

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



Vol. 3 - - No. 32
JULY 9, 1935

BROADCAST ADVERTISING IN MAY

Developments of the Month

BBROADCAST advertising in May exhibited the usual seasonal trends. Total gross time sales during the month amounted to \$7,546,285, a decline of 6.4% as compared with April volume. National network advertising decreased 7.2%, national non-network volume 8.2%, and local broadcast advertising 4.1%.

Regional network advertising alone increased, rising 5.5% as compared to April.

Comparison with Previous Year

Broadcast advertising volume still remains materially ahead of last year's level. May gross time sales were 9.0% ahead of the same month of 1934. National network advertising gained 9.4%, national non-network volume 2.0%, and local broadcast advertising 5.5%. Regional network advertising more than doubled May, 1934, volume.

Comparison with Other Media

National magazine advertising decrease 4.4% as compared to April but was 4.9% greater than during May of last year. National farm paper advertising decreased 4.8% as compared with the preceding month, and was 1.4% greater than for the corresponding month of 1934. Newspaper lineage rose 2.7% as against April, and reached a level 3.3% higher than in May, 1934. Retail newspaper advertising was 4.8% above last May's level, and general advertising 5.9% below the same month of 1934. Department store newspaper advertising registered a gain of 2.6% in May as compared with the preceding year.

Non-network Trends

General non-network advertising increased 7.1% as compared with the corresponding month of 1934. Non-

network advertising of stations over 1,000 watts in power rose 3.7%, that of stations of 250-1,000 watts increased 12.8%, while revenues of 100-watt stations gained 1.8%. All classes of stations showed declines as compared with the preceding month.

Advertising in the South South-Central Area declined 11.4% as against April, declines in other sections averaging approximately 5%. With the exception of non-network advertising in the New England-Middle Atlantic Area, which decreased materially, revenues of all sections were materially above the May, 1934, level. The non-network decline in the aforementioned district has been due in part to increasing network volume.

In the national non-network field live talent volume fell below the previous year's level for the first time in eleven months. Live talent volume in this field was 1.0% below May, 1934. Transcription volume was 2.1% lower than the level of last May, while announcement business experienced an increase of 3.1%.

Local transcription volume was 13.6% greater than during the same month of last year, live talent volume rose 5.5%, and announcement business 13.5%. Revenues from programs employing records decreased 33.0%.

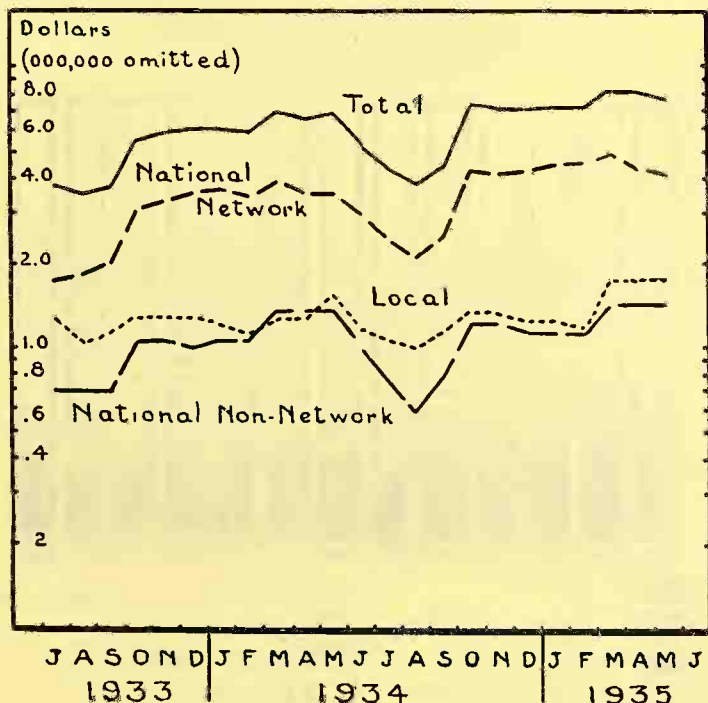
National non-network transcription advertising remained at comparatively the same level as April. Live talent volume declined 20.9%, and announcement volume rose 9.2%. Local transcription volume rose 9.0% during the month. Live talent volume declined 3.4%, records 23.7%, and announcements rose 1.2%.

Sponsor Trends in May

Rises occurred during the month in the national non-network and local accessory fields, national and regional network food advertising, national non-network and local beverage advertising, a general rise in the soap and kitchen supply field and an increase in local radio and regional

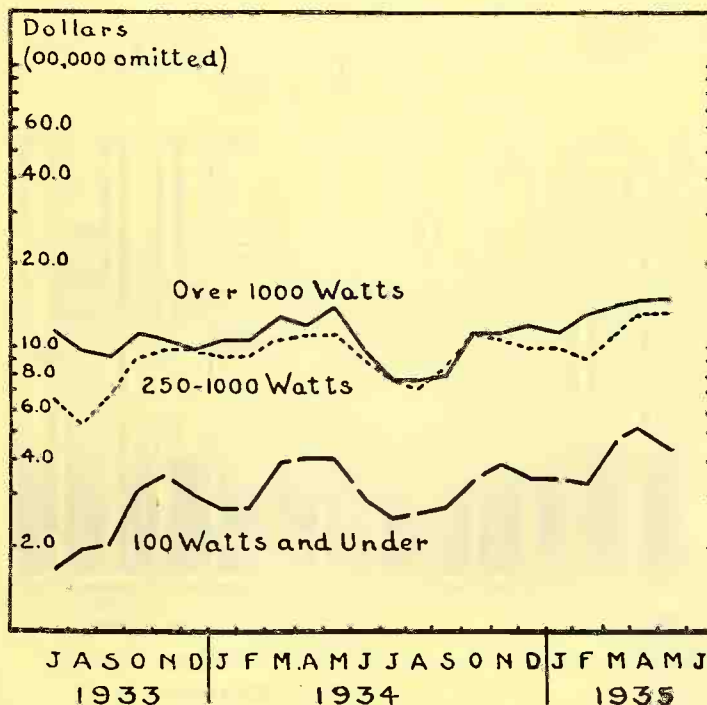
RADIO BROADCAST ADVERTISING VOLUME

July, 1933, to May, 1935



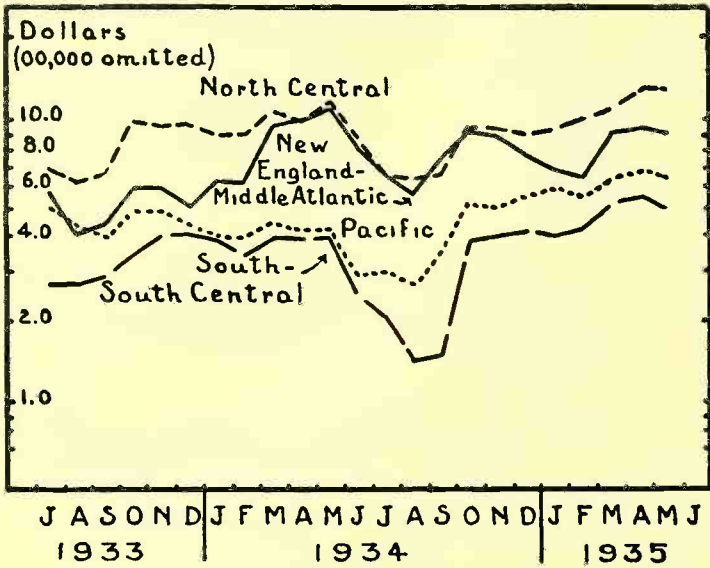
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to May, 1935



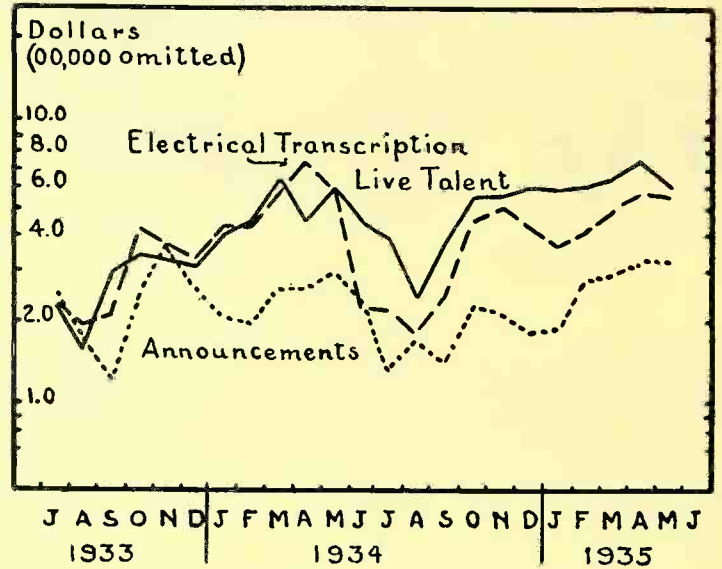
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to May, 1935



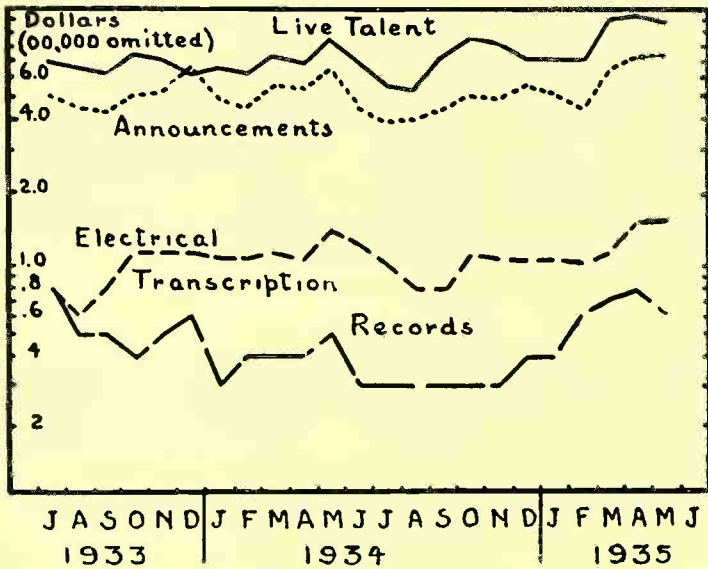
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION

July, 1933, to May, 1935



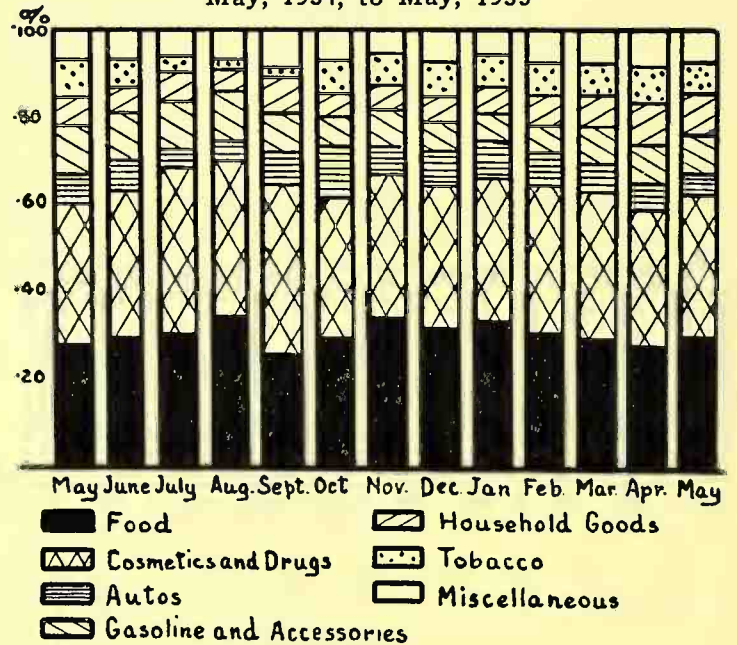
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to May, 1935



NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

May, 1934, to May, 1935



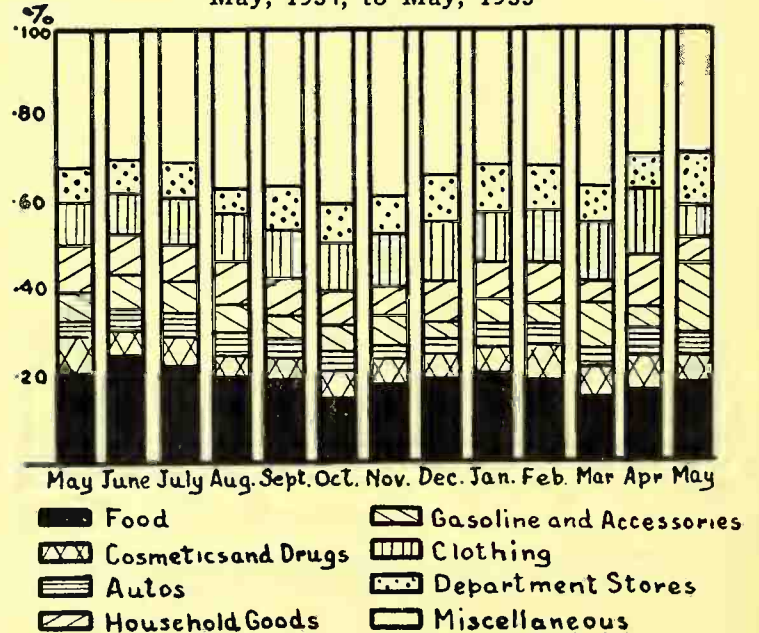
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

May, 1934, to May, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

May, 1934, to May, 1935



network tobacco advertising. Declines were general among sponsor groups as compared with April.

A number of important gains were recorded as against the corresponding month of 1934. Local automotive advertising more than doubled, regional network clothing advertising increased eight-fold, while local clothing volume rose 45.9%. National network drug advertising registered an increase of 27.0% in spite of a material decline as compared to April. National and regional network food advertising rose materially, as did national network and national non-network confectionery volume. Household equipment, soap and kitchen supply advertising rose materially throughout the various portions of the medium. Regional network and national non-network tobacco advertising continued their increases of recent months.

Detailed information regarding trends in broadcast advertising in various fields of sponsorship are as follows:

1a. *Amusements.* Decrease 5.6% as against April, 40.0% decline national non-network being principal cause. Decrease 11.0% compared 1934. Decline general.

1. *Automotive.* Decrease 12.1% national network volume as compared April, 23.3% national non-network, and 15.0% local. Compared May, 1934, national network volume unchanged, national non-network up 1.5%, and local doubled.

2. *Gasoline and accessories.* National network advertising down 3.0% compared to April and regional networks 14.4%. National non-network up 18.5% and local 27.3%. Compared same month of last year, national network down 7.3%, regional networks 40.0%, national non-network 8.9%. Local up 2.0%.

3. *Clothing.* National network volume 30.0% below April, regional networks 23.0%, national non-network 10.0%, and local 13.0%. National network advertising 16.6% above May, 1934, regional volume nearly eight times greater, local up 45.9%, and national non-network down 42.0%.

4. *Drugs and pharmaceuticals.* National network volume down 14.7% compared to April, national non-network 28.3%, and local 40.0%. Regional volume up 3.8%. National network advertising 27.0% above last May, regional networks 48.0%. National non-network down 15.0%, and local 31.0%.

5. *Toilet goods.* National network volume unchanged from April, local up slightly. National non-network down 28.0%, and regional network down 9.0%. Compared to last May, national network up 1.1%, with material increase in regional field. National non-network down 39.2%, and local 31.2%.

6. *Foodstuffs.* National network 16.2% above April, regional networks 66.0%, with national non-network down 8.0%, and local

4.4%. National network advertising 43.1% ahead of May, 1934, regional volume tripled, national non-network down 21.4%, and local 10.1%.

7. *Beverages.* National network down 17.3% compared to April, national non-network up 10.0%, and local up 21.4%. National network volume 37.2% above May, 1934, national non-network 3.0%, and local 15.9%.

8. *Confectionery.* National network volume two-thirds below April level, national non-network same. Local advertising up 49.0%. Compared last May, national network volume 146.0% greater, national non-network up 80.0%, and local more than doubled.

9. *Household equipment.* National network volume 18.6% below April. Regional network advertising 31.8% greater, national non-network 6.1%, and local 4.5%. National network advertising 46.0% above May, 1934, national non-network 31.4%, and local 45.1%. Regional advertising increased from \$848 to \$14,441.

10. *Soaps and kitchen supplies.* National network volume 1.0% above April, regional networks 60.0%, national non-network 28.5%, and local 15.1%. National network advertising 25.0% greater than in May, 1934, with national non-network and local volume more than doubled. Regional volume increased materially.

11. *Financial and insurance.* National network advertising 43.0% below April, and local 10.0%. National non-network 11.2% above. Compared last May, national network volume 55.2% below, with regional volume off materially. National non-network volume down 20.9%, and local up 4.0%.

12. *Radio.* National network advertising 12.6% below April, national non-network 55.0%, and local up 77.0%. Compared to May of previous year, national network and local volume more than double, with national non-network advertising down nearly four-fifths.

13. *Department and general stores.* Little change from preceding month. National non-network volume 204.4% greater than during May of preceding year. Local advertising up 28.3%.

14. *Tobacco products.* National network advertising down 19.5%, regional networks up 55.9%, local volume doubled, and national non-network advertising down 10.0%. Compared with May, 1934, national network advertising down 5.8%, regional network volume increased from nothing to \$15,435, national non-network advertising increased from \$1,406 to \$54,555, and local volume more than tripled.

15. *Miscellaneous.* National network volume down 33.7%, regional networks 30.0%, and local 7.3%. National non-network advertising up 14.0%. Compared to May, 1934, national network advertising down 9.8%, regional volume more than doubled, national non-network up 41.1%, and local up slightly.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS (May, 1935)

| Type of Sponsoring Business | Gross Time Sales | | | | Total |
|---|--------------------|-------------------|----------------------|--------------------|--------------------|
| | National Networks | Regional Networks | National Non-network | Local | |
| 1a. Amusements | — | — | \$3,822 | \$46,900 | \$50,722 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$217,599 | — | 136,413 | 101,269 | 455,281 |
| (2) Accessories, gas and oils | 365,819 | \$9,505 | 133,968 | 112,055 | 621,347 |
| 3. Clothing and apparel | 35,072 | 4,654 | 22,025 | 246,010 | 307,761 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals | 467,586 | 6,975 | 259,240 | 79,738 | 813,539 |
| (5) Toilet goods | 892,169 | 4,531 | 62,236 | 23,630 | 982,566 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 932,949 | 25,369 | 266,728 | 222,248 | 1,447,294 |
| (7) Beverages | 229,918 | 820 | 60,498 | 102,037 | 393,273 |
| (8) Confections | 58,920 | 200 | 53,866 | 16,800 | 129,786 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings | 70,123 | 14,441 | 99,565 | 237,810 | 421,939 |
| (10) Soap and kitchen supplies | 299,594 | 4,839 | 99,206 | 19,953 | 423,592 |
| 11. Insurance and financial | 24,574 | 464 | 17,786 | 54,230 | 97,054 |
| 12. Radios | 82,583 | — | 1,620 | 16,000 | 100,203 |
| 13. Retail establishments | — | — | 13,730 | 159,615 | 173,345 |
| 14. Tobacco products | 292,095 | 15,435 | 54,555 | 15,925 | 378,010 |
| 15. Miscellaneous | 109,575 | 8,788 | 224,090 | 408,120 | 750,573 |
| Total | \$4,078,576 | \$96,021 | \$1,509,348 | \$1,862,340 | \$7,546,285 |

Retail Broadcast Advertising

General declines occurred in various fields of retail sponsorship during the month. Gasoline and accessory, house furnishings and radios experienced the principal gains.

The following important gains were experienced in various fields as compared to May, 1934: Automobile dealers, 172.0%; gasoline and accessory dealers, 51.0%; clothing and apparel shops, 40.0%; household equipment retailers, 33.8%; furniture stores, 71.5%; hardware stores, 63.0%; and department stores, 24.4%. Food stores registered the principal decline, a decrease of 20.0% occurring.

Total retail broadcast advertising was 5.4% below the April level and 42.6% above May, 1934.

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

| Type of Sponsoring Business | 1935 Gross Time Sales | |
|--|-----------------------|--------------------|
| | April | May |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$119,175 | \$108,235 |
| Gasoline stations, garages, etc. | 55,080 | 79,345 |
| Clothing and apparel shops | 293,330 | 248,847 |
| Drugs and toilet goods: | | |
| Drug stores | 37,850 | 16,128 |
| Beauty parlors | 9,985 | 10,420 |
| Food products: | | |
| Grocery stores, meat markets, etc. | 57,250 | 51,034 |
| Restaurants and eating places | 24,400 | 22,025 |
| Beverage retailers | 1,980 | 1,690 |
| Confectionery stores | 2,850 | 1,780 |
| Household goods: | | |
| Household equipment retailers | 78,096 | 90,706 |
| Furniture stores | 93,035 | 95,800 |
| Hardware stores | 37,725 | 39,100 |
| Radio retailers | 9,050 | 15,810 |
| Department and general stores | 174,130 | 173,345 |
| Tobacco shops | 1,150 | 343 |
| Miscellaneous | 98,110 | 83,590 |
| Total | \$1,094,196 | \$1,038,198 |

TOTAL BROADCAST ADVERTISING

| Class of Business | 1935 Gross Time Sales | | |
|----------------------|-----------------------|--------------------|---------------------|
| | April | May | Cumulative Jan.-May |
| National networks | \$4,398,013 | \$4,078,576 | \$22,583,795 |
| Regional networks | 82,058 | 96,021 | 371,378 |
| National non-network | 1,645,523 | 1,509,348 | 7,190,133 |
| Local | 1,939,327 | 1,862,340 | 8,346,690 |
| Total | \$8,064,921 | \$7,546,285 | \$38,491,996 |

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

| Type of Rendition | 1935 Gross Time Sales | | | | | | |
|---------------------------|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| | National Non-network | | Local | | Total | | Cumulative Jan.-May |
| | April | May | April | May | April | May | |
| Electrical transcriptions | \$573,870 | \$568,719 | \$162,080 | \$176,773 | \$735,950 | \$745,492 | \$3,123,578 |
| Live talent programs | 751,080 | 593,906 | 967,790 | 885,844 | 1,718,870 | 1,479,750 | 7,487,095 |
| Records | 14,223 | 12,045 | 79,057 | 60,233 | 93,280 | 72,278 | 361,701 |
| Announcements | 306,350 | 334,768 | 730,400 | 739,490 | 1,036,750 | 1,074,258 | 4,564,459 |
| Total | \$1,645,523 | \$1,509,438 | \$1,939,327 | \$1,862,340 | \$3,584,850 | \$3,371,778 | \$15,536,833 |

General Business Conditions

Following the recession of the late spring, there has been a slight increase in business activity during recent weeks. The *New York Times* index reached 84.3% of the 1923-25 average during the week of June 15, as compared with 81.6% during the week of May 18. Electric power production increased 2.5% during the first half of June. Automobile production continued at the high level maintained recently. May orders in the machine tool industry were 12.0% greater than in April.

Carloadings increased somewhat. Rural retail sales were 17.0% greater than during May, 1934, while grocery chain store sales rose 5.0%. Variety store sales were 4.5% greater than during the corresponding month of last year. There were some price recessions in recent weeks, principally due to declines in the food field.

