximately one-third greater than during the same month of 1934, according to preliminary estimates prepared by Dr. Herman S. Hettinger, NAB research director, and based on information collected by the NAB regarding broadcast advertising volume.

The report for February volume, to be issued within a few days, is the twentieth monthly report dealing with trends in all phases of broadcast advertising to be published by the NAB. These reports are the only source of complete network and non-network advertising figures, and as such have attracted widespread interest among advertisers, agencies, trade publications in the advertising and selling field, and economists interested in distribution.

A.A.A.A. MEETING

The annual meeting of the American Association of Advertising Agencies will be held at the Greenbrier, White Sulphur Springs, W. Va., April 12 and 13.

Principal speakers at the session for members and guests will include Mrs. William Brown Meloney, Editor, "This Week"; Arthur Kudner, President, Erwin, Wasey & Company, Inc., and Chairman of the Board of the A.A.A.A., and J. Sterling Getchell,

President of J. Sterling Getchell, Inc. The session will be held Friday morning, April 12, while the annual dinner will take place the evening of that day.

COMMERCIAL SECTION MEETING TOPICS

Details attendant to the establishment of an agency recognition bureau of the NAB and of a cooperative bureau of standard coverage and listener data by broadcasters, advertisers and agencies, will be the principal topics for discussion at the meeting of the NAB Commercial Section to be held in conjunction with the annual convention of the Advertising Federation of America, scheduled for the Palmer House, Chicago, Ill., June 9-12.

Most of the preliminary work on both projects already has been completed. Stations have been surveyed regarding their current recognition practices and as to the nature of service desired from the contemplated bureau. Detailed plans are now in process of preparation with respect to the standards of agency organization and operation required for recognition, as well as with regard to the interchange of credit information which will be one of the activities of the bureau.

Groundwork similarly has been laid for the realization of the plan for a cooperative bureau of standard coverage and listener information. A meeting of the Committee of Five, appointed to study and report on this problem, will be held in the near future for further consideration of the details involved.

Along with uniform cost accounting, recently developed by the NAB, the creation of an agency recognition bureau and the development of standard coverage and listener data promise to be particularly important assets in the development of sound economic practices on the part of the broadcasting industry.

ENGINEERING SECTION MEETING SCHEDULED

A meeting of the Engineering Section of the National Association of Broadcasters will be held concurrently with the 1935 Convention of the Institute of Radio Engineers at Detroit, July 1-3. A program for the meeting is in course of preparation within a few weeks.

COST ACCOUNTING FORMS DELAYED

The uniform system of accounting for broadcast stations developed and published by the NAB for use by its members, has gained widespread commendation. Sample forms for use in installing the system have been ordered and will be sent to all NAB members immediately upon receipt.

NAB MEMBERS NUMBER 380

The NAB is preparing to issue shortly a new membership directory. The membership today stands at 380 and is increasing weekly.

NEW FCC RULES AND REGULATIONS BEING PREPARED

The Rules and Regulations of the Federal Radio Commission, which were adopted by the Communications Commission shortly after its creation, will be superseded by new rules now being prepared. It is understood that the publication of the FCC rules applicable to broadcasting station operation and to procedure before the Commission will be made public during the month of June.

ARTA ACTIVE

Reports reaching NAB headquarters indicate that organization activities among broadcasting station operators by the American Radio Telegraphists Association are now being based on the assumption that the anticipated passing of the NRA in June of this year will result in general reduction of operators' wages and increase of working hours. The inference is that representation by ARTA will prevent these changes in operators' working conditions.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued by the Commission in the following cases:

No. 2202. Dr. Southington Remedy Co., Kansas City, Mo. Issued because the respondent company's products, "Dr. Southing-

ton's Single Strength Prescription Compound," "Dr. Southington's Double Strength Prescription Compound," "Dr. Southington's Prescription Compound No. 3," etc., are not cures for and will not afford relief from the numerous ailments set out in the respondent company's advertising.

No. 2207. Hoffman Engineering Co., New York City. To cease and desist advertising that its product, "Super-Frye Amplifying Unit," will cause automobile motors to have more speed and power, to run more smoothly, to be freer of carbon and to save gas in operation when this is not the case.

Voluntary Agreements

Unfair competition of various types will be discontinued by the following companies under stipulations between the Federal Trade Commission and the concerns in question:

No. 0835. Dollar Crystal Co., Omaha, Nbr. To cease advertising its mineral crystals as competent treatment or effective remedy for kidney, liver, stomach or other disorders.