ADVERTISING VOLUME BY MAJOR MEDIA

| Advertising Medium | 1935 Gross Time and Space Sales | | |
|---------------------------------|---------------------------------|---------------------|----------------------|
| | April | May | Cumulative Jan.-May |
| Radio broadcasting | \$8,064,921 | \$7,546,375 | \$38,492,006 |
| National magazines ¹ | 13,093,525 | 12,524,188 | 56,586,507 |
| National farm papers | 597,153 | 566,919 | 2,497,336 |
| Newspapers ² | 46,734,000 | 47,998,000 | 212,206,000 |
| Total | \$68,489,599 | \$68,635,482 | \$309,781,849 |

¹ National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

² Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

| Power of Station | 1935 Gross Time Sales | | |
|------------------|-----------------------|--------------------|---------------------|
| | April | May | Cumulative Jan.-May |
| Over 1,000 watts | \$1,675,490 | \$1,557,720 | \$7,420,165 |
| 250-1,000 watts | 1,444,530 | 1,393,710 | 6,082,995 |
| 100 watts | 464,830 | 420,348 | 2,033,673 |
| Total | \$3,584,850 | \$3,371,778 | \$15,536,833 |

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

| Geographical District | 1935 Gross Time Sales | | |
|-----------------------------------|-----------------------|--------------------|---------------------|
| | April | May | Cumulative Jan.-May |
| New England-Middle Atlantic Area | \$952,310 | \$905,320 | \$4,102,680 |
| South Atlantic-South Central Area | 570,840 | 505,420 | 2,411,340 |
| North Central Area | 1,371,600 | 1,302,922 | 5,884,482 |
| Pacific and Mountain Area | 690,100 | 658,116 | 3,138,331 |
| Total | \$3,584,850 | \$3,371,778 | \$15,536,833 |

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



Vol. 3 - - No. 33
JULY 9, 1935

RETAIL BROADCAST ADVERTISING

The use of broadcast advertising by retailers has been receiving increasing attention during recent months. Despite the fact that retail institutions were among the first to own broadcasting stations, retail advertising over the radio, until recently, has progressed more slowly than has its national counterpart.

A number of causes have contributed to this situation. The greatly increased cost of station operation, following the first few years of broadcasting, caused many retailers who had established stations to give up their radio ventures or else to concentrate their energies entirely upon the business of broadcasting. The innate conservatism of the average retailer kept many from embarking upon this new medium until the success of national advertisers had given indisputable proof of its efficacy. Finally the limited financial resources of the average retailer, an incomplete appreciation of retail broadcast advertising problems on the part of many broadcasters and retailers alike, further combined to retard the progress of retail radio advertising.

Increased Interest in Retail Advertising

Today the situation is changing rapidly. The success of many retailers with radio advertising is directing the attention of their colleagues to the medium. Department stores, especially, are turning their attention to radio, and the demand for knowledge of the medium has been such that the National Retail Dry Goods Association, composed of a large number of the country's leading department stores, has just published a manual on the retail use of radio advertising. Individual inquiries regarding radio on the part of retailers also are growing. Dealer interest in and preference for broadcast advertising is further indicated by the replies of drug store proprietors, grocery store operators and gasoline filling station attendants to a survey conducted for the National Broadcasting Company. The results of this survey showed an overwhelming sentiment for broadcast advertising as compared to other media.

This interest is being translated into action. Retail broadcast advertising during the current year has shown a marked gain over the same period of 1934. Gross time sales to retail establishments during the first quarter of the current year were 48.6% greater than during the corresponding period of the preceding year. There has been a consistent upward trend throughout recent months as evidenced by the fact that retail broadcast advertising in January exceeded the same period of the previous year by 34.4%, February volume indicated a gain of 48.2%, while March advertising exceeded the 1934 level by 65.2%. April retail volume was 71.1% greater than during the same month of last year.

Department and general store advertising has increased particularly. Department store radio advertising during the first quarter of this year was 48.5% greater than during the corresponding period of 1934. April volume exceeded that of the previous year by about the same amount. Automobile dealer advertising, and advertising by clothing and housefurnishing retailers has increased markedly during the current year.

New Data on Retail Radio Advertising

Prompted by the growing interest in retail broadcast advertising, the National Association of Broadcasters recently has made a special analysis of the volume of retail advertising. Gross time sales to retailers over a selected group of stations were analyzed for a thirteen month period covering the latter part of 1933 and the major portion of 1934. Retail advertising was broken down by various classes of stations, different types of rendition employed and similar factors. The results of the study provide, for the first

time, detailed statistical information as to the manner in which broadcasting is being used by retailers. Insofar as the trends revealed by the study varied remarkably little during the period under examination, it is believed that they are of value in indicating some of the aspects of the potential market for retail broadcast advertising.

How much retail advertising is there? In 1934 total gross time sales to retail establishments amounted to \$7,183,000, or 44.9% of all local broadcast advertising. The retail classifications used in arriving at this figure were conservative, only indisputably retail establishments being classified as such. If all advertisers invested with any retail interest whatsoever—as for example, bakeries or dairy companies selling through retail establishments as well as through their own wagon routes or outlets—had been included in the classification it is probable that more than 60% of local broadcast advertising would have been included under the retail heading. Retail broadcast advertising in 1934 constituted 24.3% of all non-network gross time sales, and 9.9% of all advertising over the radio.

Retail Advertising Over Classes of Stations

The importance of retail advertising over various classes of broadcasting stations differs greatly. In the case of stations over 1,000 watts in power¹ it amounts to 16.9% of all non-network business, and to a considerably smaller portion of total broadcast advertising volume. It may be estimated roughly that retail advertising constitutes no more than 6.0% of total gross time sales of this class of station. In the case of stations of from 250 to 1,000 watts in power, the so-called regional group, retail broadcast advertising constitutes 33.1% of non-network advertising, and approximately 16.0% of total volume. With regard to stations of the 100 watt class, 43.4% of non-network advertising is retail. If all advertisers invested with a retail interest were included in this case, this figure would probably rise to more than two-thirds of total volume. It must also be remembered that the entire volume of stations of this class is non-network in nature.

In spite of the fact that the highest proportion of retail to total advertising is found on the local stations, it is the regional stations—the 250-1,000 watt group—on which the majority of retail advertising is placed. It is estimated that in 1934, approximately \$4,000,000 was spent by retailers over stations of this class. Approximately \$1,750,000 was spent over the 100 watt stations, while the remaining \$1,400,000 was placed over stations in the high power group.

The average expenditure by retailers over each class of station, reveals another aspect to the situation. Respectively, for each class of station, this is as follows: over 1,000 watts, \$22,000; 250-1,000 watts, \$13,000; 100 watts, \$7,000. The concentration of the larger retail establishments on the higher powered stations, and the effect of the higher station rates, are clearly illustrated.

Other than a slight tendency for a growth in the proportion of total broadcast advertising represented by retail establishments on stations over 1,000 watts in power, there was little change in the relative importance of retail radio sponsorship during the period under consideration.

Types of Retail Sponsors

There are interesting differences to be found in the types of retailers broadcasting over various classes of stations. An initial approach to this situation is found in the following table which represents the proportion of total advertising represented by retail establishments of various kinds over each class of station.

¹ Night time power is used throughout as the basis for classification.

PROPORTION OF TOTAL RETAIL BROADCAST ADVERTISING OVER VARIOUS CLASSES OF STATIONS REPRESENTED BY DIFFERENT KINDS OF RETAIL ESTABLISHMENTS.

| Type of Retail Establishment | Class of Station | | |
|---|------------------|---------------|---------------|
| | Over 1,000 w. | 250-1,000 w. | 100 w. |
| Clothing and apparel stores | 24.3% | 24.4% | 29.2% |
| Department and general stores | 21.1% | 20.0% | 12.0% |
| Furniture and household equipment retailers | 15.4% | 13.1% | 11.3% |
| Automobile dealers | 8.4% | 7.8% | 7.8% |
| Food retailers | 5.4% | 8.8% | 7.7% |
| Restaurants | 5.3% | 3.2% | 5.4% |
| Gasoline stations and accessory stores | 4.2% | 5.1% | 8.2% |
| Miscellaneous | 15.9% | 17.6% | 14.9% |
| Total | 100.0% | 100.0% | 100.0% |

Clothing and apparel stores are the most important retail advertisers on all classes of stations. They are of particular importance to stations in the 100 watt class. Advertising by clothing, haberdashery, millinery, hat, shoe stores and the like constitute nearly one-third of these stations' retail volume and more than one-eighth of their total gross time sales.

Department store advertising is equally important to regional and clear channel stations, but considerably less so to the 100 watt transmitter. There is little difference in the importance assumed by furniture, household equipment and automotive retail advertising over various classes of stations. Gasoline filling station and accessory store advertising tends to concentrate on the smaller stations.

Restaurant advertising divides itself into two classes. The larger eating places concentrate upon the high powered stations, while the small semi-neighborhood restaurants turn to the local stations. The only other trend of importance is found in the retail drug field, which constitutes 3.5% of 100 watt station retail advertising, and is practically non-existent on the other classes of stations.

Another interesting approach to retail broadcast advertising is found in the following estimate of the average expenditures per station in the various power groups by different kinds of retailers during the year of 1934.

ESTIMATED AVERAGE EXPENDITURES PER STATION OF EACH CLASS BY DIFFERENT TYPES OF RETAILERS DURING 1934.

| Type of Retailer | Average expenditure per class of station | | |
|---|--|-----------------|----------------|
| | Over 1,000 w. | 250-1,000 w. | 100 w. |
| Clothing and apparel stores | \$5,300 | \$3,250 | \$2,100 |
| Department and general stores | 4,500 | 2,670 | 800 |
| Furniture and household equipment retailers | 1,200 | 1,170 | 500 |
| Automobile dealers | 1,100 | 430 | 400 |
| Food retailers | 3,200 | 1,650 | 760 |
| Restaurants | 2,000 | 1,050 | 520 |
| Gasoline stations and accessory stores | 900 | 680 | 540 |
| Miscellaneous | 3,800 | 2,100 | 1,380 |
| Total | \$22,000 | \$13,000 | \$7,000 |

Several additional factors should be considered while the subject of sponsorship is under discussion. The great bulk of retail advertising is concentrated upon stations of the 250-1,000 watt class. More than half of the retail radio advertising in the clothing, furniture and household equipment, gasoline and accessory fields, and more than 60% of that in the department store, food and automotive fields is concentrated upon regional stations.

There is a considerable difference as to the type of retail outlets broadcasting over different sizes of stations which is not revealed by the preceding tables. Larger stores, higher priced speciality shops and similar establishments concentrate either upon the clear channel or upon the better known regional stations. Small retailers, establishments catering to the working class—credit clothing houses, etc.—and stores enjoying trade in particular neighborhoods or sections of the city tend to center upon the local stations.

There is undoubtedly a decided variation in retail sponsorship among stations located in retail trading areas of various sizes, and indeed, these differences may be among the most important in the field. Likewise there should be some differences in both volume and type of retail advertising placed over network affiliates as against non-network stations. Unfortunately the available data is not sufficiently detailed to make possible an analysis of these factors.

Types of Rendition Used by Retailers.

The types of rendition employed by retailers in broadcast advertising forms another interesting field of inquiry. In this respect it was found that 4.5% of total retail radio advertising constituted electrically transcribed programs, 37.5% represented talent broadcast from station or store studios, 51.1% comprised of announcements, while the remaining 6.9% consisted of programs on which phonograph records were employed.

The proportion of retail business represented by types of rendition differ considerably among stations of various classes of power. Thus, in 1934, electrical transcriptions accounted for 9.8% of total retail volume over stations of more than 1,000 watts in power, 4.4% of 250-1,000 watt station retail volume, and 3.2% in the case of the 100 watt group.

In the case of studio programs employing talent, the proportion of total retail advertising represented by this type of rendition was as follows: stations over 1,000 watts, 41.7%; stations 250-1,000 watts, 37.2%; 100 watt stations 27.9%.

Announcements represented 47.5% of the retail advertising over stations of more than 1,000 watts in power; 55.1% in the case of the 250-1,000 watt class, and 49.6% with regard to the 100 watt group.

Programs using phonograph records were important only in the case of the 100 watt stations, where they accounted for 19.3% of gross time sales. In the case of stations over 1,000 watts in power, programs of this type amounted to 1.0% of the total and 3.3% with regard to 250-1,000 watts stations.

The relative importance of various types of rendition differs considerably among different kinds of retailers. Principal differences of this type are found in the following table.

PROPORTION OF BROADCAST ADVERTISING OF VARIOUS KINDS OF RETAILERS REPRESENTED BY DIFFERENT TYPES OF RENDITION.

| Type of Retailer | Type of Rendition | | | | Total |
|--|--------------------------|-------------|--------------|---------|--------|
| | Electrical transcription | Live talent | Announcement | Records | |
| Automobile dealers | 7.0% | 20.3% | 67.0% | 5.7% | 100.0% |
| Gasoline stations and accessory stores | 7.2% | 37.1% | 53.8% | 1.9% | 100.0% |
| Clothing and apparel stores | 6.8% | 35.2% | 49.5% | 8.5% | 100.0% |
| Department stores | 6.3% | 44.4% | 46.6% | 2.7% | 100.0% |
| Drug stores | 12.0% | 27.7% | 46.0% | 14.3% | 100.0% |
| Food retailers | 4.1% | 49.8% | 43.4% | 2.7% | 100.0% |
| Restaurants | 4% | 55.8% | 40.2% | 3.6% | 100.0% |
| Household equipment retailers | 1.8% | 39.0% | 56.0% | 3.2% | 100.0% |
| Furniture stores | 2.4% | 27.0% | 62.8% | 7.8% | 100.0% |

Though the significance of the majority of the preceding items is obvious, several require explanation. The transcription percentage for drug stores is undoubtedly partly the result of cooperative advertising, and partly of ventures such as that of Crazy Water Crystals in establishing their own retail outlets. It also will be noted that cooperative advertising probably exerts an influence on transcription volume of automobile dealers and gasoline stations.

Restaurant live talent broadcasts are higher than the average, due to remote control pick-ups from eating places having orchestras. In the main, announcement volume tends to increase as the size and the resources of the retail establishment decreases. The large proportion of automotive retail advertising probably is explained on the basis of the use of radio at auto show periods, announcement of new models and closing out of old ones, and for similar special occasions.

If one views retail broadcast advertising from the viewpoint of the dollar volume of types of rendition sponsored by various kinds

of retailers, a different picture presents itself. In the case of electrical transcriptions, clothing and apparel stores are the largest users. It is estimated that the transcription volume of these stores amounted to approximately \$115,000 in 1934. Department stores ranked second with estimated expenditures of about \$90,000. Gasoline filling stations and accessory stores, especially the former, accounted for about \$50,000 of transcription business, while automobile dealers accounted for \$40,000.

In the case of live talent programs, department stores ranked first with estimated expenditures in 1934 of approximately \$625,-

000. Other estimated expenditures during that year were as follows: Clothing, \$600,000; food, \$280,000; accessory stores and gasoline distributors, \$200,000; furniture retailers, \$165,000; household equipment retailers, \$160,000; restaurants, \$125,000.

Clothing stores and department stores lead the announcement field with estimated expenditures for 1934 of \$800,000 and \$650,000 respectively. Automobile dealers ranked third with an estimated \$500,000, and furniture retailers fourth with \$380,000. Gasoline stations and accessory retailers and food stores each spent approximately \$250,000 during the year.

The National Association of Broadcasters

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

NAB REPORTS

Vol. 3 - No. 34
 JULY 18, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | |
|---|-----|
| Largest Convention in NAB History..... | 881 |
| Proceedings Will Be Printed..... | 881 |
| Resolutions Adopted By NAB Convention..... | 882 |
| Revised NAB Code of Ethics..... | 884 |
| Agency Recognition Bureau Authorized..... | 884 |
| Cooperative Bureau Committee Named..... | 884 |
| NAB and RMA Cooperate in Radio Awards..... | 884 |
| New Membership Class Created..... | 885 |
| Censorship for Foreign Programs..... | 885 |
| FCC Hears AT&T on Coaxial Cable..... | 885 |
| Federal Trade Commission Activities..... | 885 |
| Securities Act Registrations..... | 887 |
| World Radio Figures Released..... | 888 |
| Advertising Bibliography Published..... | 888 |
| New Market Data Available..... | 888 |
| New N. D. Station Recommended..... | 888 |
| Bill Authorizes Accountants..... | 888 |
| Oregon Denial Recommended..... | 888 |
| New Applicant Defaults..... | 888 |
| Licenses Absent at Renewal Hearing..... | 888 |
| WHBC and WJW Obtain Favorable Report..... | 888 |
| Recommends Frequency Change for KTFI..... | 888 |
| Recommends Against Pennsylvania Station..... | 888 |
| Recommends Against Two Texas Stations..... | 888 |
| Wagner-Connery Labor Relations Act..... | 889 |
| Federal Communications Commission Action..... | 892 |

LARGEST CONVENTION IN NAB HISTORY

The Thirteenth Annual Convention of the NAB, held at Colorado Springs July 8-10, was the largest convention in the history of the association. Total registration was 485 as compared to 375 at the Cincinnati Convention in 1934, which constituted the previous high level of attendance.

In addition to providing opportunity for a complete discussion of the copyright problems facing the industry, a variety of business was transacted by the Convention.

Standards of agency recognition were promulgated and the Managing Director instructed to proceed with the establishment of an agency recognition bureau along the lines of plans approved by the Commercial Committee and provided the cost of the bureau is underwritten by stations desirous of availing themselves of its services.

The work of the Association toward the establishment of a cooperative bureau for coverage, listener and similar information was continued and the President was authorized to appoint a committee of not less than five to conduct such activities as might be necessary in this field and to represent the NAB in discussions or negotiations with advertisers and agencies.

A revised Code of Ethics, embracing the beneficial trade practice features of the Code of Fair Competition for the Radio Broadcasting Industry, was adopted by the convention.

The Board was authorized to consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolutions were passed petitioning the Senate to speedily enact the Duffy Copyright Bill (Senate Bill No. 3047), which eliminates the \$250 minimum damages for copyright infringements; favoring the issuance of radio station licenses for a term of at least three years, and pledging the Association and its officers and directors to oppose any and all legislation and governmental regulations which would result in the abridgment of freedom of speech.

In the technical field, the Managing Director was instructed to take such steps as might be necessary to represent the best interests of broadcasting at the preparatory conferences and the actual sessions of the Fourth Meeting of the CCIR, scheduled for the spring of 1937.

The President was empowered to appoint a committee of three, one of whom should be the Managing Director, to determine the best procedure for the presentation of the United States position and proposals at the next administrative conference to be held in Cairo in 1938.

The Managing Director was also authorized to continue in the participation of the Association in the Secondary Coverage Survey.

Following a detailed discussion of the copyright question, resolutions were passed favoring the continuation of the Government's suit against ASCAP, instructing the officers and directors of the Association to support the suit, commending Joseph C. Hostetler, NAB copyright counsel, for his services to broadcasting in attempting to obtain relief from the alleged ASCAP monopoly, and affirming the action of the Board of Directors taken at their New York meeting on June 22.

The following constitute the officers and directors of the Association for the current year:

PRESIDENT—Leo J. Fitzpatrick, WJR, Detroit, Michigan.

FIRST VICE PRESIDENT—Charles W. Myers, KOIN, Portland, Oregon.

SECOND VICE PRESIDENT—Edward A. Allen, WLVA, Lynchburg, Virginia.

TREASURER—Isaac D. Levy, WCAU, Philadelphia, Pennsylvania.

MANAGING DIRECTOR—James W. Baldwin, Washington, D. C.

Directors

For the Three-Year Term:

*Ed Craig, WSM, Nashville, Tennessee.

*J. O. Maland, WHO, Des Moines, Iowa.

*Ralph Brunton, KJBS, San Francisco, California.

*Tom W. Symons, Jr., KFPY, Spokane, Washington.

*W. Wright Gedge, WMBC, Detroit, Michigan.

For the Two-Year Term:

Alfred J. McCosker, WOR, Newark, New Jersey.

Harry C. Butcher, WJSV, Washington, D. C.

John J. Gillin, Jr., WOW, Omaha, Nebraska.

Gordon Persons, WSFA, Montgomery, Alabama.

**Gardner Cowles, Jr., KSO-KRNT, Des Moines, Iowa.

For the One-Year Term:

William S. Hedges, WEA, New York, N. Y.

H. K. Carpenter, WHK, Cleveland, Ohio.

I. R. Lounsberry, WGR-WKBW, Buffalo, New York.

Frank M. Russell, WRC-WMAL, Washington, D. C.

Arthur B. Church, KMBC, Kansas City, Missouri.

*Elected at the recent convention.

**Named director by the Board of Directors until the next convention. This action by the board was made necessary because neither of the three candidates for the place received a majority of the votes cast and train departures did not permit further balloting.

PROCEEDINGS WILL BE PRINTED

The proceedings of the Thirteenth annual convention of the NAB will be published in NAB REPORTS as soon as the official transcript is available.

RESOLUTIONS ADOPTED BY NAB CONVENTION

Resolution No. 1

RESOLVED, That the National Association of Broadcasters sincerely thanks the Hon. Anning S. Prall, Chairman of the Federal Communications Commission, for the information, common sense and usefulness of his message delivered at its thirteenth annual convention, and that the membership believes that his message will serve as a potent aid in assisting the licensees of American broadcasting stations to cooperate with the Federal Communications Commission.

Resolution No. 2

RESOLVED, That the National Association of Broadcasters hereby expresses its sincere thanks to Mr. Andrew W. Cruse for his contribution to the interest and value of the thirteenth annual convention of this Association.

Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby expresses its keen appreciation to Mr. Edwin M. Spence and his convention committee for their many courtesies and the very efficient manner in which they have handled the arrangements incidental to the thirteenth annual convention of this Association.

Resolution No. 4

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to Gene O'Fallon, Chairman, F. W. Myer, G. E. Nelson, W. D. Pyle, Lou Keplinger and Mrs. Gene O'Fallon of the Local Convention Committee for their admirable services in making the thirteenth annual convention of the National Association of Broadcasters an outstanding success.

Resolution No. 5

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Broadmoor Hotel and to Mrs. Elliott, Manager of the Colorado Springs Chamber of Commerce Convention Bureau, for their splendid services in making the thirteenth annual convention of this Association an outstanding success; also to the management of the Hotel Antlers and other hotels for their courtesies in accommodating so many of our guests.

Resolution No. 6

RESOLVED, That the official acts of the Managing Director since the twelfth annual convention be and the same are hereby approved.

Resolution No. 7

WHEREAS, Philip G. Loucks has served faithfully and with distinction as Managing Director of the National Association of Broadcasters for the past five years, and

WHEREAS, mainly by reason of his untiring efforts, sane and courageous leadership, the Association has grown from small beginnings into an organization representative of every phase of the industry and exerting a vital influence in the development of this new medium of mass communication, to a position of recognized importance, both socially and economically, and

WHEREAS, Mr. Loucks has seen fit to leave the Association in favor of the practice of law, the field which has always constituted his principal interest, it is now

RESOLVED, That this convention, by a rising vote, express its deepest appreciation for the unremitting service which Mr. Loucks has rendered the Association and broadcasting as a whole, and that it extend to him the heartiest good wishes of the membership and industry for his every success in his new venture.

Resolution No. 8

RESOLVED, That the National Association of Broadcasters hereby approves and adopts the amendments to the Constitution and By-laws of said Association which were duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said Constitution and By-laws, said amendments being as follows:

1. Article III, Section (a)

Strike out all of the section and insert the following in lieu:

"(a) The membership of the Association shall consist of—

(1) Any duly admitted person, firm or corporation engaged in the operation of any radio broadcasting station, to be known as an ACTIVE MEMBER.

(2) Any person, firm or corporation associated with radio broadcasting, to be known as an ASSOCIATE MEMBER."

Article V, Section (b):

Line 2—Insert after the word "the" and before the word "members" the word "active."

Article V, Section (c):

Line 1—Insert after the word "the" and before the word "members" the word "active".

Article VII:

Line 2—Insert after the word "five" and before the word "members" the word "active".

Line 3—Insert after the word "the" and before the word "membership" the word "active".

Line 6—Insert after the word "ten" and before the word "members" the word "active".

5. By-law 1, Section (a)

Line 1—Insert after the word "dues" and before the word "shall" the words "of active members".

6. By-law 1, Section (b)

Strike out all of the section and insert the following in lieu:

"(b) The annual dues of Associate Members of this Association shall be at the rate of two hundred fifty dollars per year, payable quarterly in advance."

7. By-law 3, Section (b)

Line 3—Insert after the word "the" and before the word "members" the word "active".

8. By-law 4, Section (a)

Line 2 Insert after the word "to" and before the word "membership" the word "active".

9. By-law 4, Section (b)

Insert after the word "Each" and before the word "member" the word "active."

10. By-law 5, Section (a)

Line 2—Insert after the word "the" and before the word "membership" the word "active".

Line 5—Insert after the word "the" and before the word "members" the word "active".

Resolution No. 9

RESOLVED, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the Fourth Meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR.

Resolution No. 10

RESOLVED, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938; and that the committee be and they are hereby directed to make recommendations to the Board of Directors so that the same may be available for consideration at the 1936 convention.

Resolution No. 11

RESOLVED, That the action of the Managing Director in authorizing the Technical Director of the Association to cooperate actively with the FCC and the stations contributing to the conduct of the Secondary Coverage Survey be and the same is hereby approved; and that the Managing Director be and he is hereby authorized to continue such participation particularly during forthcoming conferences at which the results of the survey are to be considered.

Resolution No. 12

RESOLVED, That the opinion reached by the Engineering Committee with reference to the Federal Communications Commission's proposed fidelity standards be communicated to the Chairman of the Federal Communications Commission for his information and that of the Engineering Department of the Commission.

Resolution No. 13

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

Resolution No. 14

WHEREAS, the 1934 convention of the National Association of Broadcasters directed the chairman of the Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view of setting up a bureau for the broadcasting industry, and

WHEREAS, such committee was appointed, studied the problem and conducted discussions with the aforementioned organizations, the results of which discussions have been reported by the chairman of the Commercial Section to the Board of Directors and the convention,

THEREFORE BE IT RESOLVED, That the National Association of Broadcasters reaffirm its willingness to cooperate with the advertisers and agencies in the creation of a cooperative bureau, and that the President of the Association be directed to appoint a committee of not less than five members, to be approved by the Board of Directors and to be responsible to it, the said committee to conduct such activities as may be necessary to the establishment of such a bureau and to represent the National Association of Broadcasters in any discussions or negotiations with advertisers and/or agencies.

Resolution No. 15

RESOLVED, That the Board consider the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolution No. 16

RESOLVED, That the National Association of Broadcasters hereby adopts the revised code of ethics as presented in the report of the chairman of the Commercial Committee.

Resolution No. 17

RESOLVED, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio.

Resolution No. 18

RESOLVED, That the National Association of Broadcasters hereby thanks the Legislative Committee and its chairman, Henry A. Bellows, for their diligent work during the past year, and that the Association hereby recommends that the Managing Director give careful study to this report of the Legislative Committee and bring all such matters to the attention of the Board of Directors which had not been covered otherwise in resolutions adopted at this convention.

Resolution No. 19

RESOLVED, That the NAB hereby petitions the Congress of the United States speedily to enact Senate Bill No. 3047, generally known as the Duffy Copyright Bill, which brings the Copyright Act of 1909 into conformity with the pending Treaty which would permit American entry into the International Copyright Union, and which will afford relief to broadcasting stations, hotels, restaurants, public gatherings, valet shops, and so forth, by eliminating the minimum statutory damage provision and permitting the Court to determine the amount of damages.

And that a copy of this resolution be communicated to the chairman of the Patents Committee of the Senate, the Hon. Wm. G. McAdoo; to Senator Duffy; to the chairman of the Patents Committee of the House of Representatives, Representative Sirovich, and to Representative Bloom.

Resolution No. 20

WHEREAS, it is the declared policy of the Congress of the United States that the Federal Communications Commission in the administration of the radio law shall have no censorship powers over radio programs, and

WHEREAS, the greatest possible freedom of speech must be preserved to radio broadcasting, he it therefore

RESOLVED, That the NAB instructs its officers and directors to oppose any and all legislation and governmental regulations, the effect of which would result in the abridgment of freedom of speech.

Resolution No. 21

Since it is the consensus of opinion of the members of the National Association of Broadcasters that the Attorney General of the United States be commended for instituting antitrust proceedings against the American Society of Composers, Authors and Publishers, et al., and

WHEREAS, the Attorney General of the United States, the Hon. Homer S. Cummings, and the Special Assistant Attorney General, Andrew Bennett, have faithfully and diligently served the public interest by proceeding with such suit against the members of said Society with dispatch and in a commendable effort to rid the people of this country of monopolistic practices which are subversive to the business principles of a free people, and

WHEREAS, it appears that the public interest necessitates and requires that such proceedings be pressed to a final and speedy determination, it is

RESOLVED, That this Association favors and approves a continuation of the activities of the Attorney General and his staff in the Government's proceedings against the American Society of Composers, Authors and Publishers, et al, and that the President of the Association is hereby directed to express our gratitude and appreciation to the Attorney General and his staff for such action on the behalf of the public interest, and it is respectfully urged that the Attorney General and his staff continue therewith, with the assurances of our support.

Resolution No. 22

RESOLVED, That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, The Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners.

Resolution No. 23

WHEREAS, Joseph Hostetler, the counsel for the copyright activities of NAB has made a complete and full report of his activities in this respect, and since his efforts in this regard have at all times been prompted by a sincere desire to perform a distinct service to the broadcasting industry as a whole in following out the instructions that this industry gave him as its attorney, it is

RESOLVED, by this body that Joseph Hostetler should be warmly commended for his efforts to obtain relief for the broadcasting industry from the ravages of the American Society of Composers, Authors and Publishers, and it is recommended that he be given the opportunity to continue to give the same service to the NAB and the members thereof at large as he has in the past.

Resolution No. 24

RESOLVED, That the NAB hereby affirms the action of the Board of Directors taken at their New York meeting on June 22, 1935, as expressed in the following resolution:

"WHEREAS, a full report covering the recent negotiations with ASCAP has been made to the Board by A. J. McCosker, chairman of the Copyright Committee heretofore appointed, and certain of the members of the committee; and by Edward Klauber, representing CBS; A. L. Ashby, representing NBC, I. D. Levy, representing WCAU, and J. C. Hostetler, copyright counsel for the NAB; the Board makes the following declaration of principles and facts:

"1. The Board reiterates that the so-called 'per piece plan' or 'measured service plan' is the fairest and best to be followed in paying for the use of copyrighted music, in that it enables each broadcaster to pay a price fixed by the individual owner of copyrights, competitively, and compels no person to buy or pay for more than he actually uses.

"2. The Board believes that the two networks and WCAU when they accepted a five-year extension of the present contract, did so only after the NAB Copyright Committee found it impossible to work out with the copyright committee of ASCAP a 'per piece' or 'measured service' plan prior to the expiration of present contracts; and that when they accepted such contracts it was because the networks and WCAU felt that it was necessary for the industry

to have available upon the best terms possible, the repertoire controlled by ASCAP, and for the reason that it is impossible to operate a radio broadcasting station without the use, to a greater or lesser extent, of the music so controlled.

"3. The Board believes that every broadcaster must come to a decision as to whether or not he desires to extend his present contract for a period of five years from January 1, 1936, (1) in the light of the requirements of his station, (2) his contract commitments, if any, either to the network or advertisers, and (3) the fact that the suit being prosecuted by the United States has been continued until early in November, 1935, and therefore in all probability cannot be decided by the trial court prior to the date of the extension of the present license already granted which is January 1, 1936."

Resolution No. 25

RESOLVED, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years.

REVISED NAB CODE OF ETHICS

The following is the revised Code of Ethics adopted by the Thirteenth Annual Convention of the NAB. The code incorporates the principal trade practice provisions of the radio broadcasting code which were found to be of benefit to the industry. Other than this it remains substantially the same as the code adopted in 1929.

CODE OF ETHICS

1. Recognizing that the radio audience includes persons of all ages and all types of political, social and religious belief, each member station will endeavor to prevent the broadcasting of any matter which would commonly be regarded as offensive.

2. When the facilities of a member station are used by others than the owner, the member shall ascertain the financial responsibility and character of such client, that no dishonest, fraudulent or dangerous person, firm or corporation may gain access to the radio audience.

3. Matter which is barred from the mails as fraudulent, deceptive or obscene shall not be broadcast by a member station.

4. Each member station shall refuse any advertising matter regarding products or services injurious to health.

5. Each member station shall maintain a public record of its current rates charged to advertisers for the use of broadcasting time together with all discounts, rebates, refunds and agency commissions which shall be allowed to the users of such time or to their recognized agents.

6. Each member station shall refuse to accept any business on a cost per inquiry, contingent, or percentage basis, or to accord free time for commercial use.

7. No member station shall permit the broadcasting of advertising statements or claims which he knows or believes to be false, deceptive or grossly exaggerated.

8. No member station shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing or quality of service.

9. No member station shall claim for its service a character, scope or quality which cannot be substantiated, nor shall it claim as regular characteristics of its service features which it knows to be purely temporary or accidental.

10. Where charges of violation of any article of the code of ethics of the National Association of Broadcasters are filed in writing with the Managing Director, the Board of Directors shall investigate such charges, give opportunity for hearing and afterwards notify the station of its findings.

AGENCY RECOGNITION BUREAU AUTHORIZED

The establishment of an agency recognition bureau, similar to that maintained by other major media, was authorized by the Convention on the basis of a detailed plan recommended by the Commercial Committee. The plan was the result of an intensive study of the recognition practices and the suggestions of more than 200 stations and an analysis of similar bureaus maintained by other media.

The work of the bureau, when established, will include the collection of information from agencies on the basis of which recommendation for recognition can be made, the publication of lists of recognized agencies, and the operation of a credit clearing house, whereby credit information will be made available to subscribing stations.

The bureau will be established only if the costs of its first year

of operation are underwritten by stations desiring to avail themselves of its services. Details regarding the project will be mailed to all member stations very shortly.

The following are the conditions governing agency recognition which were approved by the Commercial Committee and incorporated in the plan recommended by the Convention:

Conditions Governing Agency Recognition

The broadcaster looks upon the advertising agency as a necessary element in the creation of advertising and in the development of advertising volume. For those essential services to the station it grants the agency a commission.

Station — will recognize advertising agencies as being eligible to be granted agency commissions only upon their fulfillment of the following conditions:

1. *Financial Responsibility.* To that end, the agency must furnish evidence of its financial responsibility. It must have resources adequate to its needs and 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 and to render broadcast advertising service. The individual applicant must have presented satisfactory evidence of his or its integrity and financial ability to meet its obligations.
3. *Bona Fide Service.* To the end that it may render bona fide economic service to advertiser and broadcaster alike, the agency
 - (a) must be operating primarily in the agency field;
 - (b) must not be prejudiced in its judgment of media or forms of advertising service by investment or interest in any organization engaged in the sale of advertising or its mechanics.
 - (c) To ensure the bona fide translation of the commission granted by the station into service, the agency must not rebate, either directly or indirectly, any portion of its commission to any third party.
4. *Cooperative Practice.* The agency must be willing to establish a continuing cooperation with the Association—ready to give necessary, proper and accurate information as to its financial condition and methods of operation upon reasonable request.
5. *Duration of Recognition.* Final recognition will be granted only following a probationary period. Recognition will continue for so long as the agency complies with the conditions set forth herein.

Special Conditions Governing Payment of Commissions

Station — further states that the following conditions will govern the payment of commissions to recognized agencies:

1. No agency commission will be paid on accounts which the station has developed and where the salesman has secured the order and schedule prior to a recognized agency being appointed to handle the account. Regular commissions will be paid however, to a recognized agency on any subsequent contract schedule or service which may be placed through or performed by the said agency for the same account.
2. No agency commission will be paid for business placed at the station's retail or local rate unless specifically provided for in the rate card.

COOPERATIVE BUREAU COMMITTEE NAMED

President Fitzpatrick, has named, with the approval of the Board of Directors, the following committee to continue the work of the Association with regard to the possible establishment of a cooperative bureau of listener data and similar information to be maintained jointly by the broadcasters, advertisers and advertising agencies: Arthur B. Church, Chairman, Edgar Kobak, J. O. Maland, H. K. Boice, and A. J. McCosker. J. V. L. Hogan, consulting radio engineer has been appointed an advisory member of the committee on engineering matters. Dr. Herman S. Hettinger, NAB Research Director and University of Pennsylvania faculty member, will continue to advise the committee on research and similar matters.

NAB AND RMA COOPERATE IN RADIO AWARDS

Cooperation between the NAB and RMA in the setting up of annual awards in broadcasting similar to the Pulitzer prizes in the publication field was instituted when President Fitzpatrick was

authorized by the Board of Directors to appoint a committee of three to represent the NAB in working out plans with a similar committee from the RMA. The resolution calling for the appointment of the committee followed an invitation to cooperate in the creation of awards extended by Bond Geddes, Executive Vice President of the RMA. The committee will be appointed in the near future.

NEW MEMBERSHIP CLASS CREATED

A new class of membership, known as Associate Membership, has been established under amendments to the Constitution and By-Laws adopted by the convention.

Under the new plan, active membership will be restricted to persons or corporations engaged in the operation of radio stations. Other individuals or corporations associated with radio broadcasting and wishing to become members of the Association will be eligible to make application for associate membership.

Annual dues of associate members will be \$250 annually, payable quarterly in advance. Only active members are entitled to voting power in the association.

CENSORSHIP FOR FOREIGN PROGRAMS

Two bills, S. 3261, introduced by Senator Walsh of Massachusetts, and H. R. 8852, introduced by Congressman McKeough of Illinois, if enacted will require prior approval by the Secretary of State, of any radio address or radio program broadcast by or for or in the interest of any foreign government. The text of the bills, which is identical, follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 317 of the Communications Act of 1934 is hereby amended by adding thereto as subsection (B) the following:

"(B) Any radio address or radio program broadcast by or for or in the interest of any foreign government, or subdivision thereof, or person interested therein shall not be broadcast by any licensee until such radio address or radio program has been submitted to the Department of State and the approval of the Secretary of State has been secured in writing and is filed with such licensee. Any licensee permitting the broadcasting of any radio address or radio program by or for or in the interest of any foreign government, or subdivision thereof, or any person interested therein, without having on file, prior to such broadcast, the written approval of the Secretary of State, shall be penalized by the immediate revocation of such license."

FCC HEARS A. T. & T. ON COAXIAL CABLE

The Federal Communications Commission, sitting en banc, on July 15 heard the joint application of the New York Telephone Company and the American Telephone and Telegraph Company for authority to construct an experimental coaxial cable from New York to Philadelphia. The application aroused some interest because of the possibility of the use of this type of cable for local and intercity distribution of television programs in addition to its many possibilities in the existing commercial communications field.

The A. T. & T. Co. some time ago entered into a stipulation with the Postal and Western Union companies to the effect that the proposed cable would not be used commercially without further hearing before the Commission. In the opening statement of counsel for the petitioner a stipulation was proposed to the effect that the proposed cable would be used only experimentally, and that further application would be made to the Commission for authority for commercial use if such use should appear desirable after completion of experiment. The Commission thereupon took official notice of the suggested stipulation and limited the testimony to experimental phases of the proposed cable.

Dr. Frank B. Jewett, President of Bell Telephone Laboratories, was the principal witness for the petitioner. Dr. Jewett described the construction of the cable and discussed at considerable length the various factors believed by him to make the proposed installation in the public interest.

The National Association of Broadcasters intervened in the proceedings and was represented by James W. Baldwin, Managing Director, and J. C. McNary, Technical Director.

Examination of witnesses developed, among other things:

1. That the manufacturing costs incidental to the construction of the cable (which may be reflected in subsequent capitalization of the project and of proposed tariffs for commercial use) are in no wise controlled by competitive bids.

2. That the proposed cable is adaptable to all known Television Systems.

3. That although there had been certain conversations between the applicant and the RCA both before and after the filing of the application, no agreement exists between A. T. & T. Co. and any television experimenter concerning the use of the cable.

4. That A. T. & T. Co. has no plans for the use of this type of cable for distribution of programs to telephone subscribers by wired radio or otherwise.

The application requests authority to construct a cable consisting of two concentric transmission lines and several signal circuits within one lead sheath, providing for two way communication if desired. The repeaters proposed to be associated with the cable are to be spaced every ten miles. The repeaters will obtain their power from a 60-cycle supply over the cable itself and are designed to provide substantially uniform transmission over a frequency range of one megacycle. The Western Electric Company was stated not to have developed terminal apparatus for television purposes but to be in a position to do so if it should later appear desirable.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

Cease and desist orders have been issued against the following concerns by the Commission:

Nos. 2035, 2121, 2123-30. Great Northern Fur Dyeing & Dressing Co., Inc., and others, Long Island, N. Y.; Mendoza Fur Dyeing Works, Inc., and Van Dye Way Corporation, of New York City; Oakland Fur Dyeing, Inc., and Iceland Fur Dyeing Co., of Brooklyn, N. Y.; Bayonne-Newland Fur Dressers & Dyers, Inc., Jersey City, N. J.; A. Hollander & Son, Inc., and others, Joseph Hollander, Inc., Hudson Fur Dyeing, Inc., and Philip A. Singer & Bro., Inc., all of Newark, N. Y.

A modified order has been issued providing that the term "Hudson Seal" may be used to describe the color or character of the dye of muskrat fur, such as "Hudson Seal-dyed Muskrat," but the word "Hudson" alone or in connection with other words, may not be used to describe dyed cony (rabbit) fur. The order provides that the description for cony dyed to stimulate seal shall be "Seal-dyed Cony."

No. 2171. Butterick Publishing Co., McFadden Publications, Inc., Frank A. Munsey Co., Street & Smith Publications, Inc., Pictorial Review Co., International Circulation Co., Inc., S-M News Co., Inc., and Midwest Distributors, Inc.

The order prohibits the respondents, by agreement, combination or concert of action among themselves or with others, from preventing or seeking to prevent any person, firm or corporation lawfully owning secondhand or back-number magazines from selling them to distributors or dealers.

Also, the order bans the joint action of causing or seeking to cause wholesalers of magazines to prevent newsdealers or other retailers from dealing in second-hand or back-number magazines, or in any manner interfering with the business of distributors or dealers in second-hand or back-number magazines.

Provision is made in the order that nothing therein shall prevent the respondents from agreeing to take such action against wholesalers and retailers of their magazines as may be reasonably necessary to prevent unsold publications, for which the respondents have reimbursed the dealers, from being again placed on sale as reading matter.

Nos. 2251, 2263-67, 2270, 2276, 2277 and 2280. Akron Candy Co., Akron, O.; Bonita Co., Fond du Lac, Wis.; A. McLean & Son, Chicago, Ill.; M. J. Holloway & Co., Chicago, Ill.; Ryan Candy Co., Dallas, Tex.; Meadow Brook Candy Co., Moline, Ill.; Dante Candy Co., Chicago, Ill.; Sifers Confection Co., Hammond, Ind.; and Magic City Candy Co., Birmingham, Ala.

The orders direct these companies to cease and desist from selling candy to jobbers and wholesale dealers so packed that its sale may be made by means of a lottery, also from supplying or placing in the hands of wholesalers or jobbers packages of candy which may be used without rearrangement of the contents so as to conduct a lottery, gaming device or gift enterprise.

No. 2287. James D. Boulger, Greenfield, Mass., trading as the Eastern Textile Co. The respondent is prohibited from using the words "Dress Goods" to describe remnants sold, unless and until there appears in conjunction therewith in equally conspicuous letters the word "Remnants." It was said that Boulger, in his advertisements, offered remnants for sale as "Dress Goods" in such a manner as to mislead the purchasing public into believing that all of the remnants were suitable for making dresses when in fact most of them were not of sufficient size or quality to be used for such purpose.

Boulger is also directed to stop employing the phrase "Direct to You" in connection with or in close proximity to the word "Mill," and from using the words "Direct to You" or "Direct from the Mill," unless and until he owns and operates a factory from which the remnants are shipped directly to the purchasers.

Other representations are also enjoined in the Commission order.

No. 2393. Harry Shiftman, New York City, trading as Eagle Supply Co. Shiftman is directed to cease using the phrase "Manufactured by Masterkraft Color Co., Brooklyn, N. Y." in advertisements of paint or on labels unless and until such company becomes "in reality an existing and operating concern and such paint has been manufactured by such concern." The respondent consented to the issuance of the order.

Stipulations

No. 0874. Nurse Wilson Products, Buffalo, N. Y. The respondent, selling a remedy for obesity, called "Nurse Wilson Reducor," agrees to stop advertising that this preparation is both harmless and safe to use, and that it is the result of many years of research by a brilliant English physician.

No. 0875. G. M. Drug Co., Dallas, Texas. The company agrees no longer to advertise its "Gordon's Compound" as a competent treatment for stomach and bowel troubles unless the assertion is limited to gastric hyperacidity and sour stomach and to such functional disorders as would be relieved by a mild laxative or astrigent and for which this preparation may be a remedy.

No. 1040 (Amended.) Maynard, Inc., Chicago and New York. The respondent, a cosmetic manufacturer, has entered into a stipulation with the Federal Trade Commission to cease and desist from use of the words "Containing Turtle Oil" as a part of or in connection with the labels affixed to the containers in which its facial cream is packed. This company also will discontinue use of other similar or equivalent words or expressions which may have a tendency to mislead buyers into believing that the oil content of the facial cream is composed in substantial part of turtle oil, when this is not true.

No. 1398. American Gold Vintages, Inc., New York City. Wines charged by artificial means with carbon dioxide and not made effervescent by natural fermentation, will no longer be advertised by the respondent, by designations such as "Sparkling Burgundy," unless such description is accompanied by other words or phrases like "Carbonated," "Artificially Carbonated" or "Carbon Dioxide Added" in plain and distinct type. This company has signed a stipulation to that effect with the Federal Trade Commission.

The respondent also will cease using the word "Champagne" to describe a product not produced by natural fermentation in the bottle.

No. 1400. William E. Harrison, New York City, trading as the Harrison Radio Company. The respondent agrees to cease and desist from advertising that he will refund money paid by dissatisfied purchasers of radio sets, without at the same time disclosing the fact that a deduction will be made for the cost of reconditioning returned merchandise.

Harrison is said to have sold short-wave-length radio sets and equipment, advertising that dissatisfied purchasers could return the merchandise within five days and receive a refund of their money, but to have failed to make known that it was his practice to deduct ten per cent from the amounts refunded for the cost of reconditioning the returned merchandise.

No. 1401. Gus Stephens, Chicago, trading as the Tested Specialties Co. The respondent agrees to cease advertising his product called "On-The-Nose" by means of such phrasing as "effective against distemper" or "positive remedy for distemper" or other phrases which may have a tendency to deceive buyers into believing that the product is a remedy for dog distemper, according to the stipulation. Stephens will cease publishing on letterheads or other forms of advertisements that he has laboratories or factories in the United States or Canada, when this is not true.

No. 1402. Reliable Merchandise Co., Chicago, Ill. The company also agrees to cease representing by word or picture that it owns or occupies a large office building or owns a factory, when this is not true.

Reliable Merchandise Co. is said to have advertised in its catalogues and price lists certain prices for lotions, toilet water and razor blade hones, when in fact these selling values were greatly exaggerated and such products had not been made with the intention that they would be sold at such enhanced prices, according to the stipulation.

No. 1403. Spiegel, May, Stern & Co., Chicago, Ill. The respondent will cease and desist from using in its catalogues or otherwise the words "Wool Face," either alone or in connection with

other words, to describe its products so as to imply, or in a manner which may have a tendency to deceive buyers into believing, that the rugs or the face of the rugs are made of wool. Provision is made, however, that when the rugs or the face of the rugs are composed in substantial part of wool, and the words "Wool Face" are used, these words are to be accompanied by other words in equally conspicuous type clearly showing that the article is not made entirely of wool.

The corporation also agrees to cease representing that its rugs have "greater wearing qualities than similar rugs that have always sold for as much as ten times the price," and will cease advertising that the shipping weight of its product is "43 lbs" or of any other designated shipping weight which is in excess of the actual amount.

No. 1404. Lewis Cooper, Chicago, formerly trading as Berkshire Co., Publicity Department, but now as Lancaster China Co., Publicity Department.

Cooper will no longer use on coupons or otherwise, ambiguous and misleading representations respecting the terms and conditions on which the coupons are to be redeemed, and especially with reference to payment by customers for premiums. He will cease using on coupons or otherwise exaggerated representations respecting the selling value of the premiums to which retailers' customers may become entitled.

No. 1405. Reliable Tire Co., Chicago, Ill., trading as York Tire and Rubber Co. and as the Globe Tire and Rubber Co. The respondent has stipulated with the Federal Trade Commission to cease unfair advertising practices. The company engages in the purchase, repair and resale of used automobile tires.

Advertising "new low tire prices" and a guarantee of twelve months' service, the company made known that it sold certain well-known makes of tires. The stipulation points out that they were not new tires nor were they "reconstructed" or retreaded, but that reconditioning was limited to the repair of worn or damaged portions and to vulcanizing and painting the tires so that they presented a new appearance.