No. 0836. K. A. Hughes Co., Boston, Mass. To cease advertising that its cold treatment, "Salicon," does not depress, affect or harm the heart or cure a cold in short order.

No. 0837. Clark Brothers Chewing Gum Co., Pittsburgh, Pa. To discontinue representing that Clark's Peppermint Gum or Clark's Teabury Gum will relieve a "drowsy" feeling or "brace" a person, will polish the teeth and materially influence the flow or character of the gastric juices, and to cease advertising that "no other" gum has the same ability to moisten the throat or that either product derives its flavor from the "tips" of peppermint plants.

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued against the following companies. These concerns will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them:

Nos. 2322-2326 inclusive. The Champion Co. and the Springfield Metallic Casket Co., Springfield, Ohio; National Grave Vault Co. and Perfection Burial Vault Co., Galion, Ohio, and the Clark Grave Vault Co., Columbus, Ohio. False and misleading advertising as to the air-tight and water-proof qualities of their grave vaults. Hearing, April 19.

No. 2327. The Fairfacts Co., Trenton, N. J. Charged with advertising itself as a manufacturer, thus tending to deceive buyers into believing that when purchasing from the respondent they are saving middleman's profits, when in fact the respondent is not a manufacturer. Hearing, April 19.

No. 2328. Eyesight Normalizing Co., New York City. Alleged that the respondents' product, advertised as "Nu-Eye-Life," does not correct such defects as near or far sightedness, astigmatism, failing vision, weak eyes and other eye troubles, as claimed in the advertising. Hearing, April 19.

No. 2329. Combination in restraint of trade by means of an understanding is alleged against the following manufacturers of "pin tickets" (used for marking prices, etc., on fabrics, etc.): A. Kimball Co., New York; The Reyburn Mfg. Co., Philadelphia; Waterbury Buckle Co., Waterbury, Conn.; American Tag Co., Chicago; Dancyger Safety Pin Ticket Co., Cleveland; Adam Sutcliffe Co., Central Falls, R. I.; and Noesting Pin Ticket Co., Mt. Vernon, N. Y. Hearing, April 19.

No. 2330. Yardley of London, Inc., Union City, N. J., a subsidiary of Yardley & Co., Ltd., England. Alleged that the company misleadingly represents its products as imported when in fact they are manufactured or compounded in the United States of domestic ingredients in whole or in part. Hearing, April 19.

No. 2331. Sinclair G. Stanley, doing business as the Z. G. Herbs Co., Chicago, Ill. Charged with misleading advertising through publications and radio that his product, Z. G. Herbs Tea No. 17, is a cure or competent treatment for stomach troubles, nervousness, rheumatism and other ailments, when this is not the case and the claims are grossly exaggerated.

No. 2332. Harry Sachnoff, trading as the Park Row Pen Co., and Argo Pen-Pencil Co., New York City. Charged with representing himself as manufacturer of pens and pencils when this is not the case, and of stamping pen-points "Durigold 14" to deceive buyers into the belief that they are made of gold or gold alloy or 14 carat fineness when, in fact, they are manufactured of steel and thinly gold plated. Hearing, April 19.

No. 2333. Douglas P. Borden, trading as Mormiles, Chicago, Ill. Alleged that the respondent represents his tires as recon-

structed and sold with the original tread under a 5,000-mile guarantee, when the tires are not reconstructed and do not in all cases contain their original tread. Hearing, April 19.

No. 2334. George A. Cook and Helen M. Cook, doing business as Postal Correspondence School, Washington, D. C. Alleged that the respondents advertised their courses in publications and over the radio as being prepared by a former First Assistant Postmaster General of the United States, that they are based on information derived from a former U. S. postal official, and making other misleading claims having a tendency to mislead and deceive those of the public who wish to enter the postal service of the United States and to unfairly divert trade from competitors who do not make such false and misleading statements.

The complaint avers that the courses have been materially revised since the death of the First Assistant Postmaster General previously referred to, that the courses advertised have not been compiled on information acquired from such former post official. Hearing, April 26.

NEW WAY TO SURVEY LISTENERS PROVIDED

Means whereby all families within a given community, neighborhood, trade area or rural district may be reached by direct mail without the necessity of individually addressing each mailing piece, is provided in a regulation of the Postmaster General allowing the distribution of such unaddressed matter by postmen to all persons on their route.

This order, now published by the NAB, should be of particular interest to broadcasting stations because of its possible application in station merchandising activities and in listener queries by mail.

Under the order, letter carriers will deliver unaddressed mailing pieces to every address on their route. Anything which is eligible for distribution through the mails—letters, postcards (with return postcards attached, if so desired), samples, booklets, and similar matter—may be distributed in this manner. All addresses on the route must be taken, however, delivery at alternate addresses and similar devices not being allowed. Postmasters are prepared to consult with interested persons as to the routes in their particular community.

The order providing for this service and a statement regarding some of its more important details are as follows:

"ORDER No. 6338

"Paragraph 6, section 585, Postal Laws and Regulations, is amended to read as follows:

"6 (a). When it is desired to send a piece of advertising or other matter as ordinary mail to (1) every rural or star-route box holder served from any post office having rural- or star-route delivery; (2) every post-office box holder at post offices not having city letter carrier service, or (3) patrons of any post office having city or village letter carrier service for delivery by city or village letter carriers, the name, box, and route numbers or local street address may be omitted from the matter, provided each piece is definitely addressed in the following manner, respectively:

- (1) Rural or Star-Route Box Holder,
.....
(Post Office and State)
- (2) Post-Office Box Holder,
.....
(Post Office and State)
- (3) Patron (or Householder), Letter Carrier Route,
.....
(Post Office and State)

"Provided further, That postage at the proper rate is fully prepaid on the matter, preferably in money under permit in accordance with section 562 or section 579, or by means of pre-canceled stamps under the conditions governing their use, and all the pieces for the same post office are put up by the mailer, so far as may be practicable, in packages of 50, each package to be labeled, preferably by means of a facing slip, as follows, according to the distribution desired:

- (1) For distribution to rural or star route box holders.
.....
(Post Office and State)

(2) For distribution to post office box holders

.....
(Post Office and State)

(3) For distribution to patrons served by city or village letter carriers

.....
(Post Office and State)

"(b) It is preferable that the names of the post office and State be included in the address on each piece of matter mailed under this regulation but, when the sender so desires, such names may also be omitted, provided the word "Local" be used in lieu thereof; provided further, the packages in which the pieces are put up and labeled as prescribed in the preceding subparagraph (a) are securely tied or otherwise prepared so that there will be no likelihood of the packages breaking open and the pieces scattered in the mails.

(c) The total number of boxes served by rural and star-route carriers from each office having rural or star-route delivery service, irrespective of the number of routes served from the respective post offices, shall be shown in the county list of post offices in the Annual Official Postal Guide. The number of post office box holders at offices not having city letter-carrier service shall also be shown in such list.

(d) Postmasters at offices having city or village delivery service shall compile, and keep current, data showing the number of patrons or stops on each route served by a city or village letter-carrier of their respective offices, and upon request shall furnish such information to persons or concerns who desire to mail matter to such patrons under this regulation.

JAMES A. FARLEY,
Postmaster General.

"Under this regulation, as amended, the simplified form of address heretofore applicable only to matter intended for distribution to rural and star route boxholders and post-office boxholders at offices not having letter-carrier service is extended to matter to be distributed to patrons of city and village letter-carrier offices. The arrangement is further simplified by making it optional with the sender to omit the names of the post office and State from the individual pieces, provided the word "Local" is used in lieu thereof. This method of addressing and distributing is convenient and economical. Its extension and further simplification, as provided by the order above referred to, is in response to a widespread demand for such modifications.

"In the case of matter to be distributed at letter-carrier offices, the arrangement may be followed where it is desired to cover all letter-carrier routes of a post office or only some of the routes, as, for instance, where a dealer or merchant wants to confine the distribution of the matter to his neighborhood or trade area, provided, in the latter event, enough pieces are mailed to cover completely the particular route or routes selected and the numbers of such routes are shown on the facing slips attached to the packages in which the matter is put up.

"In all cases the mailer should present a sufficient number of pieces to serve every box or patron on the route or routes to be served, but when through inadvertence the number is not sufficient the pieces should be distributed as far as they will go and the mailer advised accordingly for his future guidance. Should any pieces be left they should, if they bear a pledge to pay return postage, be returned charged with the return postage computed on each individually addressed piece (sec. 809, Postal Laws and Regulations). If they do not bear such pledge and are of no obvious value, they should be disposed of as prescribed by paragraph 2, section 807, Postal Laws and Regulations.

"While matter mailed under the provisions of this regulation should be distributed as promptly as possible, it should be handled in the most economical manner and should not be permitted to delay the delivery of the regular mails or require excessive overtime on the part of regular carriers.