Use of the word "reconstructed" or words of similar import to designate its process of reconditioning tires will be discontinued, under the stipulation, as will be use of the word "reconstructed" or similar expressions which may tend to deceive buyers into believing that these tires are reconditioned or rebuilt, when this is not true.

No. 1406. Miordrag Jelisjevich, New York City, trading as the Pioneer Sound Laboratory. The respondent agrees to cease using "all wave" as descriptive of his products when they are not capable of reception over the entire meter range covering all broadcasts and commercial transmissions, and to cease implying in advertisements that users of his radio receiving sets can have world-wide or foreign reception at will and with satisfactory volume.

The respondent's advertising was said to be misleading and deceptive to the purchasing public, who are not aware that there are no receiving instruments that will give easily tuned, satisfactory reception over short waves from foreign countries under all conditions.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

Nos. 2451-55, 2470-79, 2481, 2486-89. Kelly Brewing & Malting Co., Paterson, N. J.; trading as Rosecrest Distillers; Dominion Distilleries, Inc., Jersey City, N. J.; Paramount Distilleries, Inc., Cleveland, Ohio; Byrd Distilling Co., Louisville, Ky.; Imperial Distillers Corp., Los Angeles, Calif.; Colonial Distilling and Distributing Corporation, New York City; Campbell Distilleries, Inc., Camden, N. J.; Massachusetts Breweries & Distilleries Corporation, Boston; Hercules Products & Distilling Corp., Brooklyn, N. Y.; United Distilling Company, Cincinnati; Distillers Exchange, Inc., New York City; L. Musil Distilling Company, Racine, Wis.; Nacional Destilerias Corporation, Indianapolis; Valley Springs Distillery, Inc., Chicago; Sunlyland Distilling Co., Inc., Louisville, Ky.; Ambur Distilleries, Inc., Milwaukee, Wis.; United Distillers & Winers, Inc., Detroit, Mich.; United Importers & Distillers, Inc., New Haven, Conn.; Consolidated Distillers Corporation, Baltimore, Md.; Mount Rose Distilling Co., Trenton, N. J.

No. 2456. Blackwell Publishing Co., publishers of the Blackwell (Okla.) *Daily Journal*. The complaint charges the *Journal* with selling advertising space at a price substantially below the cost of setting up and printing the advertisements, and substantially below the cost at which its competitor, the Blackwell *Tribune*, can set

up and publish the advertisements, thus forcing the *Tribune* either to forego this vital part of its business or to operate at no profit or at a loss.

Journal representatives are alleged to have falsely represented to *Tribune* subscribers that the *Tribune* was on the verge of financial failure and soon would be forced to suspend publication, and that subscribers to the *Tribune* would lose all or a greater part of the money paid to the *Tribune* for subscriptions. The complaint also charges that the *Journal* further sought to deprive the *Tribune* of subscribers by offering them its own paper without charge for the remaining term of their subscriptions to the *Tribune*, on condition that they would thereafter subscribe only to the *Journal*.

The practices of fixing advertising rates below a profitable return and of making disparaging statements of the *Tribune's* financial condition are alleged to have the purpose and intent of forcing the *Tribune* out of business in Blackwell, Okla., and other territory served by both papers, and thereby to gain for the *Journal* a monopoly of the newspaper business in that territory. Both papers circulate in Oklahoma and southern Kansas.

The respondent is given until Friday, August 2, to show cause why there should not be issued an order to cease and desist from the practices alleged in the complaint.

No. 2457. New England Collapsible Tube Co., New London, Conn., and Robert P. Gust Co., Inc., Chicago, Ill. Engaged in the manufacture of dentifrices, the New England firm is alleged to have sold four tooth pastes or creams in tubes and cartons simulating in size, shape, dress and appearance the tubes and cartons of four well-known dentifrice companies, but with fictitious company names and the printed price in excess of that at which these products ordinarily would have been sold.

Tubes and cartons in which the New England company's four dentifrices were sold are described as similar in size, shape and other characteristics to the tubes and cartons of four nationally-known brands, namely, Squibb Dental Cream, Forhan's, Ipana Tooth Paste, and Pepsodent Tooth Paste.

Respondent caused the fictitious price of fifty cents to be marked on the ends of its cartons, according to the complaint. The brand names, also said to be fictitious, were as follows: "Quire's Milk of Magnesia Dental Cream—Quire Laboratories, New York—50¢; Forsyth Dental Cream—Forsyth Labs., New York, N. Y.; Payne's Tooth Paste—Payne Laboratories, New York—Price 50¢; and Palmer's Tooth Paste—Palmer Laboratories, New York, N. Y.—50¢."

The Robert P. Gust Co., Inc., manufacturers' sales agent, is alleged to have sold the four dentifrices made by the New England Collapsible Tube Co.

No. 2485. Philip Welsh, Pacific Palisades, Calif., trading as the Welsh Foundation. The respondent's advertisements of his booklet called "The 7 Essentials of Health" are alleged in the complaint to have a tendency to deceive the buying public into believing that this booklet contains instructions and secrets of life and modes of living that will prevent and cure all or most of the diseases of mankind.

The complaint alleges that Welsh's instructions are not such as to prevent or cure all diseases and that many of his instructions are mere repetitions of facts of common knowledge.

No. 2483. Try-Mo Radio Co., Inc., New York City. Advertisement of "All-Wave Receivers," "Powertone World Wide Short-Wave Products" and "Powertone World Reception" is alleged to be false and misleading in that none of the respondent's products makes it possible for the operator to receive through a single instrument either the domestic broadcast band or the foreign broadcast band at his pleasure.

No. 2490. T. S. Craig, Dallas, Texas, dealer in hosiery, trading as the United Silk Co.

Among practices alleged is the representation to purchasers that the respondent will deliver to them hosiery of the size and color desired and of the quality or grade represented by the sample, when in fact, according to the complaint, he ships stockings of a quality or grade inferior to the sample selected and inferior to the quality indicated by the purported mill number description. It is charged that after discovery of this and complaint by the purchaser, Craig fails and refused to make good his representations and promises.

The complaint says the respondent's use on blanks of the name "United Silk Co.," and the designation "Dallas Office" and use of the term "Mill No." with the description and price of each quality or grade, causes prospective purchasers to believe that they are dealing with an established, substantial concern carrying in stock or having available for delivery hosiery of the quality indicated by the mill number, when this is not true.

No. 2480. Glenn Leach, trading as G. Leach & Co., Pittsburgh, Pa. The respondent, who is engaged in the sale of earthenware kitchen utensils in competition with dealers in aluminum and other utensils, is said to have falsely represented that consumption of food prepared or kept in aluminum utensils causes diseases such as ulcers, cancers and cancerous growths.

Leach is also alleged to have represented falsely that the price of his wares is much lower than the regular retail price and that he is a manufacturer. The complaint points out that Leach does not manufacture the ware sold by him but buys it from a factory owned and operated at Roseville, Ohio. It also charges that Leach also advertised his product as fire resistant when this was not true.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act;

Incorporated Investors Voting Trust, Boston, Mass (2-1486, Form F-1).

Incorporated Investors, Boston, Mass. (2-1487, Form A-1).

Equitable Investment Corporation of Massachusetts, Boston, Mass. (2-1488, Form A-1).

Bayonne Bolt Corporation, Bayonne, N. J. (2-1489, Form A-1).

Texas San Antonio Corporation, Dallas, Texas (2-1490, Form E-1).

Metropolitan District New Homes Corp., New York City (2-1491, Form C-1).

Allegheny Steel Company, Breckenridge, Pa. (2-1492, Form A-2).

Allegheny Steel Company, Breckenridge, Pa. (2-1493, Form A-2).

Godhaux Sugars, Inc., New Orleans, La. (2-1494, Form A-1).

United Securities Company of Mo., Kansas City, Mo. (2-1495, Form C-1).

United Securities Company of Mo., Kansas City, Mo. (2-1496, Form C-1).

Esmeralda-Parral Mining Company, Philadelphia, Pa. (2-1497, Form A-1).

No. 1—Roseld Avenue Deal Corp., Trenton, N. J. (2-1499, Form E-1).

Midcontinent Carey Trust, Tulsa, Okla. (2-1500, Form A-1).

Olympic Forest Products Company, San Francisco, Cal. (2-1501, Form A-1).

Spiegel, May Stern Company, Chicago, Ill. (2-1502, Form A-2).

Hassinger-O'Brien Lease, Butler, Pa. (2-1504, Form A-1).

Gyro Air Lines, Inc., Denver, Colo. (2-1505, Form A-1).

New York Water Service Corp., Long Island, N. Y. (2-1506, Form A-2).

Noel & Company, Nashville, Tenn. (2-1509, Form D-1A).

Noel & Company, Nashville, Tenn. (2-1510, Form E-1).

Cleveland Railway Company, Cleveland, Ohio (2-1511, Form A-2).

Medusa Portland Cement Co., Cleveland, Ohio (2-1512, Form A-2).

Northern Ohio Telephone Co., Bellevue, Ohio (2-1513, Form A-2).

United Wholesale Druggists, Inc., Boston, Mass. (2-1514, Form A-1).

North Central Gas Company, Casper, Wyo. (2-1515, Form A-1).

Anglo American Mining Corp. Ltd., San Francisco, Cal. (2-1516, Form A-1).

Citizens Mortgage & Securities Co., Inc., Springfield, Mo. (2-1518, Form A-1).

Reynolds Spring Company, Jackson, Mich. (2-1519, Form A-2).

Abbott Laboratories, North Chicago, Ill. (2-1522, Form A-2).

Edward G. Budd Mfg. Co., Philadelphia, Pa. (2-1524, Form D-1A).

Edward G. Budd Mfg. Co., Philadelphia, Pa. (2-1525, Form E-1).

Sussex Fire Insurance Co., Newark, N. J. (2-1526, Form A-1).

The Wehie Brewing Co., West Haven, Conn. (2-1527, Form A-1).

American Seating Company, Grand Rapids, Mich. (2-1528, Form A-2).

American Seating Company, Grand Rapids, Mich. (2-1529, Form D-1A).

W. H. Walburg et al., Dayton, Ohio (2-1530, Form F-1).

Peoria Distilleries, Inc., Peoria, Ill. (2-1531, Form A-1).

Virginia City Mining Company, Butte, Mont. (2-1532, Form A-1).

Muskegon Piston Ring Co., Muskegon, Mich. (3-1533, Form A-2).

Refugee Economic Corp., New York City (2-1534, Form A-1).
The Hurth Hotel Bondholders Committee, Cincinnati, Ohio
(2-1536, Form D-1).
Michigan Chemical Corporation, St. Louis, Mo. (2-1537, Form
A-1).
American Toll Bridge Company, Vallejo, Cal., (2-1540, Form
A-1).
Amarillo Producers Company, Amarillo, Texas (2-1541, Form
A-1).
Gold Shore Mines, Ltd., Winnipeg, Canada (2-1543, Form A-1).
Brown Shoe Company, St. Louis, Mo. (2-1544, Form A-2).

WORLD RADIO FIGURES RELEASED

There are 56,247,429 radio sets in operation in the world today, according to a bulletin just released by the Electrical Division of the Bureau of Foreign and Domestic Commerce.

The United States leads the world with 25,551,569 radio sets, including automobile sets and similar units in addition to those installed in homes. The number of sets in operation in other leading countries is as follows: Great Britain, 7,055,464; Germany, 6,734,745; France, 2,763,123; Russia, 2,000,000; Japan, 1,859,987; Canada 812,335; and Argentina, 600,000.

ADVERTISING BIBLIOGRAPHY PUBLISHED

A bibliography, containing all recent books of any importance dealing with advertising and related fields, has been published recently by the Advertising Federation of America. The bibliography has been divided conveniently into various fields such as advertising agencies, copy, media, specific fields of advertising chain stores, cooperative marketing, law of advertising, radio advertising, advertising and marketing research and similar headings.

The bibliography is the work of Alfred T. Falk, Director of the Bureau of Research and Education of the Advertising Federation of America. Copies may be procured by writing the Federation headquarters, 330 West 42nd Street, New York City. The cost is fifty cents.

NEW MARKET DATA AVAILABLE

The first data to correlate income and the consumption of goods within the same families in various income classes has just been published by the Bureau of Foreign and Domestic Commerce in a study entitled "Consumer Use of Selected Goods and Services by Income Classes, Austin, Texas." Building materials, heating apparatus, fuel for heating and for cooking, bathing facilities, mechanical refrigeration and automobiles are the items treated in the report.

This is the first report of a series which will include communities in each Census District. Since the information revealed by the various reports will probably be indicative of the situation in wide areas of the country, broadcasters will do well to consider this data in their market analyses. Copies may be secured from the Bureau of Foreign and Domestic Commerce, Washington, D. C., at a price of ten cents per copy.

NEW NORTH DAKOTA STATION RECOMMENDED

George B. Bairey filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Valley City, N. D., to use 1500 kilocycles, 100 watts power and unlimited time on the air.

Melvin H. Dalberg(e) in Report No. I-68 has recommended that the application be granted. The Examiner found that the applicant is in all ways qualified to operate the proposed station and that the granting of the application would in no way cause interference with existing radio facilities nor with pending applications.

BILL AUTHORIZES ACCOUNTANTS

The House Committee on Interstate and Foreign Commerce has made a favorable report on S. 1336 to amend paragraph (f) of section 4 of the Communications Act of 1934.

The bill authorizes the employment by the Federal Communications Commission of a chief accountant and not more than three assistants. No provision is made in the Communications Act for such employees. The bill has already passed the Senate.

OREGON DENIAL RECOMMENDED

Carl C. Struble applied to the Federal Communications Commission for a construction permit for a new broadcasting station

to be erected at The Dalles, Ore., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

John P. Bramhall(e) in Report No. I-73 recommends that the application be denied. The Examiner found that the applicant failed to show that he has had any experience or is particularly qualified to erect and manage a station and his financial assets are not sufficient to warrant such a station.

NEW APPLICANT DEFAULTS

Radio Service, Inc., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Las Vegas, Nev. to use 1200 kilocycles, 100 watts power and unlimited time on the air.

P. W. Seward (e) in Report No. I-71 recommends that the application be denied as in cases of default. When the hearing was called there were no appearances.

LICENSEES ABSENT AT RENEWAL HEARING

M. B. Scott and Edward C. Strum, operating Station KPJM, Prescott, Ariz., applied to the Commission for license renewal. The station's operating assignment was 1500 kilocycles, 100 watts power and unlimited time.

The same Examiner in Report No. I-70 recommends that the application be denied on the basis that when the hearing was held there were no appearances.

WHBC AND WJW OBTAIN FAVORABLE REPORT

Station WJW, Akron, Ohio filed application with the Federal Communications Commission asking that its daytime power be increased from 100 to 250 watts power. WHBC, Canton, Ohio, asked that its daytime power also be increased from 100 to 250 watts and that it be granted specified hours of operation. Station WHBC also asked that its time be changed from specified hours to unlimited time.

George H. Hill(e) in Report No. I-69 recommended that the application of Station WJW be granted increasing its power and also that the application of Station WHBC be granted for both increasing its power and the unlimited hours of operation "on condition that the applicant install an antenna which complies with the recommendations of the Engineering Department of the Commission."

RECOMMENDS FREQUENCY CHANGE FOR KTFI

Broadcasting station KTFI, Twins Falls, Idaho using unlimited time, 1240 kilocycles, and 500 watts day and 1,000 watts night has applied to the Federal Communications Commission to change its frequency to 630 kilocycles and surrender the special experimental authorization it now has permitting it to use 1,000 watts night on an experimental basis.

Ralph L. Walker(e) in Report I-75 has recommended that the application be granted. The Examiner found that the record discloses a substantial need for additional service in the area and it was found that this could be allowed without interference with any existing station.

RECOMMENDS AGAINST PENNSYLVANIA STATION

F. L. Whitesell filed an application with the Federal Communications Commission asking for a permit for the erection of a new broadcasting station to be erected at Forty Fort, Pa., to use 930 kilocycles, 500 watts power and daytime operation.

R. H. Hyde(e) in Report No. I-74 has recommended that the application be denied. The Examiner found that the applicant's evidence did not afford convincing proof that if the new station were permitted, it would be financed in such a manner as to serve public interest. It is also contended that the proposed station would cause interference with existing stations.

RECOMMENDS AGAINST TWO TEXAS STATIONS

The Brownsville Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Brownsville, Texas, to use 1370 kilocycles, 100 watts power and unlimited time. Application was also made to the Commission by the Denton Broadcasting Company for the erection of a station at Denton, Texas, to use 1420 kilocycles, 100 watts power and day-time operation.

Ralph L. Walker(e) in Report No. I-72 recommends that both of the applications be denied. The Examiner found that the evidence in either case did not show that sufficient talent was available at either Texas point or that the stations would receive adequate financial support.

WAGNER-CONNERY LABOR RELATIONS ACT

[PUBLIC—No. 198—74TH CONGRESS]

[S. 1958]

AN ACT

To diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, to create a National Labor Relations Board, and for other purposes.

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

FINDINGS AND POLICY

SECTION 1. The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

DEFINITIONS

SEC. 2. When used in this Act—

(1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

(9) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(10) The term "National Labor Relations Board" means the National Labor Relations Board created by section 3 of this Act.

(11) The term "old Board" means the National Labor Relations Board established by Executive Order Numbered 6763 of the President on June 29, 1934, pursuant to Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), and reestablished and continued by Executive Order Numbered 7074 of the President of June 15, 1935, pursuant to Title I of the National Industrial Recovery Act (48 Stat. 195) as amended and continued by Senate Joint Resolution 133¹ approved June 14, 1935.

NATIONAL LABOR RELATIONS BOARD

SEC. 3. (a) There is hereby created a board, to be known as the "National Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of three years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and two members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

Sec. 4. (a) Each member of the Board shall receive a salary of \$10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint, without regard for the provisions of the civil-service laws but subject to the Classification Act of 1923, as amended, an executive secretary, and such attorneys, examiners, and regional directors, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section

¹So in original.

may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this Act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.

(b) Upon the appointment of the three original members of the Board and the designation of its chairman, the old Board shall cease to exist. All employees of the old Board shall be transferred to and become employees of the Board with salaries under the Classification Act of 1923, as amended, without acquiring by such transfer a permanent or civil service status. All records, papers, and property of the old Board shall become records, papers, and property of the Board, and all unexpended funds and appropriations for the use and maintenance of the old Board shall become funds and appropriations available to be expended by the Board in the exercise of the powers, authority, and duties conferred on it by this Act.

(c) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

SEC. 6. (a) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

SEC. 8. It shall be an unfair labor practice for an employer—

(1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6 (a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

(3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made.

(4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.

(5) To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9 (a).

REPRESENTATIVES AND ELECTIONS

SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

(b) The Board shall decide in each case whether, in order to

insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

(c) Whenever a question affecting commerce arises concerning the representation of employees, the Board may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation, the Board shall provide for an appropriate hearing upon due notice, either in conjunction with a proceeding under section 10 or otherwise, and may take a secret ballot of employees, or utilize any other suitable method to ascertain¹ such representatives.

(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under sub-sections 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

(c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any circuit court of appeals of the United States (including the Court of Appeals of the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the Supreme Court of the District of Columbia), within any circuit or district, respectively,

¹ So in original.

wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the Court of Appeals of the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; and the findings of the Board as to the facts, if supported by evidence, shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101-115).

(i) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

INVESTIGATORY POWERS

SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being inves-

tigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearing or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, any District Court of the United States or the United States courts of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

LIMITATIONS

SEC. 13. Nothing in this Act shall be construed so as to interfere with or impede or diminish in any way the right to strike.

SEC. 14. Wherever the application of the provisions of section 7 (a) of the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, sec. 707 (a)), as amended from time to time, or of section 77 B, paragraphs (l) and (m) of the Act approved June 7, 1934, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States' approved July 1, 1898, and Acts amendatory thereof and supplementary thereto" (48 Stat. 922, pars. (l) and (m)), as amended from time to time, or of Public Resolution Numbered 44, approved June 19, 1934 (48 Stat. 1183), conflicts with the application of the provisions of this Act, this Act shall prevail: *Provided*, That in any situation where the provisions of this Act cannot be validly enforced, the provisions of such other Acts shall remain in full force and effect.

SEC. 15. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 16. This Act may be cited as the "National Labor Relations Act."

Approved, July 5, 1935.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, July 25, 1935

- NEW—F. N. Pierce, Taylor, Texas.—C. P., 1310 kc., 100 watts, daytime.
WRJN—Racine Broadcasting Corp., Racine, Wis.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- WOW—Woodmen of the World Life Ins. Asso., Omaha, Nebr.—Granted modification of C. P. authorizing approval of transmitter site, change type of equipment, and extend commencement date to within 30 days after grant and completion date to within 90 days thereafter.
WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted license to cover C. P. authorizing move of station from Mt. Orab to Portsmouth, Ohio, and installing of new equipment; 1370 kc., 100 watts, unlimited time.
WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted license to cover C. P. for local move of transmitter; 1500 kc., 100 watts night, 250 watts day, unlimited.
KWBG—W. B. Greenwald, Hutchinson, Kans.—Granted license to cover C. P. authorizing erection of new station to operate on 1420 kc., 100 watts, unlimited time.
WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted license to cover C. P. authorizing increase in power from 25 to 50 KW and installing new equipment.
WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—Granted consent to voluntary assignment of license to Olean Broadcasting Co., Inc.
WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, for the period July 1 to July 31, 1935, in order to broadcast local civic and political activities.
KGKB—East Texas Broadcasting Co., Tyler, Texas.—Granted 30-day temporary authority to operate from 8 a. m. to 2 p. m. and from 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6, and 7:30 to 9 p. m., CST, as at present licensed.
WMFI—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. approving transmitter and studio sites, make changes in equipment, and extend completion date to 60 days after grant.
KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority to operate on 1100 kc., unlimited time, using directional antenna at night, for the period August 1, 1935, to February 1, 1936.
WOKO—WOKO, Inc., Albany, N. Y.—Granted C. P. to move transmitter due west of old location to a site located at intersection of Central Avenue and Tremont Street, and erect a ¼ wave vertical radiating tower; also make changes in equipment.
WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover C. P. authorizing move of transmitter from Waterloo to a site 7½ miles northeast of Cedar Rapids.
WJJD—WJJD, Inc., Mooseheart, Ill.—Granted C. P. to move transmitter to Des Plains, Ill., and erect a new vertical radiator.
KLUF—Geo. Roy Clough, Galveston, Tex.—Granted extension of special experimental authority to operate with 250 watts daytime for the period ending January 1, 1936.
NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted C. P. for new station to operate on 1140 kc., 250 watts, daytime.
W1XCW—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, Portable (St. Albans, Vt.).—Granted license to

cover C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 20 watts.