"When mailers prefer to address their matter to particular rural route or post office box numbers, or to the occupants of residences served by city or village letter carriers (the word "Occupant", together with the local street and number being shown in the address in the latter case), they may, of course, do so."

C. B. EILENBERGER,
Third Assistant Postmaster General.

COMMISSION GETS MORE MONEY

The Senate this week in approving a deficiency bill included \$1,200 for the Federal Communications Commission for the pur-

chase of an additional ten acres of land at the monitoring station, Grand Island, Nebr. The President in a special communication had asked that this amount be put in the bill.

LICENSEES MUST OBSERVE RULES

The Federal Communications Commission has issued the following warning to all broadcast stations:

"There has been a general laxity on the part of licensees of broadcast stations with reference to the observance of the Rules and Regulations of the Federal Communications Commission. You are advised that henceforth all stations will be required to observe these Rules and Regulations in their strictest form.

"The Commission, for example, has had a number of applications filed recently for authority to broadcast special programs, many of which were not filed in accordance with Commission Rule No. 22. In the future, all applications filed which do not come under this rule or any other rule, will be returned without action.

"Your cooperation in the enforcement of these rules will be appreciated."

RECOMMENDS DENYING EXPERIMENTAL STATION

Delbert E. Replogle, applied to the Federal Communications Commission for a construction permit for the erection of a new experimental radio broadcasting station to be erected at Boston, Mass., using 1570 kilocycles, 1,000 watts power and unlimited time on the air.

R. H. Hyde (e) in Report No. 1-29 recommends that the application be denied. The Examiner says that the applicant "has not shown that he has the finances necessary to carry out his program," and the "evidence concerning the applicant's program indicates that the whole plan is quite indefinite."

FCC HOURS CHANGE APRIL 15

The office hours of the Federal Communications Commission will change to 8:30 A. M. to 4 P. M., effective April 15.

RECOMMENDS WITHDRAWAL WITHOUT PROTEST

The Gish Radio Service, filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station at Abilene, Texas to use 1420 kilocycles, 100 watts power and unlimited time.

Melvin H. Dalberg (e) in Report No. I-33 recommended that the application be withdrawn without prejudice inasmuch as counsel for the petitioner requested that this be done.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, April 1, 1935

Before Commissioner Thad H. Brown at San Antonio, Texas

T. Yount, d/b as Universal Advertising Agency, Laredo, Tex.—Authority to transmit programs from a studio in Laredo, Tex., to all Mexican stations through XENT, Nuevo Laredo, as key station.

APPLICATIONS GRANTED

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted C. P. to make changes in equipment; change frequency from 1330 kc. to 1290 kc.; and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted modification of license to change frequency to 550 kc. and power to 1 KW night, 5 KW day. (Formerly licensed on 1290 kc., 1 KW.)

NEW—The Monocacy Broadcasting Co., Frederick, Md.—Granted C. P. for a new station to operate on 900 kc., 500 watts day. Daytime hours.

KHSL—William Schield, Sydney R. Lewis, and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted modification of C. P. giving exact transmitter

- and studio sites 2½ miles east of Chico and Gage's Building, Chico, respectively.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted modification of C. P. to extend completion date to 6-11-35.
- WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of C. P. to extend completion date to 4-21-35.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of C. P. to extend completion date to July 4, 1935.
- KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted modification of C. P. to extend completion date to July 11, 1935.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted license covering C. P. authorizing changes in equipment; move of transmitter; increase power from 500 watts night and day to 1 KW night and day, limited time, on **1180 kc.**
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted license to cover C. P. authorizing changes in equipment and increase in day power to 5 KW; **1350 kc.**, 1 KW night, unlimited time.
- KIT—Carl E. Haymond, Yakima, Wash.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power from 100 to 250 watts; **1310 kc.**, 100 watts night, unlimited time.
- KGIR—KGIR, Inc., Butte, Mont.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 to 2½ KW, **1360 kc.**, 1 KW night, unlimited time, subject to further order of the Court and the Commission, pending determination of the issues raised by appeal in Cause No. 6218, Radio Serv. Corp. (KSEI), appellant, v. FCC.
- WAWZ—Pillar of Fire, Zarepath, N. J.—Granted modification of license to increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.
- WHBI—May Radio Broadcasting Corp., Newark, N. J.—Granted modification of license to use WHBI's transmitter as auxiliary.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of license to change hours of operation from 100 watts day to 100 watts night and day, unlimited time.
- KMJ—James McClatchy Co., Fresno, Calif.—Granted modification of license to increase daytime power from 500 watts to 1 KW.
- WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted renewal of license for a period of 60 days, pending study by Legal Department; **1240 kc.**, 1 KW night and day. One-half time.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted extension of special experimental authorization to operate with 25 KW from 6 a. m. to LS, on permanent basis for the regular license period.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted renewal of license, **1220 kc.**, 500 watts, specified hours, daytime.
- KOTN—Wm. F. Chaplin, Pine Bluff, Ark.—Granted consent to voluntary assignment of license to Universal Broadcasting Corp.
- NEW—Benson Polytechnic School, Portland, Ore. (Portable-Mobile).—Granted general experimental C. P. frequencies **31100, 34600, 37600, 40600 and 86000-400,000 kc.**, 25 watts. Also authority to communicate as a broadcast pickup station in the temporary service on an experimental basis only.
- W10XX—RCA Victor Co., Inc., Camden, N. J. (Portable-Mobile).—Granted voluntary assignment of license to RCA Mfg. Co., Inc.
- W3XAD—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of license to RCA Mfg. Co., Inc.
- W3XAD-W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of C. P. to RCA Mfg. Co., Inc.
- W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted voluntary assignment of license to RCA Mfg. Co., Inc.
- W3XAI—RCA Mfg. Co., Camden, N. J.—Granted modification of C. P. for extension of completion date to 9-15-35.
- W3XAD—RCA Mfg. Co., Camden, N. J.—Granted modification of C. P. for extension of completion date to 9-15-35.
- ject to Commission's action upon pending application for renewal.
- KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted renewal of license on a temporary basis only, subject to Commission's action upon pending application for renewal.
- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license on a temporary basis only, subject to Commission's action on pending application for renewal and on application 1-L-B-1063.
- WLB—University of Minnesota, Minneapolis, Minn.—Present license extended for a period of 1 month from April 1st, on a temporary basis only, subject to such action as may be taken on pending application for renewal.
- KRKD—Radio Broadcasters, Inc., (auxiliary), Los Angeles, Calif.—Granted renewal of license for auxiliary transmitter on a temporary basis only, subject to such action as the Commission may take on licensee's pending application for renewal of license for main transmitter.
- KPJM—M. B. Scott and Edw. C. Sturm, d/b as Scott and Sturm, Prescott, Ariz.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.
- WHA—University of Wisconsin, Madison, Wis.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal; also for auxiliary.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Present license extended for 1 month on a temporary basis only, subject to such action as may be taken on pending application for renewal.
- WDSU—WDSU, Inc., New Orleans, La.—Present license extended on a temporary basis only to May 1, 1935, pending receipt and/or action on renewal application.
- WABI—First Univ. Society of Bangor, Maine.—Granted renewal of license on a temporary basis for the period ending June 1, 1935.
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted renewal of license on a temporary basis, and renewal set for hearing before the Division en banc May 2, 1935.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Present license extended for a period of 1 month from April 1, 1935, on a temporary basis, subject to such action as may be taken on pending application for renewal.
- KGBU—Alaska Radio & Serv. Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis to May 1, 1935, subject to such action as may be taken upon pending application for renewal.
- WEDC—Emil Denmark, Inc., Chicago, Ill.—Present license extended on a temporary basis to May 1, 1935, subject to such action as may be taken upon pending application for renewal.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Renewal of license granted for the period ending July 1, 1935.
- WHFC—WHFC, Inc., Cicero, Ill.—Renewal of license granted for the period ending July 1, 1935.
- WJAR—The Outlet Co., Providence, R. I.—Granted renewal of license for the period ending September 1, 1935.
- KFSG (and aux.)—Echo Park Evangelist Assn. (Maurice E. Kennedy, Agt.), Los Angeles, Calif.—Applications for renewal of licenses designated for hearing, and temporary licenses issued subject to such action as may be taken on pending application for renewal and upon the application of Harry Prezant.
- KGEL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Application for renewal of license designated for hearing, and temporary license issued subject to such action as may be taken on application for renewal and upon application of Wyo. Radio Educational Assn.

SET FOR HEARING

- WAZL—Hazleton Broadcasting Serv. Inc., Hazleton, Pa.—Application for C. P. to make changes in equipment; increase day power to 250 watts.
- NEW—Cache Valley Broadcasting Serv. Co., J. A. and J. M. Reeder, L. R. Jansen, Logan, Utah.—Application for C. P. for new station, frequency **1370 kc.**, 100 watts, unlimited time.