- W9XGM—WCBBD, Inc., Portable (Waukegan, Ill.).—Granted license to cover C. P., frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
W10XCL—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to operate under Rule 320 (broadcast pickup) instead of Rule 307. (Present assignment: 31100, 34600, 37600, 40600 kc., 15 watts.
W10XCM—Hearst Radio, Inc., Portable-Mobile (New York City).—Granted modification of license to operate under rule 320 (broadcast pickup) instead of Rule 307. (Present assignment: 31100, 34600, 37600, 40600 kc., 15 watts.
NEW—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 5 watts, unlimited time.
KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to install automatic frequency control.
W1XBS—American Republican, Inc., Prospect Township (New Haven County), Conn.—Granted renewal of experimental broadcast station license for the period ending December 1, 1935, in exact conformity with existing license.
KAST—Abraham Shapiro, Astoria, Ore.—Granted license to cover C. P. for new station; 1370 kc., 100 watts, daytime.
National Broadcasting Co., Inc., New York City.—Granted authority to use studio for production of programs to Canadian radio stations.
KIUP—C. Guy Shepard, Durango, Colo.—Granted involuntary assignment of C. P. from LeRoy Haley to C. Guy Shepard.
NEW—G. L. Burns, Brady, Tex.—Granted amended C. P. for new station to operate on 1500 kc., 100 watts, daytime, and application dismissed from hearing docket.
WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted modification of special temporary experimental authorization to operate with 500 KW at night and conventional antenna for a period of 30 days.
NEW—Anderson Broadcasting Corp., Portable-Mobile (Anderson, Ind.).—Granted C. P., frequencies 31100, 34600, 37600, 40600 kc., 7 watts.
NEW—Kansas State College of Agriculture and Applied Science, Portable-Mobile, Manhattan, Kans.—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 4 watts.
NEW—Agricultural Broadcasting Co., Portable-Mobile (Chicago).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 25 watts.
NEW—Agricultural Broadcasting Co., Portable-Mobile (Chicago) (2 appls.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 2 watts power.
NEW—Agricultural Broadcasting Co., Portable (Chicago).—Granted C. P. for new broadcast pickup station; frequencies 1606, 2020, 2102, 2760 kc., 100 watts.
NEW—National Broadcasting Co., Inc., Portable-Mobile.—Granted license to cover C. P. for broadcast pickup station, experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 25 watts, for period ending October 1, 1936.
W2XBH—Radio Pictures, Inc., New York City.—Granted renewal of existing license for the period August 1 to November 1, 1935.
W1XKA-W8XKA-W3XKA—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of licenses for the period ending October 30, 1935.
W3XDD—Bell Telephone Laboratories, Inc., New York City.—Granted renewal of license for a period of 90 days from July 29, 1935.
WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted C. P. to use present transmitter as auxiliary and move it from Kearny to Carteret, N. J.
WJAX—City of Jacksonville, Jacksonville, Fla.—Granted modification of C. P. approving transmitter site and extending commencement date to 30 days after grant and completion date to 90 days thereafter.
KGBX—KGBX, Inc., Springfield, Mo.—Granted modification of special authorization to make changes in equipment.
KABC—Alamo Broadcasting Co., San Antonio, Tex.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted modification of C. P. extending commencement date to August 18, 1935, and completion date to December 18, 1935.
WPFB—Otis Perry Eure, Hattiesburg, Miss.—Granted voluntary

assignment of license from Otis Perry Eure to Forrest Broadcasting Company.

- WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted modification of C. P. to extend completion date from August 1, to October 1, 1935.
- WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted license to cover C. P. for new station, frequency **1310 kc.**, 100 watts night, 250 watts day, unlimited time.
- KIUJ—J. H. Speck, Santa Fe, N. Mex.—Granted assignment of license from J. H. Speck to W. C. Irvin.
- WNBC—William J. Sanders, New Britain, Conn.—Granted license to cover C. P. for new station, frequency **1380 kc.**, 250 watts, daytime.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted license to cover C. P., **550 kc.**, 500 watts, daytime.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted license to cover C. P. covering installation of new equipment and increase in power from 5 to 10 KW; **770 kc.**, simultaneously day WBBM, S-WBBM night; synchronously WBBM LS to midnight.

APPLICATIONS SET FOR HEARING

- NEW—John A. Stump, Fairbanks, Alaska.—Application for C. P. for new station, **1210 kc.**, 50 watts, specified hours.
- NEW—W. H. Kindig, Hollywood, Calif.—Application for C. P. for new station, **1300 kc.**, 1 KW, share KFAC.
- NEW—R. J. Nasser, Sacramento, Calif.—Application for C. P. for new station, **850 kc.**, 250 watts, daytime.
- WDAE—Tampa Times Company, Tampa, Fla.—Application for C. P. to make changes in equipment, change day power from 1 to 5 KW.
- KADA—C. C. Morris, Ada, Okla.—Application for special authorization to operate on **1200 kc.**, 100 watts, unlimited time, for period of 90 days.
- NEW—National Television Corp., New York City.—Application for C. P. for new experimental visual broadcast station; frequencies **42000-56000, 60000-86000 kc.**, 30 watts, unlimited.
- NEW—Albert E. Davis, Brownwood, Tex.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.
- KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license to increase daytime power from $2\frac{1}{2}$ to 5 KW.
- WJBW—Charles C. Carlson, New Orleans, La.—Application for modification of license to change hours of operation from sharing with WBNO to unlimited, contingent upon the granting of WBNO's application for modification of license now in hearing docket.
- NEW—A. Stanart Graham, E. V. Baxter, Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—C. P., already in hearing docket, amended so as to read: Change frequency, from **1310 kc.** to **1500 kc.**, 100 watts, unlimited.
- NEW—Clark Standiford, Visalia, Calif.—C. P., already in hearing docket, amended so as to read: Transmitter and studio location, Visalia, Calif., exact site to be determined with Commission approval; **1310 kc.**, 100 watts, daytime.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of C. P. to change frequency from **890 kc.** to **850 kc.**, hours of operation from unlimited to daytime only, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license to change frequency to **890 kc.** and to operate with 500 watts, unlimited time. Requests facilities of WMMN.
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modification of license to change frequency from **1450 kc.** to **890 kc.**, and requests facilities of WMMN.
- WBNX—Standard Cahill Co., Inc., New York City.—Application for C. P. to move station locally, exact location to be determined subject to Commission approval; make changes in equipment, and increase power from 250 watts to 1 KW.
- KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Application for C. P. to make changes in equipment; increase power from 500 watts to 1 KW night, 5 KW day.
- NEW—Wayne Broadcasting Co., Hamtramack, Mich.—Application for C. P. for new station, **1370 kc.**, 100 watts, daytime.
- NEW—Champaign News-Gazette, Inc., Champaign City Limits, Ill.—Application for C. P. for new station, **1370 kc.**, 100 watts, unlimited time.

- NEW—Pauline Holden, Porterville, Calif.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time.
- KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Application for modification of license to change power from 500 watts night, 1 KW day, to 1 KW day and night, using present antenna system.
- NEW—G. A. Patterson, Chattanooga, Tenn.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.
- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Application for modification of C. P. to increase day power from $2\frac{1}{2}$ to 5 KW.
- NEW—Robert E. Cole, Washington, Pa.—Application to amend C. P., already in hearing docket, to read: **1350 kc.**, 250 watts, daytime.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Application to amend C. P., already in hearing docket, to read: Change frequency from **1370 kc.** to **1410 kc.**, power from 100 watts to 1 KW night, 5 KW day; make changes in antenna.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Application to amend C. P., already in hearing docket, to read: Move station locally, exact location to be determined subject to Commission approval; install new equipment; and increase power from 1 to 5 KW. To be heard by Division en banc.
- NEW—American Broadcasting Corp. of Ohio, near Town of Brooklyn, Ohio.—Application for C. P. for new station to operate on **890 kc.**, 500 watts night, 1 KW day, unlimited time.
- KGA—Louis Wasmer, Spokane, Wash.—Application for special experimental authority to change frequency from **1470 kc.** to **950 kc.**, operating with 1 KW night, 5 KW day.

ACTION ON EXAMINER'S REPORT

- NEW—Ex. Rept. No. 1-71: Radio Service, Inc., Las Vegas, Nev.—Denied as in default application for C. P. for station to operate on **1200 kc.**, 100 watts, unlimited time, sustaining Examiner P. W. Seward.
- WAAT—Ex. Rept. No. 1-42: Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license, **940 kc.**, 500 watts, daytime until 6 p. m., EST. Also granted license to cover C. P. to move transmitter locally and install new equipment. Order effective August 8, 1935. Examiner R. H. Hyde sustained.
- KCRC—Ex. Rept. No. 1-49: Enid Radiophone Co., Enid, Okla.—Granted modification of license to change frequency from **1370 kc.** to **1360 kc.**; increase power from 100 watts night, 250 watts day, to 250 watts; unlimited time. Order effective July 16, 1935. Examiner R. H. Hyde sustained in part.
- NEW—Ex. Rept. No. 1-58: Price Siever, O. L. Bayless, and J. W. Steele, Jr., Duncan, Okla.—Denied C. P. for new station (broadcast) to operate on **1500 kc.**, 100 watts, unlimited time. Order effective August 13, 1935. Examiner R. H. Hyde sustained.
- NEW—Ex. Rept. No. 1-59: Raymond L. Hughes, Midland, Tex.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours; and E. F. Houser and Clyde Miller, d/b as Big Spring Broadcasting Co., Big Spring, Tex.—Denied C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, daytime hours. Order effective August 13, 1935. Examiner R. L. Walker sustained.

ORAL ARGUMENTS GRANTED

Oral arguments were granted, scheduled to be held October 17, 1935, before the Broadcast Division, in re Examiner's Report No. 1-60, involving Station WSIX, Springfield, Tenn.; Evansville on the Air, Inc., Evansville, Ind.; and Nashville Broadcasting Corp., Nashville, Tenn. Also in the case of Mary H. and W. C. Morris, d/b as Hotel Eagle, Eagle Pass, Tex. (Docket 2636), and T. Yount, d/b as Universal Advertising Agency, Larado, Tex. (Docket 2835), heard by Commissioner Brown.

The Broadcast Division, sitting en banc, will hear oral argument on November 7, 1935, on exceptions to Examiner Reports Nos. 1-44 and 1-61. Report No. 1-44 deals with the application of KMAC, San Antonio, Tex., for special experimental authority to change frequency from **1370 kc.** to **950 kc.**, increase in power from 100 watts to 1 KW, and change in time to unlimited; also the application of T. E. Kirksey, Lubbock, Tex., to change frequency from **1310 kc.** to **940 kc.**, and increase power from 100 to 500 watts;

also application of KGKL, San Angelo, Tex., to change frequency from 1370 kc. to 940 kc., increase power to 500 watts, daytime. Report No. 1-61 deals with application of J. L. Scroggin for new station at St. Joseph, Mo., to operate on 1310 kc., 100 watts, unlimited time; and an identical application by News Broadcasting Co., at St. Joseph, Mo.

APPLICATIONS DISMISSED

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

- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authority, 1340 kc., 1 KW, unlimited time.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of C. P. (550 kc.), 1 KW, 5 KW LS, unlimited time; extend commencement and completion dates.
- WEHC—Community Broadcasting Corp., Charlottesville, Va.—Special temporary experimental authority, 1420 kc., 100 watts, 250 watts LS, simultaneous night WEED.
- NEW—Herbert Lee Blye, Lebanon, Pa.—C. P., 1240 kc., 250 watts, daytime.
- NEW—Herbert Lee Blye, Uniontown, Pa.—C. P., 1420 kc., 100 watts, daytime.
- WMT—Waterloo Broadcasting Co., Cedar Rapids, Iowa.—Modification of special experimental authority to use S.A. at new location; 600 kc., 1 KW, 2½ KW LS, unlimited time.

MISCELLANEOUS

- KQV—KQV Broadcasting Co., Pittsburgh, Pa., and WSMK—WSMK, Inc., Dayton, Ohio.—Denied extension of special temporary experimental authority, effective immediately, for stations KQV and WSMK, to operate simultaneously from 8 p. m. to 12 midnight, EST, for period beginning July 1 and ending not later than July 31, 1935. (KQV and WSMK normally licensed for simultaneous daytime operation (July sunset 8 p. m., EST) and specified hours at night on 1380 kc., power of KQV 500 watts and WSMK 250 watts.)
- NEW—Jackson D. Magenau, Erie, Pa.—Denied petition to hear earlier than October 17, 1935, oral argument in re exceptions to Examiner's Report made on application for new station at Erie, Pa.
- NEW—WMAN Broadcasting Co., Mansfield, Ohio.—Denied petition to hear earlier than October 17, 1935, oral argument in re exceptions to Examiner's Report made on application for new station at Mansfield, Ohio.
- J. David Stern, New York City.—Granted motion to reinstate application for C. P. specifying 810 kc., 500 watts from 6 a. m. to LS Minneapolis, Minn., facilities of WNYC. Also granted leave to file appearance and participate in hearing on October 24, 1935, of application of WLWL for modification of license to change frequency from 1100 kc. to 810 kc. and operating time from specified hours to unlimited.
- NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Amended application for new radio broadcasting station to operate on 1310 kc., to be heard at the same time application of Howard W. Haskett for new station at Santa Rosa, Calif., to operate on 1280 kc. is considered. Record in case where Westlund and Cohn applied for station to operate on 1500 kc., 100 watts, to be kept open.
- WATR—The WATR Company, Inc., Waterbury, Conn.—Granted request for continuance of hearing scheduled for August 9 to August 15, to accommodate counsel for the protestant, W1XBS, American Republican, Inc.
- KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted request to take depositions in re application for new station to operate on 1450 kc., 500 watts, unlimited time.
- WJBW—Chas. C. Carlson, New Orleans, La.—Reconsidered action in designating application for renewal of license for hearing and granted same.
- WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Denied petition requesting authority to operate, daytime only, in Toledo, Ohio, with 100 watts, on 1210 kc.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Reconsidered action of June 18th in granting license and set for hearing application to operate on 1240 kc., 1 KW, unlimited time.
- KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Reconsidered action of June 18th in granting license and set for

hearing application to operate on 570 kc., 500 watts night, 1 KW unlimited time.

- KFH—Radio Station KFH Co., Wichita, Kans.—Suspended action taken May 28, 1935, authorizing changes in equipment and increase in day power to 5 KW, and designated application for hearing on protest of KFBI.
- NEW—Centennial Broadcasting Corp., Dallas, Tex.; and NEW—Dallas Broadcasting Co., Dallas, Tex.; and Paris Broadcasting Co., Paris, Tex.; and KGBX—E. Texas Broadcasting Co., Tyler, Tex.—Granted petition extending to August 1, 1935, within which to file exceptions to Examiner's Report No. 1-64, due July 10.
- NEW—North Side Broadcasting Corp., New Albany, Ind.—Denied petition asking Commission to reconsider and grant application without hearing, for new station to operate, daytime only, on 1370 kc., 250 watts.
- Miles J. Hansen, Fresno, Calif.—Granted request for an order to take depositions in support of application for C. P. for new radio station at Fresno, Calif.
- Palmer Broadcasting Syndicate, Inc.; Cumberland Broadcasting Co., Inc.; Eastern Broadcasting Co.—Granted continuance of hearing, scheduled for July 31, on applications to establish new stations at Portland, Me., to operate 1210 kc., 100 watts, unlimited time.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted postponement for 30 days from July 9, of effective date of decision denying application for increase in power, in order to give Commission time to consider application to move station, use new antenna, and to change equipment.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Denied petition asking Commission to reconsider, and grant without hearing, application to increase power to 10 KW. Hearing scheduled for May 9 was continued until further notice.
- NEW—Springfield Newspapers, Inc., Springfield, Ohio.—Denied petition asking Commission to reconsider, and grant without hearing, application for authority to erect new station to operate on 1120 kc., 250 watts, daytime only.
- WDAY—WDAY, Inc., Fargo, N. Dak.—Granted motion to intervene in application of Robert K. Herbst for new broadcast station at Moorhead, Minn., to operate on 1310 kc.

APPLICATION DENIED

- NEW—A. Corenson, Pasadena, Calif.—C. P., 1480 kc., 100 watts, daytime, heretofore set for hearing, was denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b).

APPLICATIONS RECEIVED

First Zone

- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna.
- WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit authorizing changes in equipment and move of transmitter from Outlet Co. Bldg., 176 Weybosset St., Providence, R. I., to junction Newport Ave. and Ferris Ave. (Rumford), E. Providence, R. I., requesting further changes in equipment and increase in power from 250 watts night, 500 watts day, to 500 watts day and night, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.
- WNEL—Juan Piza, San Juan, Puerto Rico.—Construction permit to make equipment changes and increase power from 500 watts to 1 KW night, 2½ KW day.
- NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- WDEV—Harry C. Whitehill, Waterbury, Vt.—Construction permit to install new equipment and increase power from 500 watts to 1 KW.
- NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental (broadcast pickup) station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.
- NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.
- NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new general experimental (broadcast pickup) station on 31100, 34600, 37600, 40600 kc., 25 watts.

- NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above.
- NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new general experimental (broadcast pickup) station to be operated on **31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000 kc.**, 100 watts. Amended to delete the frequencies **31600, 35600, 38600** and **41000 kc.**
- National Broadcasting Co., Inc., Washington, D. C.—License to cover above.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Modification of license to change hours of operation from daytime to daytime, specified hours night, using 50 watts, 100 watts day.
- WNBC—William J. Sanders, New Britain, Conn.—License to cover construction permit (B1-P-81) as modified for a new station on **1380 kc.**, 250 watts power, daytime.
- NEW—Alfred C. Matthews, Cape May, N. J.—Construction permit for new station on **1420 kc.**, 100 watts power, unlimited time. Amended: Change time to specified hours, 9 to 11 a. m., 6 to 12 p. m., daily, equipment changes.
- WJZ—National Broadcasting Company, Inc., New York, N. Y.—Extension of special experimental authorization to operate on 50 KW, period ending 2-1-36.

Second Zone

- KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Construction permit to make changes in equipment.
- NEW—American Broadcasting Co., Pittsburgh, Pa.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time.
- WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—License to cover construction permit (B2-P-35) as modified for a new station to be operated on **1420 kc.**, 100 watts, unlimited time.
- WPHR—WLBG, Inc., Petersburg, Va.—Construction permit to move transmitter from 1½ miles northeast of Petersburg, Va., to site to be determined, Richmond, Va., and studio from Medical Arts Bldg., 38 Franklin Street, Petersburg, Va., to site to be determined, Richmond, Va.
- WGAR—The WGAR Broadcasting Company, Cleveland, Ohio.—Modification of license to change frequency from **1450 kc.** to **890 kc.**; request facilities of WMMN.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Modification of construction permit (2-P-B-3277) as modified to extend completion date from 8-1-35 to 10-1-35.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Extension of special experimental authorization to operate on 1 KW power for period from 9-1-35 to 3-1-36.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit authorizing changes in equipment and increase in power from 500 watts to 1 KW night, directional antenna, 2½ KW day, requesting further changes in equipment and increase in power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day, using directional antenna at night.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit (2-P-B-3282) as modified to extend commencement date from 4-29-35 to 7-29-35 and completion date from 7-29-35 to 10-29-35.
- NEW—William S. Thellman, New Castle, Pa.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, daytime.
- WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Construction permit to make changes in equipment and increase power from 5 KW to 50 KW.
- NEW—Carl S. Taylor, DuBois, Pa.—Construction permit for a new station to be operated on **590 kc.**, 100 watts, daytime. Amended to change frequency from **590 kc.** to **780 kc.**; make equipment changes, change transmitter site from Reitz Hotel, E. Long Ave. and Brady St., DuBois, Pa., to Shaffer's Corner, Shaffer, Pa.; and change power from 100 watts to 250 watts.

Third Zone

- NEW—Big Spring Herald Broadcasting Co., Big Spring, Texas.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change name from Big Spring Herald, Inc., to Big Spring Herald Broadcasting Co.
- NEW—The Attala Broadcasting Corp., Columbus, Miss.—Construction permit for a new station to be operated on **1200 kc.**,

100 watts, unlimited time. Amended to make changes in equipment (antenna) and change transmitter site from First National Bank Bldg., Columbus, Miss., to on north side of Columbus Brick Yard lake just off of U. S. Highway 82, near Columbus, Lowndes, Miss.

- NEW—The North Texas Broadcasting Co., Paris, Tex.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime. Amended to change name from The North Texas Publishing Co. to The North Texas Broadcasting Co.
- WMFO—James R. Doss, Jr., Decatur, Ala.—License to cover construction permit (B3-P-270) for new station to be operated on **1370 kc.**, 100 watts power, daytime operation.
- KPRC—Houston Printing Company, Houston, Tex.—Modification of license to increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day.
- NEW—Dudley J. Connolly & Co., Chattanooga, Tenn.—Construction permit for new station to be operated on **1200 kc.**, 100 watts power, unlimited time. Amended: Change time to daytime.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Construction permit to move transmitter from Ninth and Indiana Ave., Wichita Falls, Tex., to approximately 2½ miles southwest of center of Wichita Falls, Tex., and make equipment changes.
- NEW—Central Texas Broadcasting Company, Inc., Fort Worth, Tex.—Construction permit for new station on **1210 kc.**, 100 watts power, unlimited.
- KRLD—KRLD Radio Corporation, Dallas, Tex.—Extension of special experimental authorization to operate simultaneously with WTIC for three months from August 1, 1935, to November 1, 1935.
- NEW—Bell Broadcasting Co., Temple, Tex.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, daytime.
- WREC—WREC, Inc., Memphis, Tenn.—Modification of construction permit (B3-P-161) authorizing changes in equipment, requesting to install directional antenna; move transmitter from Whitehaven, Tenn., to near Rugby Park, Tenn.; increase power from 500 watts, 1 KW day, to 1 KW night, 2½ KW day; and extend commencement date to date of approval and completion date to 6 months thereafter.
- WPFB—Otis Perry Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from specified hours to unlimited time.
- KNOW—Kut Broadcasting Co., Austin, Tex.—Construction permit to move transmitter from Barton Springs Road, Austin, Tex., to 114 West 7th Street, Austin, Tex., and install new equipment.
- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Construction permit to make changes in equipment and increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day. Amended to make further changes in equipment (antenna).
- NEW—W. Dexter Moss, Tulsa, Okla.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change transmitter and studio locations from 5th and Cheyenne, Tulsa, Okla., to 7th and Main St., Tulsa, Okla.
- KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Modification of construction permit (B3-P-308) authorizing erection of a new station to be operated on **1420 kc.**, 100 watts, unlimited time, requesting changes in equipment.
- NEW—Reporter Broadcasting Co., Abilene, Tex.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to change name from Reporter Publishing Co., Inc., to Reporter Broadcasting Co.

Fourth Zone

- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.
- NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to change frequency from **1500 kc.** to **1210 kc.**
- NEW—Northwestern Broadcasting, Inc., Nicollet Hotel, Minneapolis, Minn.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 50 watts.

- NEW—The Pulitzer Publishing Co., Portable-Mobile.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600, 86000-400000 ke.**, 5 watts.
- NEW—The Pulitzer Publishing Co., 12th and Olive St., St. Louis, Mo.—Construction permit for a new general experimental station on **31600, 35600, 38600, 41000, 86000-400000 ke.**, 100 watts.
- WMFZ—WCBS, Inc., Portable.—License to cover construction permit for a new broadcast pickup station on **1622, 2060, 2150, 2790 ke.**, 25 watts.
- WREN—The WREN Broadcasting Co., Lawrence, Kans.—License to cover (B4-P-265) as modified to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification of construction permit authorizing increase in power from $2\frac{1}{2}$ KW night, 5 KW day, and make equipment changes, requesting extension of completion date from 9-8-35 to 10-8-35.
- KSCJ—Perkins Brothers Co., Sioux City, Iowa.—Construction permit to install auxiliary equipment, 50 watts power for emergency operation.
- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Extension of special experimental authorization to operate with 500 watts additional power at night with directional antenna, from 9-1-35 to 3-1-36.
- KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license to change specified hours from 12:30 to 2 p. m. daily except Sundays to 11:30 to 2 p. m. daily except Sundays and holidays.
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new equipment; increase power from 100 watts to 100 watts night, 250 watts daytime, and hours of operation from daytime to unlimited. Amended to omit request for new equipment, and increase in power. (Superceded by B4-ML-212).
- NEW—Wisconsin Broadcasting Co., Oshkosh, Wis.—Construction permit for a new station to be operated on **1310 ke.**, 100 watts night, 250 watts day, unlimited time.
- NEW—Frank O. Knoll and Julian F. McCutchan, St. Cloud, Minn.—Construction permit for a new general experimental station on **31600, 35600, 38600, 41000 ke.**, 100 watts.
- WREN—WREN Broadcasting Co., Lawrence, Kans.—Authority to determine operating power by direct measurement of antenna.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—License to cover special experimental authorization to increase power from 100 watts to 100 watts night, 250 watts day.
- WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Modification of construction permit (B4-P-172) authorizing increase in power from 1 KW night, $2\frac{1}{2}$ KW day, to 1 KW, 5 KW day; changes in equipment; and move of transmitter from 2nd and Capitol Street, Yankton, S. Dak., to Yankton County, S. Dak., requesting extension of commencement date from 4-18-35 to 8-18-35 and completion date from 7-18-35 to 12-18-35.
- NEW—Pittsburg Publishing Co., Pittsburg, Kans.—Construction permit for new station to be operated on **1500 ke.**, 100 watts, unlimited. Amended to request **1310 ke.**, frequency instead of **1500 ke.** June 20 amendment was withdrawn.
- NEW—Springfield Newspapers, Inc., Springfield, Mo.—Construction permit for new station to be operated on **1120 ke.**, 250 watts power, unlimited time. Amended: Change frequency from **1120 ke.** to **710 ke.**, power from 250 watts to 1 KW, time from unlimited to daytime, equipment to 1 KW equipment.
- NEW—Chanute Broadcasting Co., R. B. Smith, R. E. Highley, C. M. Brobst, Partners, Chanute, Kans.—Construction permit for new station to be operated on **1220 ke.**, 100 watts power, unlimited time. Amended: Change frequency from **1220 ke.** to **1500 ke.**; time from unlimited to daytime; transmitter site from 315 E. 17th St. to Spruce and North, Santa Fe, and studio site from 207 W. Main to Tioga Hotel, Main and Santa Fe.
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit for new equipment; increase power from 100 watts to 100 watts, 250 watts day, and time from daytime to unlimited. Amended: Change power from 250 watts to 100 watts; omit request for new equipment.