RENEWAL OF LICENSES

- KFWB—Warner Bros. Broadcasting Co., Hollywood, Calif.—Granted renewal of license on a temporary basis only, sub-

NEW—C. M. Electric Serv. Co., Stevensville, Mont.—Application for C. P. for new station, frequency 1500 kc., 100 watts, unlimited time.

NEW—D. A. Wark and H. H. Hedstrom, Twin Falls, Idaho.—Application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—Cumberland Broadcasting Co., Inc., Portland, Me.—Application for C. P. for new station, 1210 kc., 100 watts, unlimited time.

NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Application for C. P. for new station to operate on 780 kc., 500 watts night, 1 KW day, unlimited time (facilities of KGH).)

NEW—Harry Prezant, Los Angeles, Calif.—Application for C. P. for new station, frequency 1120 kc., 1 KW, unlimited time.

WJTL—Oglethorpe University, Atlanta, Ga.—Application for voluntary assignment of license to J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co.

NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—Clark Standiford, Chico, Calif.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Application for C. P. to make changes in equipment, move transmitter site locally to Wolf Point, change frequency from 1310 kc. to 610 kc., and increase power from 100 watts night, 250 watts day, to 1 KW, and time from S. H. to unlimited.

WOKO—WOKO, Inc., Albany, N. Y.—Application for modification of license to change frequency from 1430 kc. to 970 kc. (To be heard May 9 by the Division en banc.)

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Application for modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day, on 1380 kc.

KFRO—Voice of Longview, Longview, Tex.—Application for modification of license to change frequency from 1370 kc. to 1210 kc., hours of operation from daytime to unlimited, and power from 100 watts day to 100 watts night and day (facilities of KWEA).

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Application for special authorization to install new equipment and operate with 5 KW night. (To be heard by the Division en banc.)

APPLICATIONS DISMISSED

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

KFJB—Marshall Elec. Co., Marshalltown, Iowa.—C. P., 1230 kc., 500 watts, unlimited time.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of C. P., 1200 kc., 100 watts night, 250 watts day, unlimited time.

KSCJ—Perkins Bros. Co., Publishers Sioux City Journal, Sioux City, Iowa.—Modification of license, 1290 kc., 1 KW night, 2½ KW day, unlimited time.

NEW—William L. Waltman, Muskogee, Okla.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—P. A. McBride, Ironton, Ohio.—C. P., 1500 kc., 100 watts, unlimited time.

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of license, 780 kc., 1 KW night, 500 watts day; unlimited time.

WMFH—Jos. M. Kirby, Boston, Mass.—C. P., 1120 kc., 250 watts night, 500 watts day, unlimited time.

The following applications were denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 48(b):

NEW—Brothers & England, Mansfield, Ohio.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—John G. Curtis, Erie, Pa.—C. P., 1370 kc., 100 watts, unlimited time.

WWPA—Clarion Broadcasting Co., Inc., Clarion, Pa.—Modification of C. P. to extend commencement and completion dates.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-23: Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time. Effective date 3 a. m., EST, April 9, 1935. Examiner Geo. H. Hill sustained.

NEW—Ex. Rep. No. 1-20: Abraham Shapiro, Astoria, Ore.—Granted C. P. for new station to operate on 1370 kc., 100

watts, daytime only. Denied application for night hours. Examiner R. L. Walker sustained.

MISCELLANEOUS

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Denied petition asking that the Commission reconsider its action of January 29, 1935, in designating application for hearing and to grant the same. Applicant seeks authority to move station locally, install directional antenna, and increase night power from 250 watts to 1 KW.

Pittsburg Publishing Co., Pittsburg, Kans.—Denied petition to intervene and be named a party to the hearing on the application of Joplin Broadcasting Co. for C. P. for new station at Pittsburg, Kans., to operate on 1200 kc., 100 watts, daytime.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Reconsidered and granted application to change the type of equipment authorized by C. P. and approved the exact transmitter site, approximately 7.5 miles northeast of Cedar Rapids. Grant made with the proviso that the tower is to be marked in accordance with the specifications of the Air Navigation Division of the Department of Commerce.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa (formerly KSO).—Reconsidered and granted application for C. P. seeking approval of the Commission of a transmitter site at Des Moines; also authorized the use of new transmitting equipment. The new transmitter site approved is approximately 5.5 miles north of the western edge of the business district of Des Moines.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Denied petition asking Commission to consider and grant without a hearing, its application which has been set for hearing before an Examiner on March 29, 1935. Application seeks authority to make changes in equipment and increase daytime power from 2½ to 5 KW.

WDNC—Durham Radio Corp., Durham, N. C.—Hearing on application for C. P. to operate with 1 KW power on 590 kc. set for April 1, 1935, postponed so that all other applicants for the same frequency may be considered at a joint hearing at some future date. The other applicants seeking to operate on 590 kc. are WEEL, Boston; WOW, Omaha, Nebr.; WAPI, Birmingham; Lawrence B. Holzman, Atlanta, Ga.; KHQ, Spokane, Wash., seeks an increase in power to 5 KW on 590 kc.

Palestine Broadcasting Assn., Palestine, Tex.—Granted permission to take supplemental depositions in re application to construct a new station at Palestine, Tex., to operate on 1420 kc., 100 watts, daytime, which was heard before Examiner Walker on March 20, 1935.

Dallas Broadcasting Co., Dallas, Tex.—Denied petition to amend application in the following manner: "Hours of operation—Unlimited daytime to local sunset. Specified hours of operation from 8 p. m. to midnight, daily." This application for authority to construct a new broadcast station in Dallas to operate on a frequency of 1500 kc., 100 watts, was heard before Examiner Walker on March 20, 1935. Rule 55 provides that amendments to an application must be filed with the Commission not later than 20 days before hearing date.

WBNX—Standard Cahill Co., Inc., New York City.—Denied petition requesting that modification of license application be considered immediately.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the period ending September 1, 1935.

APPLICATIONS RECEIVED

First Zone

1120 WMFH—Joseph M. Kirby, Boston, Mass.—Modification of construction permit authorizing erection of a new broadcast station to operate on 1120 kc., 500 watts, day, requesting extension of commencement date from 12-13-34 to 3-13-35 and completion date from 3-13-35 to 6-13-35.

W8XH—WBEN, Inc., Portable, within 25 miles of WBEN.—Construction permit for installation of new transmitter and increase power to 100 watts (general experimental).

1140 NEW—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, a co-partnership d/b as Connecticut Broadcasting Co., Springfield, Mass.—Construction permit for new broadcast station to be operated on 1140 kc., 500 watts, limited time.

1420 WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of construction permit (B1-P-2940-a) to extend completion date from 4-18-35 to 8-18-35.

WJAR—The Outlet Co., Providence, R. I.—Extension of special 890 experimental authorization to use additional power of 250 watts night for license period to 9-1-35. (Gives 500 watts day and night.)

NEW—Brown Radio Service & Laboratory, Gordon P. Brown, 630 Rochester, N. Y.—Construction permit to erect a new station to be operated on 630 kc., 250 watts, daytime.

Atlantic Broadcasting Corp.—Authority to transmit sustaining programs to CKLW Windsor, CFRB Toronto, CKAC Montreal, on Columbia Network.

Second Zone

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Transfer 1230 of control of corporation from Steinman Hardware Co. to Mason Dixon Radio Group, Inc.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—1200 Voluntary assignment of license from Lancaster Broadcasting Service, Inc., to Associated Broadcasters, Inc.

WKJC—Associated Broadcasters, Inc., Lancaster, Pa.—Construction permit to move transmitter and studio from 16-18 W. King St., Lancaster, Pa., to site to be determined, Easton, Pa.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Modification 1370 of construction permit authorizing installation of new equipment; move transmitter from Main St., Mt. Orab, Ohio, to Portsmouth, Ohio, site to be determined; and move of studio from same location to Portsmouth, Ohio, site to be determined, giving exact transmitter and studio sites as 821 Chillicothe St., Portsmouth, Ohio.

NEW—E. L. Clifford, Pottsville, Pa.—Construction permit for new 580 station on 580 kc., 250 watts, day.

Third Zone

NEW—Pampa Daily News, Inc., Pampa, Tex.—Construction permit 1200 to erect a new station to operate on 630 kc., 100 watts, unlimited. Amended to change frequency from 630 kc. to 1200 kc. and hours of operation from unlimited to daytime.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modification 550 of license to change frequency from 1290 kc. to 550 kc. and power from 1 KW to 1 KW, 5 KW day.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—1370 Construction permit to make changes in equipment, increase power from 100 watts to 100 watts, 250 watts day, and change hours of operation from share KCRC to unlimited. Facilities of KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—1370 Modification of license to change hours of operation from share KCRC to unlimited time. Facilities of KCRC.