Fifth Zone

- NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit for a new station to be operated on **1370 ke.**, 100 watts, unlimited time. Amended to change transmitter and studio sites from 2000 Buena Vista, Trinidad, Colo., to 2 miles northeast of city of Trinidad, Colo.
- KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Modification of construction permit (B5-P-303) authorizing move of transmitter from 1752 Fern St., Waikiki, Honolulu, Hawaii, to Honolulu, Hawaii; install new equipment and increase power from 250 watts to 1 KW; also move of studio from 119 Merchant St. to Kalakaua Avenue and Seaside, Honolulu, requesting further changes in equipment and move studio and transmitter from above sites to Ala Moana Pk., at Pensacola and Moana Blvd., Honolulu, and extend commencement and completion dates.
- KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Construction permit to install new equipment; increase power from 1 KW to 1 KW, 5 KW day.
- NEW—Wm. B. Smullin, Sacramento, Calif.—Construction permit for new station to be operated on **1310 ke.**, 100 watts, 250 watts, daytime, unlimited time. To be considered under Rule 6 (g).
- NEW—W. L. Gleeson, Salinas, Calif.—Construction permit for a new station to be operated on **1210 ke.**, 100 watts, unlimited time. Amended to change frequency from **1210 ke.**, to **1310 ke.**; make changes in equipment; and change transmitter and studio sites from 2 miles northeast of town, Salinas, Calif., to $1\frac{1}{2}$ miles northeast of town, Salinas, Calif.
- KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of license to increase power from 1 KW night, $2\frac{1}{2}$ KW day, to 1 KW night, 5 KW day.
- NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new broadcast pickup station on **1646, 2090, 2190, 2830 ke.**, 40 watts.
- KNX—Western Broadcast Co., Los Angeles, Calif.—Construction permit to make equipment changes and increase power from 50 KW to 250 KW.
- KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to change frequency from **1370 ke.** to **1450 ke.**, power from 100 watts to 1 KW, install new equipment, and move transmitter from Second and Rose Streets, Walla Walla, Wash., to County Road and College Avenue, Walla Walla, Wash.
- KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Transfer of control of stock from Naomi F. Bengston to E. K. Gaylord and Inez K. Gaylord.
- KGVO—Mosby's, Inc., Missoula, Mont.—License to cover construction permit (B5-P-448) to move 100-watt transmitter.
- KIUP—C. Guy Shepard, Durango, Colo.—Involuntary assignment of permit from LeRoy Haley to C. Guy Shepard.
- NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Company, Pomona, Calif.—Construction permit for new station to be operated on **1160 ke.**, 250 watts, daytime. Amended: Transmitter and studio sites change to 2104 E. Holt Ave., Pomona, Calif.
- NEW—Eastern Utah Broadcasting Co. (Sam G. Weiss), Price, Utah.—Construction permit for new station to be operated on **1420 ke.**, 100 watts, unlimited.
- KFUH—Richard Field Lewis, Del Monte, Calif.—Modification of (B5-P-3184) to change transmitter site from Polo Field House, Del Monte Hotel Properties, Del Monte, Calif., to Municipal Wharf, Monterey, Calif., and make equipment changes; extend commencement and completion dates.
- KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Voluntary assignment of license from M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, to Southwest Broadcasting Co.

The National Association of Broadcasters

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

NAB REPORTS

Vol. 3 - No. 35
 JULY 25, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | |
|--|-----|
| Work Started on Recognition Bureau..... | 897 |
| FCC Proceeds with Plan to Require Modulation Monitors... | 897 |
| NAB Membership Increases..... | 897 |
| Hearing on Food and Drug Bills..... | 897 |
| Levy Returns Home August 10..... | 897 |
| FCC Grants Coaxial Cable Application..... | 898 |
| Federal Trade Commission Activities..... | 898 |
| Brown Recommends Against KFBI..... | 899 |
| New Station Recommended for St. Paul..... | 899 |
| Examiner Recommends New Florida Stations..... | 899 |
| Recommendations re KFVB, KMPC, KIEV, KRKD..... | 899 |
| Federal Communications Commission Action..... | 900 |

WORK STARTED ON RECOGNITION BUREAU

The first steps looking to the creation of the advertising agency recognition bureau approved by the thirteenth annual convention of the NAB were taken this week when a prospectus outlining the services of the bureau, and a subscription blank were mailed to all member stations.

The bureau, when organized, will function for radio similar to the recognition bureaus maintained by other media. It will collect information from agencies regarding their financial status, experience, organization and similar matters on the basis of which stations can determine their eligibility for recognition. It also will maintain a credit clearing house whereby up-to-date credit information regarding agencies will be made available to stations subscribing to the maintenance of the bureau.

The resolution instructing the NAB to establish the agency recognition bureau provided that this be done only if the expense of the first year's operation be completely underwritten in advance. According to the plan approved by the Commercial Committee and the convention, this will require a subscription of \$125 from no less than 125 stations. It is essential that the Association receive prompt replies from stations if the work of setting up the bureau is to proceed with dispatch.

FCC PROCEEDS WITH PLAN TO REQUIRE MODULATION MONITORS

At an informal conference called by Mr. A. D. Ring, Assistant Chief Engineer of the Federal Communications Commission, July 18, tentative specifications were prepared for modulation monitors intended for use by all broadcasting stations, by Commission order, within a period of approximately 14 months from the present date.

The tentative specifications for the instrument will stand subject to change, if good cause is shown therefor, until the middle of September, at which time the FCC Engineering Department will recommend to the Commission the adoption of a new regulation requiring the use of the monitor by all stations within one year from the adoption of the rule. It is planned that the National Bureau of Standards will test monitors submitted by various manufacturers for issuance of an approved type certificate, as was done in the case of frequency monitors three years ago.

The adoption of tentative specifications for modulation monitors by the Engineering Department of the FCC marks the end of an extended series of conferences attended by manufacturers and users of such apparatus, including NBC, CBS, AT&T Co., RCA, General Radio Co., Bureau of Standards General Communications Laboratories, Radio Research Co., G. E. Co., Westinghouse, and Weston Instrument Corp. The NAB was represented in all the conferences by J. C. McNary, Technical Director.

According to the tentative specifications, the modulation monitor will include—

1. A DC meter for setting the average rectified carrier at a specific value and to indicate changes in the carrier intensity during modulation.

2. A peak-indicating light or similar device that can be set at any pre-determined value from 50 to 120 per cent modulation on positive peaks or 50 to 100 per cent modulation on negative peaks to indicate peaks on positive and/or negative modulation.

3. A semi-peak indicating meter having a period between .29 and .35 seconds and a damping factor (measured according to AIEE standards) between 16 and 200, with a scale length not less than 2.3 inches, arranged in a circuit such that peaks of modulation of duration of between 40 and 60 milliseconds are indicated to 90 per cent of full value and the discharge rate adjusted so that the pointer returns from full reading to within 10 per cent of zero between 400 and 800 milliseconds. The meter must read either positive or negative modulation. The meter scale shall be graduated from 0 to 110 per cent modulation and shall also indicate relative levels in decibels, with 100 per cent modulation corresponding to zero db.

4. The instrument shall have a spot calibration at 100 per cent modulation, at which point the permissible error is 2 per cent. At other levels the tolerance is 4 per cent of full scale indication.

5. The frequency characteristic shall not vary more than 0.5 decibel from 30 to 10000 cycles.

It appears probable that the Radio Research Co., General Radio Co., RCA Manufacturing Co. and the General Communications Laboratories will place modulation monitors on the market. The General Radio Company's unit, of which about 70 have been placed in use largely through the efforts of the Engineering Department of the Columbia Broadcasting System, requires little change to conform to the adopted tentative specifications. The probable price of each unit apparently will not exceed \$250. It is not known whether the Western Electric Co. will manufacture a modulation monitor.

The use of a peak-indicating meter for indicating volume levels marks a departure from current practice. Present volume indicators almost invariably indicate r.m.s. values just as they did fifteen years ago when volume indicators were first utilized. The change from an r.m.s. meter to a peak meter was rather strenuously opposed by the AT&T Co. and the Bell Telephone Laboratories on the basis that the probable advantage is not sufficient to justify departure from present practice.

The Commission's proposal to require the use of an approved modulation monitor was considered at the NAB Engineering Committee meeting on June 29, 1935, at which time the Committee went on record as endorsing the proposal.

NAB MEMBERSHIP INCREASES

Seven new members have been added to the NAB rolls since the thirteenth annual convention. This brings the membership of the Association to 391. New members stations are as follows: WBAP, Fort Worth, Texas; WNBC, New Britain, Conn.; WSWA, Staunton, Va.; WTAD, Quincy, Ill.; KGY, Olympia, Wash.; KROC, Rochester, Minn., and KWBG, Hutchinson, Kansas.

HEARINGS ON FOOD AND DRUG BILLS

The Committee on Interstate and Foreign Commerce of the House of Representatives on Monday (22nd) opened hearings on all Food and Drug Bills. These include S. 5, H. R. 3972, H. R. 8805, and H. R. 8941.

LEVY RETURNS HOME ABOUT AUGUST 10

Issac D. Levy, NAB Treasurer, in a letter to the Managing Director advises that payments to contributing members of the

Copyright fund equivalent to 50 per cent of the balance in his possession will be made immediately upon his return from California. Mr. Levy expects to return to Philadelphia about August 10.

FCC GRANTS COAXIAL CABLE APPLICATION

The Communications Commission on July 24 granted the authority requested in a petition jointly filed by the American Telephone and Telegraph Company and the New York Telephone Company to install an experimental coaxial cable between New York and Philadelphia. The Commission heard the argument and testimony relative to the petition on July 15, as reported in NAB REPORTS for July 17.

The text of the Commission's finding and order follows:

Findings and Order

"The Commission finds that the experiment which the petitioners wish to make is necessary for the advancement and improvement of communication and communication facilities, practice, and service; that the petitioners propose to carry on the experiment at their own expense and without cost to the public; that the installation of the coaxial cable under consideration is for experimental purposes only and without any intention or claim of right on the part of the petitioners to put said cable into public use or service without further authorization by the Federal Communications Commission; and that if the experiment contemplated is carried out, and the coaxial cable is demonstrated to be a success, the petitioners will, before attempting to use the same in public service, apply for permission to do so and later abide by such order as the Commission may make after a full and complete hearing held pursuant to notice, in which the petition in such case, and the objections and protests of all other parties appearing, shall be fully heard and considered upon the record made at that time, and without any regard to or for anything that the petitioners may do or cause to be done under and pursuant to the order permitting the installation of the coaxial cable for experimental purposes.

"The Commission finds that experimentation, such as that proposed in the present proceeding, should be encouraged for the public welfare and in the public interest. The record indicates, and the Commission finds, that the introduction of the coaxial cable would have a tendency to reduce rates for services rendered by use of such cable.

"The Commission finds that during the experimental stage of the coaxial cable under consideration parties interested in the transmission of television images should have access to and the use of the said cable for the use of experiments for themselves, provided the petitioners and such other parties may agree upon terms and conditions whereby such access and use may be accorded by the petitioners and had by the other parties; and in case the petitioners and other parties can not agree upon such terms and conditions, such other parties may apply to the Commission for rules and regulations whereby they may have access to and the use of said coaxial cable for their proper purposes and uses; and the Commission finds that under these circumstances the coaxial cable in its demonstration period can not be used by the petitioners for the development of the right to television patents, to the exclusion of other parties having access to the coaxial cable through agreement with the petitioners or by order of the Commission; and under the circumstances proposed herein the Commission is of the opinion that the petitioners can not monopolize the experimental advantages, features and uses of the coaxial cable to the disadvantage, exclusion and detriment of other parties.

"The Commission at this time is not going into the accounting and engineering features of the project under consideration, for the reason that it does not want to jeopardize the public interest by specifying, and thus limiting, requirements which the Commission has the authority and right to impose upon the petitioners when the proper time arrives, if at all, for the consideration of such matters; and the Commission hereby asserts its right to make any other and further order, whether supplemental to or derogatory of the order now being issued; and the Commission hereby serves notice that it reserves the right to revoke the order about to be issued, either in whole or in part, after hearing upon 10 days' notice to the petitioners.

Order

"The premises considered, and the Commission being fully advised, it is therefore considered, ordered, and adjudged, that the

petitioners be and are hereby allowed to install the coaxial cable under consideration for experimental purposes only and pursuant to the findings above made.

"This order is subject to amendment or annulment as above stated; and it shall not become effective for any purpose whatsoever until the petitioners file herein their acceptance of the order and their assurance that they will do nothing under the order contrary to the terms and conditions thereof without first submitting their proposal to the Commission and receiving the express sanction thereof; provided that a report be filed by the petitioners on the fifteenth day of each month furnishing in detail information relative to all the activities in connection with the cable during the preceding month; and provided further that the present order and the privileges granted thereby may be declared null and void by the Commission after a hearing before it."

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2386. Excelsior Silverware Corporation, New York City. The respondent is directed to stop using the words "Sheffield Reproductions" or similar expressions implying that its products are made or reproduced in accordance with the manufacturing process employed by the silversmiths of Sheffield, England, when this is not the case. The respondent consented to the issuance of the order.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2492. White Cross Laboratories, Inc., Chicago, manufacturers, "La Paz Turtle Oil Cream." The respondent is said to have competed unfairly with companies which truthfully advertised their products in that the amount of turtle oil forming part of the oil content of the respondent's product is not substantial and is insufficient to warrant the branding of the preparation as a "turtle oil" cream. Hearing, Friday, August 9.

Nos. 2494 and 2495. Distillers Products Corporation, Jersey City, and Royal Distillers Products, Ltd., New York City. The respondents are charged with use of the word "Distillers" in their corporate names, when they do not own, operate or control a place where spirituous beverages are manufactured by distillation. Hearing, Friday, August 16.

No. 2496. Loft, Inc., Long Island City, N. Y., candy manufacturer. The respondent company, together with Dr. Daniel Hodgdon, 1697 Broadway, New York City, described as an agent or employee of Loft, Inc., engaged in advertising or promotion work, is charged with unfair disparagement of competitors' products in violation of the Federal Trade Commission Act.

Unfair representations are said to have been made by means of **radio broadcasting**, in newspapers, pamphlets and magazines, the purport of the advertisements being that Loft has discovered a method of making candies without the use of glucose, and that the use of glucose by competitors is dangerous to the health of children and others who eat candy.

The complaint alleges that in fact the Loft products are made with and contain glucose and that the respondent's methods do not constitute a new discovery. The respondent is further charged with falsely representing and implying that "glucose" is impure, unwholesome and harmful to the health. The facts are, according to the complaint, that glucose is not dangerous to children, and that the competitors' products are, contrary to the respondent's representations, no less pure and wholesome, nor more harmful to health than the products of Loft, Inc. Hearing, Friday, August 16.

Dismissal of Complaint

No. 2305. David Jacoby and Morris Gottshagen, New York City, trading as Mills Sales Company. The Commission has dismissed its complaint alleging unfair trade practices in the sale of shoe laces to the retail trade.

Stipulations

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. 0876. Illinois Medical Products, Chicago, manufacturers of "Psoracine." The respondent agrees to cease and desist

representing its preparation as a competent treatment or effective remedy for a number of skin diseases unless the assertion is expressly limited to palliative effects. The company also agrees to stop asserting its preparation is a new discovery, will be effective in cases in which other treatments have failed, and will overcome any skin disorders.

No. 0877. R. B. Semler, Inc., New York City, manufacturer of "Kreml." The respondent agrees to cease advertising that its preparation for the hair, called "Kreml," will stop falling hair unless the representation is limited to the stopping of excessive loss of hair. The company also will discontinue the assertion that its preparation will de-salt the hair after a shower, will stop molting, will stimulate the growth of new hair and retard grayness.

BROWN RECOMMENDS AGAINST KFBI

Commissioner Thad H. Brown this week filed a report with the Federal Communications Commission recommending that the application of Station KFBI, Abilene, Kans., for license renewal be denied.

Commissioner Brown held hearings in this case on March 25 and 26 at San Antonio, Texas.

The station operates on a frequency of 1050 kilocycles, 5,000 watts power and unlimited time on the air. In his conclusions the Commissioner says:

"The issues of the hearing on the application for a renewal of license were drawn to determine the nature and character of programs of KFBI and to determine whether this station directly or indirectly has violated Section 325 (b) of the Communications Act of 1934, and whether the continued operation of this station would serve the public interest, convenience and necessity.

"It must be noted that the character of the four programs, including those of Dr. Brinkley, "Koran," "Omar," and Dr. Ford reducing tea, are definitely not of a type that serve public interest, convenience and necessity. The Brinkley program in particular has been found on previous occasions not to be in the public interest by the Federal Radio Commission and the Commission was sustained in this action by the Court of Appeals of the District of Columbia. The applicant, as successor to KFKB Broadcasting Association, Inc., had ample notice of these findings. Any one of these programs is objectionable in itself and collectively they present strong evidence that they are not in the public interest. The licensee has been derelict in the performance of the trust imposed upon it by the licensing authority in turning over the complete control and management of the station together with the formulation of its broadcast policy to the station manager.

"It must also be noted that there is already abundant broadcast service available at Abilene, Kansas, so that if the renewal of this license were to be denied by the Commission, the service to radio listeners in this area would not be unduly curtailed."

NEW STATION RECOMMENDED FOR ST. PAUL

Applications were filed with the Federal Communications Commission for construction permits for four new 100 watt stations, all to use 1370 kilocycles and all asking unlimited time in the State of Minnesota. They were from the National Battery Broadcasting Company, Dr. George W. Young, and the Radio Chapel of the Air, all to be erected at Minneapolis, Minn., and the other from Edward Hoffman, for a station at St. Paul, Minn.

Melvin H. Dalberg(e) in Report No. I-76 recommended that the Hoffman application be granted but that all of the other requests be denied.

EXAMINER RECOMMENDS NEW FLORIDA STATIONS

H. K. Glass and M. C. Kirkland applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Eustis, Florida, to use 1310 kilocycles, 100 watts power and 6 a. m. to local sunset; the Lake Region Broadcasting Company applied for a construction permit for a new station at Lakeland, Florida, to use the same frequency and power and unlimited time; G. D. Goff applied for a construction permit for a new station at Tampa, Florida, to use 1500 kilocycles, 100 watts power and unlimited time; Robert L. Sanders applied for a construction permit for a new station at Palm Beach, Florida, to use 1420 kilocycles, 100 watts power

and unlimited time; and Hazelwood, Inc., applied for a construction permit for a station at West Palm Beach, Florida, to use 1200 kilocycles, 100 watts power and unlimited time.

George H. Hill(e) in Report No. I-77 recommended that the Glass and Kirkland application be denied; that the Lake Region Broadcasting Company application be granted; that the G. D. Goff application be granted; that the Robert L. Sanders application be denied and that the Hazelwood, Inc., application be granted on condition that the applicant construct an antenna which complies with the recommendations of the Engineering Department of the Commission.

RECOMMENDATIONS RE KFVB; KMPC; KIEV; KRKD

Commissioner Thad H. Brown this week made recommendations to the Federal Communications Commission in connection with the applications of a number of California stations in which he held hearings in Los Angeles, on April 8, 9, 10, 11 and 12.

He recommended that the application for license renewal of Station KGFJ be granted; that application for renewal license and construction permit be granted Station KFVB; that license renewal be granted KMPC; that license renewal and construction permit be granted Station KIEV; and that license renewal be granted Station KRKD. In his conclusions in these cases the Commissioner states that:

"The evidence relating to the application of Ben S. McGlashan (KGFJ) for renewal license discloses broadcasts of programs relating to the Alhambra Electronic Institute, which has been discussed in detail in the report, and a failure to make certain entries in the log book with reference to political broadcasts. The general service of the station is shown to be of acceptable quality and of local public interest. The applicant has shown a disposition to examine advertising copy more thoroughly hereafter with a view to preventing a possible repetition of such broadcasts as those of the Alhambra Electronic Institute. It is also shown that the applicant has corrected its method of keeping the station log so as to comply more strictly with the regulations of the Commission.

"The evidence relating to the applications of Warner Brothers Broadcasting Corporation (KFVB) for renewal license and construction permit, discloses broadcasts of programs relating to the Alhambra Electronic Institute. These broadcasts were carried for an extremely brief period, being terminated voluntarily when the character of the programs became evident. A high type of regional service is broadcast by this station. The increased power applied for will, if granted, improve and extend the service without causing any objectionable interference to other stations.

"The evidence relating to the application of the Beverly Hills Broadcasting Corporation (KMPC) for renewal license discloses broadcasts of programs relating to the Alhambra Electronic Institute, certain frequency deviations and a failure to make certain entries in the log book with reference to political broadcasts. Also, an operating agreement of doubtful legality was disclosed at the hearing. The Electronic program has been discontinued, and the character of the general service of the station together with the attitude of the applicant affords substantial assurance that there will be no further broadcasts of programs of such doubtful character. It was shown that the question of frequency deviations had been adjusted prior to the hearing to the satisfaction of the Commission. Omissions in reference to the station log have been corrected. The operating agreement has been terminated and it now appears that the licensee is in active control.

"The evidence relating to the applications of Cannon System, Ltd. (KIEV) for renewal license and modification of construction permit, discloses broadcasts of programs relating to the Alhambra Electronic Institute. These programs were carried but a brief period and have not been on the station since June 10th, 1934. The evidence shows adequate reasons for applicant's failure to complete construction heretofore authorized within the specified time. An acceptable local program service in the Glendale area is supplied by this station.

"The evidence relating to the application of Radio Broadcasters, Inc. (KRKD), for renewal license discloses broadcasts of programs relating to the Alhambra Electronic Institute. It is shown that the station broadcasts a high quality program service and that it is not the policy of the station to accept broadcasts of such doubtful merit."

FEDERAL COMMUNICATIONS COMMISSION
ACTION

HEARING CALENDAR

Monday, July 29, 1935

- NEW—Charles C. Theis, Wichita, Kans.—C. P., 1210 kc., 100 watts, unlimited time.
NEW—Edwin A. Kraft, Fairbanks, Alaska.—C. P., 950 kc., 250 watts, unlimited time.

Thursday, August 1, 1935

- WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1450 kc., 250 watts, unlimited time.
KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license, 1450 kc., 350 watts, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.
KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of license, 780 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment: 950 kc., 1 KW, 2½ KW LS, unlimited time.
KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Modification of license, 780 kc., 1 KW, 2½ KW LS, specified hours: unlimited except hours now used by KFDY. Present assignment: 1110 kc., 2½ KW, limited time.
KXL—KXL Broadcasters, Portland, Ore.—Modification of license, 780 kc., 250 watts, specified hours. Present assignment: 1420 kc., 100 watts, 250 watts LS, shares with KHPS.
KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, 780 kc., 500 watts, unlimited time. Present assignment: 1440 kc., 500 watts, unlimited time.
KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—C. P., 780 kc., 1 KW, 5 KW LS, unlimited time (requests facilities of KELW). Present assignment: 780 kc., 500 watts, 1 KW LS, shares with KELW.

Friday, August 2, 1935

- KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Renewal of license, 1210 kc., 100 watts, 250 watts LS, specified hours.

APPLICATIONS GRANTED

- KVSO—The Ardmore Pub. Co., Inc., Ardmore, Okla.—Granted modification of C. P. authorizing transmitter site and antenna system, and to make changes in equipment.
WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power to 250 watts; 1200 kc., 100 watts night, specified hours.
WMFO—James R. Doss, Jr., Decatur, Ala.—Granted license to cover C. P. as modified for new station to operate on 1370 kc., 100 watts, daytime only.
KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to operate synchronously with WBBM after sunset for a period beginning August 1, 1935, and ending January 31, 1936. Present assignment: 770 kc., 5 KW night and day, S-WBBM during night, simultaneous day with WBBM.
WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted extension of special experimental authorization to operate synchronously with KFAB after sunset for a period beginning August 1, 1935, and ending January 31, 1936. Present assignment: 770 kc., 25 KW night and day. (C. P. for 50 KW night and day.) Hours of operation: Simultaneous day KFAB, share KFAB night.
NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile (Tacoma, Wash.).—Granted C. P. for broadcast pickup station, temporary service, for rebroadcasting events over Station KVI; frequencies 1646, 2090, 2190, and 2830 kc., 40 watts.
NEW—National Broadcasting Co., Inc., Portable-Mobile, New York City.—Granted C. P. for new general experimental station to be used as broadcast pickup station on experimental

basis; frequencies 31100, 34600, 37600, and 40600 kc., 25 watts. Also granted license covering same for period ending October 1, 1936.

- NEW—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted C. P. for exp. gen. exp. broadcast pickup station as of July 16, 1935; frequencies 31100, 34600, 37600, and 40600 kc., 25 watts.
NEW—Connecticut State College, Storrs, Conn.—Granted C. P. for new fixed general experimental station; frequencies 86000-400000 kc., 401000 and above, 500 watts.
W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. to extend commencement date to August 15, 1935, and completion date to February 15, 1935.
WMFZ—WCBS, Inc., Portable (Springfield, Ill.).—Granted license to cover C. P. for broadcast pickup station, temporary service; frequencies 1622, 2060, 2150, and 2790 kc., 25 watts.
NEW—Puget Sound Broadcasting Co., Portable (Tacoma, Wash.).—Granted C. P. for new general experimental broadcast pickup station on experimental basis; frequencies 31100, 34600, 37600, and 40600 kc., 2 watts.

SET FOR HEARING

- NEW—Wyoming Radio Educational Assn., Cheyenne, Wyo.—Application for C. P., already in hearing docket, amended so as to read 630 kc., 500 watts night, 1 KW day, unlimited.
NEW—Western Utah Broadcasting Co., Price, Utah.—Application for C. P. for new station; 1420 kc., 100 watts, unlimited time, site to be determined with Commission's approval.
WTMJ—The Journal Company (Milwaukee Journal), Milwaukee, Wis.—Renewal of license, 620 kc., 1 KW, with an additional 4 KW from local sunrise to local sunset only, unlimited.
KNX—Western Broadcast Co., Los Angeles, Calif.—Renewal of license; 1050 kc., 50 KW, unlimited time.
KFRO—Don Lee Broadcasting System, San Francisco, Calif.—Renewal of license; 610 kc., 1 KW, unlimited time.
WAIU—Associated Radiocasting Corp., Columbus, Ohio.—Renewal of license, 640 kc., 500 watts, limited time. To be heard by the Broadcast Division on November 14, 1935.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

- KTHS, Hot Springs National Park, Ark.; WATR, Waterbury, Conn.; WEW, St. Louis, Mo.
KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Present license extended for a period of 1 month from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.
WAAW—Omaha Grain Exchange, Omaha, Nebr.—Present license extended for a period of 3 months from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.
WHB—WHB Broadcasting Co., Kansas City, Mo.—Present license extended for a period of 3 months from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.
WINS—Hearst Radio, Inc., New York City.—Present license extended for a period of 3 months from August 1, 1935, upon a temporary basis, subject to such action as may be taken on pending application for renewal.

ACTION ON EXAMINER'S REPORT

- WCAE—Ex. Rept. No. 1-63: WCAE, Inc., Pittsburgh, Pa.—Granted C. P. to install new equipment and operate on 1220 kc., 1 KW night; increase day power from 1 to 5 KW, unlimited time. Examiner G. H. Hill sustained. Order effective July 30, 1935.

ACTION IN CASE HEARD BY BROADCAST DIVISION

- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted renewal of license, 570 kc., 500 watts, unlimited time. Order effective August 6, 1935.

MISCELLANEOUS

- WMBG—Havens & Martin, Richmond, Va.—Hearing scheduled for August 8 continued to date to be set by Docket Section. Same to be heard with applications of WRVA, WPHR, and WLBG and Century Broadcasting Co., Inc.
- KFUO—Evangelical Lutheran Synod of Missouri, etc., Clayton, Mo.—Denied permission to withdraw without prejudice application for authority to operate a broadcasting station on 640 kc., 1 KW, daytime only, part of facilities of WOI. Application to remain in hearing docket.
- WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Application for renewal of license to remain in hearing docket until Commission renders decision in hearing held before Broadcast Division.
- Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—Granted authority to take depositions in support of application for C. P. for new station at Abilene, Tex.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Application for modification of license, 560 kc., 1 KW, unlimited time, which has been pending before Commission since April 4, 1933, and was superseded by the permanent grant of power of 1 KW day, on June 11, 1935, was retired to the closed files.

APPLICATIONS DENIED

- The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance in accordance with Rule 48 (b):
- NEW—Lee Medley and T. O. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Homer York, Lufkin, Tex.—C. P., 1350 kc., 250 watts, specified hours.
- NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—C. P., 1310 kc., 100 watts, unlimited time.

RENEWAL OF LICENSES
(Action taken July 16, 1935)

- The following stations were granted renewal of licenses for the regular period:
- KEX, Portland, Ore.; KFEQ, St. Joseph, Mo.; KGDM, Stockton, Calif.; KMMJ, Clay Center Nebr.; KMOX St. Louis Mo.; KPCB, Seattle, Wash.; KPO and auxiliary, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City; KSOO, Sioux Falls, S. Dak.; KVOO, Tulsa, Okla.; WAPI, Birmingham, Ala.; WBAL Baltimore Md.; WBT, Charlotte, N. C.; WBZ, Boston, Mass.; WBZA, Boston, Mass.; WCAU and auxiliary, Philadelphia; WENR and auxiliary, Chicago; WHAS, Louisville, Ky.; WHEB, Portsmouth, N. H.; WHO, Des Moines, Iowa; WIBG, Glenside, Pa.; WJJD, Chicago; WJR, Detroit, Mich.; WJZ and auxiliary, New York City; WKAR, E. Lansing, Mich.; WLS and auxiliary, Chicago; WLW, Cincinnati, Ohio; WLWL, New York City; WMAQ, Chicago; WMAZ, Macon, Ga.; WMBI, Chicago; WOAI, San Antonio, Tex., and auxiliary; WOR, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPTF and auxiliary, Raleigh, N. C.; WSAZ, Huntington, W. Va.; WSB, Atlanta, Ga., and auxiliary; WTIC, Hartford, Conn.
- KABR—Aberdeen Broadcast Company, Aberdeen, S. Dak.—Granted renewal of license for the period ending January 1, 1936.
- WEHC—Community Broadcasting Corp., Charlottesville, Va.—Granted renewal of license for the period ending January 1, 1936.
- WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted renewal of license for the period ending January 1, 1936.
- KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Granted renewal of license for the period ending September 1, 1935.
- W2XR—John V. L. Hogan, d/b as The Scientific Broadcasting Service, Long Island City, N. Y.—Granted renewal of experimental broadcast station license for the period ending December 1, 1935, in exact conformity with existing license.

APPLICATIONS RECEIVED

First Zone

- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension 1060 of special experimental authorization to change hours of operation from S-WTIC to daily simultaneous operation on 1060 kc. with KTHS, from 6 a. m. to local sunset at Hot Springs, Ark., from local sunset to 9 p. m., operate unlimited on 1060 kc. from 9 p. m. on; will synchronize with WJZ on 760 kc., with power of 2½ KW, until end of license period, 2-1-36.
- NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit 1210 for new station to be operated on 1210 kc., 100 watts, unlimited time. Amended to change transmitter site from DeWitt Hotel, Pine St., Lewiston, Maine, to site to be determined, Lewiston, Maine.
- Westinghouse Electric and Manufacturing Co., Portable and Mobile.—Construction permit for a general experimental station for 31100, 34600, 37600, 40600 kc., 150 watts.
- WMFI—Patrick J. Goode, New Haven, Conn.—Modification of 900 construction permit (B1-P-80) as modified to extend completion date 60 days after grant; make equipment changes; change transmitter site from Taft Hotel, Chapel St. and College Ave., New Haven, Conn., to Orange and Front Sts., New Haven, Conn.; change studio site from Taft Hotel, Chapel and College Ave, New Haven, Conn., to 1044 Chapel St., New Haven, Conn.
- WESG—Cornell University, Ithaca, N. Y.—Extension of special 850 experimental authorization to operate on 850 kc., daylight to sunset, New Orleans, for period ending 2-1-36.
- WNRI—S. George Webb, Newport, R. I.—Modification of construction permit (1-P-B-2815A) to move transmitter from Turner Road, near Green End Ave., Middletown, R. I., to between Bath Road, Eustis Ave. and Beach Road, Newport, R. I., and make equipment changes. Amended: Move studio from 99 Church Road to Annandale Road, between Merton Road and Bath Road, Newport, R. I.; and extend commencement date from 8-4-35 to 30 days after grant and completion date 180 days thereafter.
- WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of 1420 construction permit (B1-P-2940-a) authorizing erection of new station to operate on 1420 kc., 100, 250 watts day, specified hours, requesting extension of completion date from 8-18-35 to 10-18-35.

Second Zone

- NEW—WRBC, Inc., Youngstown, Ohio.—Construction permit for 890 new station operating on 890 kc., 1 KW, unlimited time.
- NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for 780 new station to be operated on 550 kc., 250 watts, unlimited time. Amended to change frequency from 550 kc. to 780 kc., change power from 250 watts to 1 KW, and make equipment changes.
- NEW—Valley Broadcasting Co., Youngstown, Ohio.—Construction permit for new station to be operated on 1370 kc., 100 watts, daytime. Amended: Equipment changes.
- NEW—Steel City Broadcasting Company, Harold C. Lund, Bernard 1420 Armstrong, Jerome Mayhall, Pittsburgh, Pa.—Construction permit for new station to be operated on 890 kc., 500 watts power unlimited time. Amended: Change frequency from 890 kc. to 1420 kc., power from 500 to 100, 250 watts, daytime.
- NEW—Robert E. Cole, Washington, Pa.—Construction permit for 1350 new station to be operated on 1350 kc., 250 watts power, daytime operation. Amended to change name from Robert E. Cole to Robert E. Cole, d/b as Washington Broadcasting Company.

Third Zone

- NEW—Clarence Scharbauer, Midland, Tex.—Construction permit 1200 for new station to be operated on 1200 kc., 100 watts, daytime.
- KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—1420 Modification of construction permit (B3-P-308) to make

equipment changes. Amended: For approval of transmitter site at 104½ E. 4th St., Pecos, Tex., and approval of type of antenna.

WMBR—Florida Broadcasting Company, Jacksonville, Fla.—Construction permit to make equipment changes, increase power from 100 to 250 watts day. Consideration under Rule 6 (g). Amended: Change transmitter site from 33 W. Adams St., Jacksonville, Fla., to Jacksonville, Fla. (no street address given).

NEW—J. R. Maddox, J. Richards, d/b as Tuscaloosa Broadcasting Co., Tuscaloosa, Ala.—Construction permit for new station to be operated on 1370 kc., 100 watts power, daytime.

NEW—Carter Publications, Inc., Portable-Mobile.—Construction permit to erect a new station to be operated on 1606, 2020, 2102, 2760 kc., 50 watts, A3.

WRGA—Rome Broadcasting Corp., Rome, Ga.—License to cover 1500 (B3-P-254) as modified to make equipment changes and increase power from 100 watts to 100 watts night, 250 watts day.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Extension of special experimental authorization to operate with 1 KW using directional antenna night, 5 KW day, period 9-1-35 to 3-1-36.

Fourth Zone

NEW—Farmers Educational & Cooperative Union of America, 550 North Dakota Division, Bismarck, N. Dak.—Construction permit for new station on 550 kc., 1 KW, 5 KW day, unlimited time, facilities of KFYR.

NEW—Harold F. Foraker and Ray D. Luzadder, d/b as The 1500 Wichita Broadcasting Co., Wichita, Kans.—Construction permit erect new broadcast station to be operated on 1500 kc., 100 watts power, unlimited time.

Fifth Zone

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Construction 1210 permit erect a new broadcast station to be operated on 1210

kc., 100 watts power, daytime. Amended: Change hours of operation from daytime to unlimited.

KLO—Interstate Broadcasting Co., Ogden, Utah.—Construction 1400 permit to make changes in equipment, increase power from 500 watts to 1 KW. Amended: Antenna changes, move transmitter from Route 4, Riverdale Road, approximately 4 miles southwest of Ogden, Utah, to Lakeside, Utah, on Lakeside Road, 2¼ miles southwest of Kayesville, Utah.

NEW—Clark Standiford, Fresno, Calif.—Construction permit to 1370 erect a new broadcast station to be operated on 1210 kc., 100 watts power, unlimited time. Amended: Change frequency from 1210 kc. to 1370 kc., time from unlimited to daytime.

Puget Sound Broadcasting Co., Portable.—Construction permit for a general experimental station for 31100, 34600, 37600, 40600 kc., 2 watts.

KFBK—James McClatchy Co., Sacramento, Calif.—Modification 1490 of B5-MP-3144 to request approval of transmitter at West. Sacramento Reclamation District 900, Calif., make equipment changes, extend commencement and completion dates.

NEW—Merced Star Pub. Co., Merced, Calif.—Construction permit 1640 for new station to be operated on 1040 kc., 250 watts, daytime.

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—Construction permit for new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change frequency from 1500 kc. to 1310 kc., and make equipment changes.

KFUH—Richard Field Lewis, Del Monte, Calif.—Modification of 1210 construction permit (B5-P-3184) authorizing erection of new station to be operated on 1210 kc., 100 watts, unlimited, requesting changes in equipment, change transmitter site from Polo Field House, Del Monte Hotel Prop., Del Monte, Calif., to Municipal Wharf, Monterey, Calif., and to extend commencement and completion dates. Amend to omit request for extension of commencement and completion dates.

NEW—Radio Service Corp. of Utah, Portable-Mobile.—Construction permit for new station to be operated on 1646, 2090, 2190, 2830 kc., 200 watts, A-3.

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS * * * * *

Vol. 3 - - No. 36
AUG. 1, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|--|------|
| Duffy Copyright Bill..... | 903 |
| Broadcast Advertising by Types of Stations and Rendition.. | 903 |
| Federal Trade Commission Activities..... | 906 |
| WTAQ Change Recommended..... | 906 |
| New Alabama Station Recommended..... | 906 |
| KOOS Change Recommended..... | 906 |
| Power Increase for WNEW Recommended..... | 906 |
| New Minnesota Station Recommended..... | 906 |
| Power Increase Recommended for KSTP..... | 906 |
| Codes of Ethics Copies Available..... | 907 |
| Federal Communications Commission Action..... | 907 |

DUFFY COPYRIGHT BILL

The Duffy Copyright Bill S. 3047 which is on the Consent Calendar in the Senate was called up on Monday. The bill was passed over on the objection of Senator Ashurst of Arizona. On Tuesday Senator Ashurst withdrew his objection to the bill. Today (Wednesday) Senator Duffy commenced his opening statement and when the Senate recessed the bill remained as unfinished business for tomorrow's session.

BROADCAST ADVERTISING BY TYPES OF STATIONS AND RENDITION

The compilation and publication by the NAB of monthly statistics regarding both network and non-network broadcast advertising volume has made available, for the first time, comprehensive information regarding the use of the medium by advertisers.

Because of the complexity of the task involved, it is necessary to restrict the monthly NAB reports of advertising volume to basic features. The collection of information from stations and networks, however, makes possible additional more detailed studies. The first of these, dealing with retail broadcast advertising, was published recently.

The current report is the second of the special studies to be published by the NAB. It is concerned principally with types of business placed over different classes of stations and the use made of different types of rendition by various industrial groups among the advertisers. A by-product of these analyses has been the compilation of data making possible the construction of estimates which show for the first time the basic economic situation in the industry regarding the distribution of advertising volume among classes of stations.¹

Distribution of National and Local Advertising

There is a marked variation in the distribution of national and local advertising among various classes of stations. It is estimated that national business represents approximately 85 per cent of all business placed over high-powered regional and clear channel stations.² National business accounts for about 70 per cent of

¹ The report is based upon an identical sample of 65 stations, representing about 25 per cent of the gross time sales of the medium, together with such supplementary data as was required to arrive at the more general estimates. The stations in question represented every class of transmitter and section of the country. The uniformity of behavior within the sample, and the high degree of correlation found between it and available comparable data, justify the application of the results secured to the medium as a whole. The study was made during a 13-month period embracing the 1934 season. The basic statistical compilations, from which the tables were later derived, were the work of Bernard Rose, Jr., a senior in the Wharton School of Finance and Commerce of the University of Pennsylvania.

² The same three classes of stations as are used in the monthly NAB reports are employed in this study: stations over 1,000 watts in power; 250-1,000 watts; and 100 watts. Night time power is used as the basis for classification. For purposes of convenience of expression, and because they are descriptive of the following classes, these groups will be referred to throughout the study in the following manner: high-powered regional and clear channel stations; regional stations; local stations. The high-powered regional stations have been classified with the clear channel group because they display the same general economic characteristics. All stations in the first group operate on power of 5,000 watts and upwards.

total gross time sales on the part of regional stations, and for one-eighth of local station volume.

The situation is slightly different when network volume is excluded from the picture and when national *non-network* business is analyzed separately. In the case of high powered regional and clear channel stations, national business of this type represents about 60 per cent of *total non-network volume*. National non-network advertising constitutes approximately 35 per cent of regional station non-network business. Since local stations are affiliated with networks of any type only to a very small degree, the separate analysis of national non-network business does not change the proportion of national and local volume presented in the preceding paragraph.

There is undoubtedly a considerable difference in the proportion of national and local business enjoyed by network-affiliated and non-network-affiliated stations of the same power. Unfortunately sufficiently detailed information is not available to make possible a complete analysis of the situation in this respect. Estimates are possible, however, as to the proportion of total advertising volume placed over network-affiliated stations. For 1934 the proportion of total broadcast advertising volume placed over stations affiliated with national networks has been placed at approximately 75 per cent. These stations represent approximately one-third of the commercial transmitters in the country. It is estimated that network-affiliated stations accounted for slightly less than two-thirds of the national non-network volume during the year, and for slightly more than 55 per cent of all non-network advertising, national and local combined.

Nature of National Non-network Advertising

National non-network advertisers form a less homogeneous group than do the users of national networks. Two groups are found in the national non-network field: the national distributor who employs non-network advertising in preference to networks or to supplement network efforts and the regional distributor whose sales are confined to more limited territories. In the case of the latter group, the line of cleavage between national and local is not always completely clear-cut. Regional distributors account for an important proportion of national non-network business and should constitute a market for further development.

Station Business by Size of Community

There has been some question as to whether station revenues vary principally with power or on the basis of the size of the community served. Other than the distinction, already made, between network-affiliated and other stations, power seems to be the principal determinant of gross income. This situation undoubtedly arises out of the lack of appreciation on the part of many advertisers of the fact that coverage or circulation are by no means synonymous with power, and that other factors may easily offset a mere power advantage.

In the case of high-powered regional and clear channel stations, the only variation of major importance in non-network business, at least, is with regard to stations located in towns of 500,000 and more in population and smaller communities. The average monthly non-network revenues of the former group tend to be twice those of stations of similar power located in communities of between 250,000 and 500,000 population. There is little difference again until communities of less than 100,000 population are reached, when revenues decline materially.

The same general trend prevails with regard to non-network revenues of regional stations. There is little or no difference in the average monthly revenues of local stations when analyzed on the basis of the size of community served. Gross income of stations located in towns of less than 50,000 is somewhat smaller than for stations located in larger communities, but not sufficiently so to be significant.

In contrast to the situation with regard to revenues by size of community, analysis of station revenues on the basis of power reveals a uniform tendency for volume of business to group itself on this basis. The principal exception in this field is with regard to the non-network business of clear channel and regional network affiliates, where the line of demarcation is less clear than usual.

Sponsorship of Non-network Advertising

There are important differences in the types of products and services advertised over various classes of stations. Amusements represent a larger proportion of local station business than they do for any other class of transmitter. Gasoline and accessories, drugs and cosmetics, confectionery, beverages and tobacco favor the higher powered regional and clear channel stations.

Clothing and apparel advertising represents a larger proportion of the business of local and regional stations than it does in the case of the higher powered transmitters. Principal advertisers in this field are local retail establishments which tend to seek the less expensive media. Department stores tend to favor the regional stations.

As the size of the station decreases, the variety of advertisers increases. This is evidenced by the rise in the proportion of total business represented by the miscellaneous group when the local station is reached.

The proportion of total non-network broadcast advertising represented by various product and service groups over different size stations is found in Table I:

TABLE I

RELATIVE IMPORTANCE OF DIFFERENT CLASSES OF NON-NETWORK BUSINESS TO STATIONS OF VARYING SIZE

| Type of Sponsoring Business | Percentage total non-network time sales over class of station represented by product or service group. | | |
|--|--|-----------------|-----------|
| | Over 1,000 watts | 250-1,000 watts | 100 watts |
| 1a. Amusements | 1.1% | 3.8% | 8.1% |
| 1-2. Automobiles and accessories: | | | |
| 1. Automobiles | 4.9% | 4.5% | 3.8% |
| 2. Gasoline and accessories | 10.2% | 7.8% | 5.8% |
| 3. Clothing and apparel | 5.2% | 8.2% | 13.0% |
| 4-5. Drugs and toilet goods: | | | |
| 4. Drugs and pharmaceuticals | 18.0% | 9.2% | 5.7% |
| 5. Toilet goods | 6.7% | 3.0% | .6% |
| 6-8. Food products: | | | |
| 6. Foodstuffs | 17.1% | 16.5% | 13.3% |
| 7. Beverages | 4.4% | 3.5% | 2.9% |
| 8. Confectionery | 2.0% | .4% | .2% |
| 9-10. Household goods: | | | |
| 9. Household equipment and furnishings | 5.0% | 6.3% | 6.3% |
| 10. Soaps and kitchen supplies | 2.3% | 1.7% | .7% |
| 11. Insurance and financial | 2.1% | 3.1% | 4.0% |
| 12. Radios | .3% | .5% | .5% |
| 13. Department and general stores | 3.5% | 6.4% | 5.2% |
| 14. Tobacco products | 5.0% | .4% | .1% |
| 15. Miscellaneous | 12.2% | 24.7% | 29.8% |
| Total | 100.0% | 100.0% | 100.0% |

It must be remembered that the data in the foregoing table represents the relative importance of different classes of business to stations of a given size. It does not indicate the proportion of total advertising placed by a given product group—drugs, for instance—on stations of a given class. If the situation were viewed in this light, it is probable that a heavy concentration of the more important industrial groups—automotive, accessory and gasoline, drugs, toilet goods, food, beverages, confectionery, soap and kitchen supplies—would be found on the higher powered stations.