NEW—Vernon Taylor Anderson, Mgr., A. B. C. Broadcasting Co., 1500 Big Spring, Tex.—Construction permit to erect a new broadcast station to operate on 1500 kc., 100 watts, daytime.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—1210 Construction permit to erect a new station to be operated on 1210 kc., 100 watts, unlimited time.

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Authority to determine operating power by direct measurement of antenna (for S. A. exp.).

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., 1420 Abilene, Tex.—Construction permit for new station on 1420 kc., 100 watts, unlimited. Amended re transmitter site, to be determined.

NEW—Denton-Record Chronicle Co., Denton, Tex.—Construction 1420 permit for new station on 1420 kc., 100 watts, day.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification 1500 of construction permit (B3-P-254) authorizing changes in equipment and increase of power from 100 watts to 100 watts, 250 watts day, to extend completion date from 4-18-35 to 7-18-35.

Fourth Zone

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension 1280 of special experimental authorization to operate with additional power of 500 watts nighttime for period from 4-1-35 through 5-31-35.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, 1500 Ill.—Modification of construction permit authorizing erection of a new station to be operated on 1500 kc., 100 watts, unlimited time, requesting approval of transmitter site at 5th and Broadway, and studio at Hotel Broadview, 5th and Broadway, East St. Louis, Ill.; and antenna changes.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification 950 of construction permit authorizing installation of new equipment and increase in power from 1 KW, 2½ KW, to 1 KW, 5 KW day, for further changes in equipment.

NEW—A Staneart Graham, E. V. Baxter, Lester E. Cox, d/b as 1310 Pittsburg Broadcasting Co., Pittsburg, Kans.—Construction permit to erect a new station to operate on 1310 kc., 100 watts, unlimited time.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modification 1200 of license to change hours of operation from specified hours to unlimited time.

NEW—Champaign News-Gazette, Inc., Champaign, Ill.—Construction 1370 permit to erect a new station to be operated on 1370 kc., 100 watts, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special experimental authorization to make changes in equipment, change frequency from 1200 kc. to 1250 kc., and increase power from 100 watts, 250 watts day, to 250 watts, 500 watts day.

KFH—The Radio Station KFH Co., Wichita, Kans.—Construction 1300 permit to make changes in equipment, increase power from 1 KW to 1 KW, 5 KW day. Amended as to equipment.

NEW—Joplin Broadcasting Co., Pittsburg, Kans.—Construction 1200 permit to erect a new station to be operated on 1200 kc., 100 watts, daytime. Amended as to equipment.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.—Construction permit to erect a 1500 new station to be operated on 1500 kc., 100 watts, unlimited time. Amended requesting 1200 kc. frequency, transmitter site to be determined, Nebr.

WBBM Broadcasting Corp.—Authority to transmit sustaining programs to CKLW Windsor, CFRB Toronto, CKAC Montreal, on Columbia network.

Fifth Zone

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—License to cover 1200 construction permit (5-P-B-3306) as modified to make changes in equipment, increase power, and change frequency.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to 1200 move 100-watt transmitter from 127 E. Main St., Missoula, Mont., to 5 miles northwest of Missoula near Frenchtown Road, to operate on 1200 kc., 100 watts, unlimited time, during period of construction, as authorized by B5-P-232. Amended giving transmitter site as U. S. Highway No. 93, ¾ miles northwest of Missoula, Mont.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to 1150 erect a new station to be operated on 1150 kc., 100 watts, unlimited time.

NEW—Clark Standiford, Oakland, Calif.—Construction permit to 1490 erect a new station to be operated on 1490 kc., 100 watts, unlimited time.

NEW—A. Corenson, Pasadena, Calif.—Construction permit to erect 1480 a new station to be operated on 1480 kc., 100 watts, daytime.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license 780 to change hours of operation from share KBPS to specified hours, change frequency from 1420 kc. to 780 kc., and increase power from 100 watts, 250 watts day, to 250 watts.

KGA—Louis Wasmer, Spokane, Wash.—Extension of special experimental authorization to operate on 900 kc., 1 KW, 2½ 900 KW day, unlimited time.

NEW—Clark Standiford, Visalia, Calif.—Construction permit to 850 erect a new station to be operated on 850 kc., 100 watts, daytime. Amended: Transmitter site to be determined.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—780 Extension of special experimental authorization to operate on 780 kc. for period of 90 days from 4-1-35 to 6-30-35.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension 1240 of special experimental authorization to operate with power of 1 KW (night) for period from 4-1-35 to 10-1-35.