Further differences in the relative importance of different product and service groups advertising over stations of varying power are found if national and local non-network advertising is examined separately. This is done in Tables II and III:

TABLE II

RELATIVE IMPORTANCE OF DIFFERENT CLASSES OF NATIONAL NON-NETWORK BUSINESS TO STATIONS OF VARYING SIZE

| Type of Sponsoring Business | Percentage national non-network time sales represented by product or service group over station class. | | |
|--|--|-----------------|-----------|
| | Over 1,000 watts | 250-1,000 watts | 100 watts |
| 1a. Amusements | .2% | 1.1% | 1.3% |
| 1-2. Automobiles and accessories: | | | |
| 1. Automobiles | 3.5% | 6.6% | 4.4% |
| 2. Gasoline and accessories | 14.4% | 11.5% | 9.3% |
| 3. Clothing and apparel | 1.3% | 2.9% | .1% |
| 4-5. Drugs and toilet goods: | | | |
| 4. Drugs and pharmaceuticals | 21.3% | 27.8% | 21.8% |
| 5. Toilet goods | 8.2% | 7.6% | .1% |
| 6-8. Food products: | | | |
| 6. Foodstuffs | 16.6% | 10.7% | 15.6% |
| 7. Beverages | 3.4% | 3.7% | 8.8% |
| 8. Confectionery | 3.0% | .4% | — |
| 9-10. Household goods: | | | |
| 9. Household equipment and furnishings | 2.4% | 3.0% | — |
| 10. Soaps and kitchen supplies | 2.3% | 2.6% | — |
| 11. Insurance and financial | 2.9% | 1.3% | 8.6% |
| 12. Radios | .2% | .1% | — |
| 13. Department and general stores | .1% | .5% | — |
| 14. Tobacco products | 6.0% | .6% | — |
| 15. Miscellaneous | 14.2% | 19.6% | 30.0% |
| Total | 100.0% | 100.0% | 100.0% |

TABLE III

RELATIVE IMPORTANCE OF DIFFERENT CLASSES OF LOCAL BUSINESS TO STATIONS OF VARYING SIZE

| Type of Sponsoring Business | Percentage local broadcast advertising represented by product or service group over station class. | | |
|--|--|-----------------|-----------|
| | Over 1,000 watts | 250-1,000 watts | 100 watts |
| 1a. Amusements | 2.1% | 4.9% | 9.1% |
| 1-2. Automobiles and accessories: | | | |
| 1. Automobiles | 6.0% | 3.6% | 2.7% |
| 2. Gasoline and accessories | 5.4% | 6.1% | 5.4% |
| 3. Clothing and apparel | 8.7% | 10.6% | 15.7% |
| 4-5. Drugs and toilet goods: | | | |
| 4. Drugs and pharmaceuticals | 11.3% | 5.5% | 3.5% |
| 5. Toilet goods | 4.3% | 1.6% | .4% |
| 6-8. Food products: | | | |
| 6. Foodstuffs | 15.4% | 15.3% | 13.3% |
| 7. Beverages | 5.1% | 3.5% | 2.2% |
| 8. Confectionery | .4% | .3% | .3% |
| 9-10. Household goods: | | | |
| 9. Household equipment and furnishings | 7.6% | 7.8% | 6.8% |
| 10. Soaps and kitchen supplies | 1.7% | .6% | .1% |
| 11. Insurance and financial | 2.1% | 3.6% | 3.6% |
| 12. Radios | .1% | .7% | .7% |
| 13. Department and general stores | 7.3% | 8.1% | 6.0% |
| 14. Tobacco products | .3% | .1% | .1% |
| 15. Miscellaneous | 27.2% | 27.7% | 30.1% |
| Total | 100.0% | 100.0% | 100.0% |

In general the two tables confirm the conclusions which may be drawn from the one showing total non-network business. The national non-network volume of local stations is limited in composition. Foodstuffs, beverages, drugs, gasoline and accessories, and financial advertisers are the principal national users. Chain accessory stores and loan and finance companies are important factors in their respective classes in this case. National and local manufacturer-distributors whose products cater particularly to the artisan groups also tend to employ local stations to a considerable degree.

Non-network Advertising by Rendition

The variations in the type of rendition used by non-network advertisers over different classes of stations are particularly interesting. The principal features in this respect are revealed by Tables IV, V and VI:

TABLE IV

PROPORTION OF TOTAL NON-NETWORK BUSINESS OVER STATIONS OF VARYING SIZE BY TYPE OF RENDITION

| Type of Rendition | Percentage total non-network volume represented by type of rendition, over class of station. | | |
|---------------------------|--|------------|--------|
| | Over 1,000 | .250-1,000 | 100 |
| | watts | watts | watts |
| Electrical transcriptions | 25.6% | 13.0% | 8.4% |
| Live talent programs | 46.7% | 41.6% | 33.7% |
| Announcements | 27.2% | 43.6% | 46.0% |
| Records | .5% | 1.8% | 11.9% |
| Total | 100.0% | 100.0% | 100.0% |

TABLE V

PROPORTION OF NATIONAL NON-NETWORK BUSINESS OVER STATIONS OF VARYING SIZE BY TYPE OF RENDITION

| Type of Rendition | Percentage national non-network volume represented by type of rendition over class of station. | | |
|---------------------------|--|------------|--------|
| | Over 1,000 | .250-1,000 | 100 |
| | watts | watts | watts |
| Electrical transcriptions | 36.0% | 30.3% | 33.6% |
| Live talent programs | 40.5% | 33.4% | 18.3% |
| Announcements | 23.5% | 35.5% | 43.0% |
| Records | — | .8% | 5.1% |
| Total | 100.0% | 100.0% | 100.0% |

TABLE VI

PROPORTION OF LOCAL BROADCAST ADVERTISING OVER STATIONS OF VARYING SIZE BY TYPE OF RENDITION

| Type of Rendition | Percentage of local broadcast advertising represented by type of rendition over class of station. | | |
|---------------------------|---|------------|--------|
| | Over 1,000 | .250-1,000 | 100 |
| | watts | watts | watts |
| Electrical transcriptions | 12.9% | 5.8% | 4.9% |
| Live talent programs | 54.2% | 45.1% | 35.8% |
| Announcements | 31.9% | 46.9% | 46.4% |
| Records | 1.0% | 2.2% | 12.9% |
| Total | 100.0% | 100.0% | 100.0% |

It will be noted that electrical transcription volume is concentrated upon the high powered regional and clear channel stations. Electrical transcriptions thus far have not made any great headway in the local station field.

Live talent business is found principally upon the clear channel and regional groups with a slight predominance in the case of the latter class of stations. Financial resources, program facilities, and type of advertisers combine to produce this result.

Announcements constitute a fairly large proportion of the business of every class of station, rising in volume as the size of station decreases. Since programs classified under records are mainly retail participations where records are used, business of an announcement nature is somewhat more in the case of local stations than with regard to other classes, though it does not exceed 60 per cent.

Sponsorship of Types of Rendition

The different types of rendition are not used uniformly by all types of broadcast advertisers. Their use is dependent upon several factors. The financial resources of the average advertiser

within the industry in question, the nature and extent of the market to be services, and the preferences of leading companies in the field are among the determinants of the nature of the rendition to be used.

The proportion of total non-network broadcast advertising represented by various types of rendition in the case of different industries is found in Table VII:

TABLE VII

NON-NETWORK BROADCAST ADVERTISING SPONSORS BY TYPE OF RENDITION EMPLOYED

| Type of Sponsoring Business | Percentage of total non-network advertising represented by rendition type. | | | | |
|--|--|-------------|---------------|---------|--------|
| | Electrical transcriptions | Live talent | Announcements | Records | Total |
| | | | | | |
| 1a. Amusements | 2.2% | 53.1% | 41.7% | 3.0% | 100.0% |
| 1-2. Automobiles and accessories: | | | | | |
| 1. Automobiles | 17.5% | 21.0% | 59.0% | 2.5% | 100.0% |
| 2. Gasoline and accessories | 18.8% | 39.7% | 40.8% | .7% | 100.0% |
| 3. Clothing and apparel | 7.6% | 38.0% | 45.2% | 9.2% | 100.0% |
| 4-5. Drugs and toilet goods: | | | | | |
| 4. Drugs and pharmaceuticals | 28.2% | 48.4% | 22.4% | 1.0% | 100.0% |
| 5. Toilet goods | 56.8% | 25.3% | 17.6% | .3% | 100.0% |
| 6-8. Food products: | | | | | |
| 6. Foodstuffs | 18.6% | 48.8% | 31.4% | 1.2% | 100.0% |
| 7. Beverages | 21.7% | 44.9% | 32.3% | 1.1% | 100.0% |
| 8. Confectionery | 40.5% | 22.8% | 36.5% | .2% | 100.0% |
| 9-10. Household goods: | | | | | |
| 9. Household equipment and furnishings | 6.2% | 35.5% | 53.8% | 4.5% | 100.0% |
| 10. Soaps and kitchen supplies | 30.8% | 42.6% | 26.1% | .5% | 100.0% |
| 11. Insurance and financial | 16.5% | 37.1% | 45.7% | .7% | 100.0% |
| 12. Radios | 6.9% | 38.6% | 49.9% | 4.6% | 100.0% |
| 13. Department and general stores | 6.3% | 44.4% | 46.6% | 2.7% | 100.0% |
| 14. Tobacco products | 48.2% | 24.7% | 27.1% | — | 100.0% |
| 15. Miscellaneous | 12.3% | 48.0% | 38.3% | — | 100.0% |
| Total | 21.7% | 47.9% | 28.8% | 1.6% | 100.0% |

A number of interesting facts are revealed by the preceding table. The high proportion of live talent programs in the amusement field is explained by remote control programs from dance halls, amusement parks and similar places. Announcement volume is composed of motion picture house announcements, and those of community, fraternal, church and similar entertainments.

Electrical transcription volume in the automotive field is national in origin, as is a considerable portion of the announcement business. The live talent programs are principally local offerings.

Transcription and live talent volume in the gasoline and accessory fields both seem to be mainly national in origin. There is some tendency here for localized brands to take to the air. Announcement volume is mainly local garage, gasoline station and accessory store advertising.

The preponderance of announcements and records in the clothing and apparel field is due to the number of small retailers who are advertising over the radio.

Drug and toilet goods advertisers constitute some of the most important users of electrical transcriptions at the present time. The large proportion of live talent programs in the drug field are due to the practice of some drug companies of buying local station acts, and to the advertising of localized remedy manufacturers. Cosmetic advertising is especially centered in the national distributors, which is probably the reason why the relative proportion of transcription volume is higher in this field than in any other sponsoring group.

Local food and beverage companies—packers, wholesalers, brewers and bottlers—are responsible for a considerable portion of

the live talent advertising in the two fields under consideration, while chewing gum and similar advertising is the reason for the high proportion of electrical transcriptions used in the confectionery field.

Retail house furnishing establishments are the cause of the high volume of announcement business, the fairly large amount of records, and a small proportion of the live talent programs used by this product group. Soap and kitchen supply advertising shows less clear-cut trends.

The relatively large proportion of live talent business placed by department stores is of considerable interest. National non-network advertising is the explanation of the transcription volume in the department store group.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The Federal Trade Commission has issued the following complaints, charging unfair competition of various types against the companies involved. The respondents will be given opportunity to appear before the Commission and to show cause why cease and desist orders should not be issued against them.

No. 2499. Aborn Hat Manufacturing Co., Chicago, Ill. Second-hand and discarded men's felt hats are alleged to have been renovated by the respondent and sold to dealers without anything on or about the hats to indicate that they were second-hand. This practice is alleged to have had a tendency to induce many dealers and retail buyers to purchase these hats in the mistaken belief that they were new and unused hats.

The complaint says the cost to the respondent of obtaining and making over these hats is much less than the cost to hat manufacturers of making new hats of similar quality, so that the Aborn company is able to sell these products to dealers at substantially lower prices than those charged by manufacturers for new hats.

The renovating process is described as consisting of cleaning, steaming, ironing and shaping, following which the hats are relined and fitted with new ribbons, sweat bands and size labels. Hearing, Friday August 23.

No. 2500. Certified Products Co., Inc., Birmingham, Ala., and Jerome C. Ard, president and general manager. The complaint alleges that the respondent enticed employees of the Fuller Brush Co. to violate their contractual relations with the Fuller company, and disparaged the financial status, management and business policies of the Fuller company, in violation of the Federal Trade Commission Act.

Regarding the first count of the charge, the complaint says that Certified Products, acting through its duly authorized officials, and particularly through the person of Ard, "continuously enticed and attempted to entice, for the purpose of employing the same, employees of the Fuller Brush Co.," and endeavored to appropriate and did appropriate values created by the Fuller company by enticing and attempting to entice Fuller employees to violate their employment contracts and enter into the employ of the respondent. The values so appropriated are described in the complaint as being the training, experience and ability of these employees as salesmen.

The second count of the complaint charges that Certified Products, through its agents, but particularly through Ard, disparaged the business standing of the Fuller company, the effect being to entice Fuller employees to sever their relations with Fuller.

Certified Products engages in the sale of brushes, dusters, brooms, mops and other furnishings and equipment of like nature.

No. 2501. K & E DeLuxe Padded Van Co., Inc., and United Can Service, Jersey City, N. J. Misrepresentations in the sale of service and facilities in the transfer and hauling business are alleged by the Commission.

Advertisements of these companies are alleged to be false and misleading in that the respondents represent and imply that they own 1,000, 1,200, and 1,250 vans, and have 600 or more offices and are national or international organizations in scope.

It is alleged that the companies also represent and imply that they own all the equipment used in transporting goods to all parts of the United States and Canada, without subcontracting or sub-letting any business received to other carriers and that by virtue thereof the shipper of goods assumes no risk of sub-letting to irresponsible carriers.

These representations are not true, according to the complaint, as the respondents do not have the number of vans, equipment and offices implied and are not equipped to transport goods over the wide territory described without sub-letting to other carriers.

These representations are alleged to give the respondents unfair competitive advantages. Hearing, Friday, August 23.

Stipulations

No. 1409. Raylite Trading Co., Inc., New York City. The respondent agrees that in the sale of its Christmas tree lighting outfits it will not use the phrase "Made in U. S. A." so as to imply that its products are composed entirely of parts made in the United States of America, when such is not the fact.

Provision is made that when the products consist only in part of elements manufactured in the United States and the slogan "Made in U. S. A." is used, such slogan shall be accompanied by other words in equally conspicuous type to indicate clearly that the articles sold are composed in part of elements not made in the United States.

WTAQ CHANGE RECOMMENDED

Broadcasting Station WTAQ, Eau Claire, Wis., applied to the Federal Communications Commission to grant it unlimited time instead of simultaneous daytime hours with KSCJ and specified night hours. Also it asked for voluntary assignment of its license to WHBY, Inc. and to move the station to Green Bay, Wis. The station operates on a frequency of 1330 kilocycles, 1,000 watts power.

George H. Hill (e) in Report No. I-82 recommends that both applications be granted. The Examiner found that moving the station would not cause any interference, that the moving would increase its service area, that WHBY, Inc., has financial and other qualifications for operating the station and that the change would be in the public interest.

NEW ALABAMA STATION RECOMMENDED

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

R. H. Hyde (e) in Report No. I-80 recommended that the application be granted. The Examiner found that the applicant is financially and otherwise able to construct and operate the proposed station and that public interest would be served.

KOOS CHANGE RECOMMENDED

Broadcasting Station KOOS, Marshfield, Ore., applied to the Federal Communications Commission to change its assignment from 1200 kilocycles, 100 watts and 250 watts L. S., with daytime and specified night hours to 1390 kilocycles, 250 watts L. S. and daytime hours.

John P. Bramhall (e) in Report No. I-81 recommended that the application be granted. The Examiner found that "the public interest, convenience and necessity will be served by granting "the changes asked."

POWER INCREASE FOR WNEW RECOMMENDED

Station WNEW, Newark, N. J. applied to the Federal Communications Commission to increase its daytime power from 2,500 to 5,000 watts. The station operates on a frequency of 1250 kilocycles and shares time with WHBI.

Ralph L. Walker (e) in Report No. I-79 recommends that the application be granted. The Examiner found that an increase in the signal strength of the station is necessary to override the high noise level in the area which it serves. He found also that such power increase in the daytime would not cause interference.

NEW MINNESOTA STATION RECOMMENDED

The Head of the Lakes Broadcasting Company has applied to the Federal Communications Commission for a construction permit for a new station to be erected at Virginia, Minn., to use 1370 kilocycles, 100 watts power and unlimited time on the air.

R. H. Hyde (e), in Report No. I-78 recommends that the application be granted. He found that there is need in the area for the additional facilities, and that no interference would be caused with any existing facilities. The applicant is financially and otherwise qualified to construct and operate such a station and its operation would be in the public interest.

POWER INCREASE RECOMMENDED FOR KSTP

Broadcasting Station KSTP, St. Paul, Minn., applied to the Federal Communications Commission for a power increase from 10,000 watts and 25,000 watts LS to 25,000 watts at all times. The station operates on a frequency of 1460 kilocycles, unlimited time.

Ralph L. Walker (e) in Report No. I-83 recommends "that the application of KSTP for modification of special experimental authorization be treated as an application for modification of license and granted, with the proviso that the applicant shall cause a constant check to be made during such night hours as KSTP operates to determine the strength of the signal in the direction of WJSV at a point one mile from the KSTP antenna, and with the further proviso that the signal strength of KSTP in the direction of WJSV at a point one mile from the antenna shall not exceed 400 millivolts per meter."

CODE OF ETHICS COPIES AVAILABLE

Copies of the revised NAB Code of Ethics and of the revised NAB Constitution and By-Laws will be mailed this week to all member stations.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, August 5, 1935

- NEW—Eagle Rock Broadcasting Co. (Charles A. Butler, E. Kaufman), Eagle Rock, Calif.—C. P., 1160 kc., 250 watts, daytime.
- NEW—Northern California Amusement Co., Inc., Yreka, Calif.—C. P., 1500 kc., 100 watts, daytime.
- NEW—Metro Broadcasting Co., East Los Angeles, Calif.—C. P., 8-A 820 kc., 250 watts, limited with WHAS.
- NEW—Bailey Brothers (Burton G., Theodore G., David G., Clinton J. Bailey), San Diego, Calif.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.
- KYA—Pacific Broadcasting Corp., San Francisco, Calif.—C. P., 1230 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1230 kc., 1 KW, unlimited time.
- NEW—Miles J. Hansen, Fresno, Calif.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Harold H. Hanseth, Fresno, Calif.—C. P., 1410 kc., 1 KW, unlimited time.
- KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P., 1450 kc., 500 watts, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—C. P., 1210 kc., 100 watts, 250 watts LS, shares with KFXM. Present assignment: 1210 kc., 50 watts, shares with KFXM.
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license, 1210 kc., 100 watts, shares with KFXM. Present assignment: 1210 kc., 50 watts, shares with KFXM.
- KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of license, 1420 kc., 100 watts, unlimited time. Present assignment: 1420 kc., 100 watts, specified hours.
- NEW—Hauser Radio Co. (C. R. Hauser & John McGinniss), Ventura, Calif.—C. P., 1310 kc., 100 watts, unlimited time.

Wednesday, August 7, 1935

- NEW—Cache Valley Broadcasting Service Company, J. A. & J. M. Reeder, L. R. Jensen, Logan, Utah—C. P., 1370 kc., 100 watts, unlimited time.
- WILL—University of Illinois, Urbana, Illinois—Modification of license, 580 kc., 250 watts, 1 KW LS, daytime. Present assignment: 890 kc., 250 watts, 1 KW LS, shares with KUSD and KFNF.
- NEW—Jack Powers, Frank C. Carman, Davis G. Smith and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah—C. P., 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted temporary extension of special experimental authorization for period of 1 month, to operate with 970 kc., 1.5 KW, unlimited time.
- KOB—New Mexico College of Agricultural and Mechanic Arts, Albuquerque, N. Mex.—Granted renewal of license for a period of 30 days from August 1, to operate on 1180 kc., 10 KW, share hours.
- WJZ—National Broadcasting Co., New York City—Granted license to cover special experimental authorization for increase in power from 30 to 50 KW, 760 kc., unlimited time.

- WMT—Waterloo Broadcasting Co., Waterloo, Ia.—Granted modification of special authorization to install directional antenna; 600 kc., 500 watts night, 1 KW day, unlimited time. Under special experimental authorization, 1 KW night, 2½ KW day.
- WREC—WREC, Inc., Memphis, Tenn.—Granted modification of C. P. to move transmitter locally, increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day; extend commencement date to this date and completion date to 6 months hereafter.
- KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted transfer of control of corporation from Chas. M. Thomson Holding Corporation to one Saul Haas, 650 kc., 250 watts, Ltd., S. A., 710 kc.
- KLZ—Noami F. Bengston, Denver, Colo.—Granted transfer of control of Reynolds Radio Co., licensee of station KLZ, from Noami F. Bengston to E. K. Gaylord, and Inez K. Gaylord (560 kc., 1 KW, unlimited time).
- WREN—WREN Broadcasting Co., Lawrence, Kans.—Granted authority to determine operating power by direct measurement of antenna power. Also granted license to cover C. P.; 1220 kc., 1 KW night, 5 KW day, share KFKU.
- KOKB—E. Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authorization to operate from 8 a. m. to 2 p. m., and from 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6 p. m., and 7:30 to 9 p. m., CST, as at present licensed, but for the period beginning August 1, and ending in no event later than September 1, 1935, pending action on application requesting full daytime operation and S. A. at night. (1500 kc., 100 watts, specified hours.)
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted C. P. to move transmitter locally from Cumberland Hotel to Bailey Ave.; make changes in equipment and increase power from 100 to 250 watts day.
- NEW—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted C. P. for new station to operate on 1420 kc., 100 watts, unlimited time.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted C. P. to make changes in equipment.
- WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Granted license to cover C. P. as modified; 1420 kc., 100 watts, unlimited.
- KGVO—Mosby's Inc., Missoula, Mont.—Granted temporary license to cover C. P.; 1200 kc., 100 watts, unlimited time, subject to approval of proper antenna system.
- WLLH—Albert S. Moffat, Lowell, Mass.—Granted consent to voluntary assignment of license to Merrimac Broadcasting Co., Inc., 1370 kc., 100 watts night, 250 watts day, unlimited.
- KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted renewal of license for the regular period, 950 kc., 1 KW night, 2½ KW day, unlimited, reconsidering its action in designating application for hearing and dismissed same from hearing docket.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authorization to use the 1 KW auxiliary transmitter as an auxiliary to the 5 KW transmitter of this station until 8 p. m., PST. Also granted extension of special experimental authorization to operate from LS at San Francisco to 8 p. m., PST (11 p. m., EST), with 1 KW.
- WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authorization to operate daytime to sunset at New Orleans on 850 kc., with power of 1 KW for period ending February 1, 1936.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special experimental authorization to operate simultaneously with KTHS on 1060 kc., 10 KW, from 6 a. m. to sunset at Hot Springs, Arkansas, and to operate on 1060 kc., 10 KW, from sunset at Hot Springs to 9 p. m., EST, and to synchronize with WJZ daily except Sunday on 760 kc., 2½ KW after 9 p. m., EST, Sunday after 8:45 p. m., EST.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted extension of special experimental authorization to operate simultaneously with WBAL from 6 a. m. to local sunset and to remain silent from LS to 8 p. m., CST, and to operate from 8 p. m. to midnight on 1060 kc., 10 KW for period of 6 months.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authorization to

operate simultaneously with station KRLD, 1040 kc., 50 KW, unlimited for period ending November 1, 1935.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authorization to operate simultaneously with station WTIC from Aug. 1, 1935 to Nov. 1, 1935.

WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted extension of special temporary authorization to operate on 1060 kc., with 1 KW, Ltd., time, for the period August 1, 1935, and ending February 1, 1936.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authorization to operate on 1040 kc., limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period August 1 to Nov. 1, 1935.

NEW—Carter Publications, Inc., Portable-Mobile, Fort Worth, Tex.—Granted C. P. for broadcast pickup station in temporary service for rebroadcast over station WBAP; frequencies 1606, 2020, 2102 and 2760 kc., 50 watts.

NEW—The Pulitzer Publisher Co., Portable-Mobile, St. Louis, Mo.—Granted C. P. for new general experimental station, broadcast pickup on experimental basis; frequencies 31100, 34600, 37600, 40600, 86000-400000 kc.; 5 watts, unlimited time.

NEW—Frank O. Knoll and Julian F. McCutchen, St. Cloud, Minn.—Granted C. P. for new special general experimental station; frequencies 31600, 35600, 38600 and 41000 kc., 100 watts, unlimited time.

NEW—Radio Service Corp. of Utah, Portable-Mobile, Salt Lake City, Utah—Granted C. P. for broadcast pickup station in temporary service; frequencies 1646, 2090, 2190 and 2830 kc., 200 watts.

NEW—Westinghouse E & M Co., Portable-Mobile, Chicopee Falls, Mass.—Granted C. P. and license for new general experimental broadcast pickup station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 150 watts.

W10XFH—National Broadcasting Co., Inc., New York City—Granted renewal of special experimental Portable-Mobile station license to be used to obtain propagation data in connection with a balloon flight to the stratosphere and to transmit messages for rebroadcast purposes in order to inform broadcast listeners of the progress of this scientific undertaking; 13050 kc., 10 watts, for period of 90 days from August 1.

SET FOR HEARING

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Renewal of license; 950 kc., 1 KW, with additional 1½ KW from local sunrise to local sunset only, unlimited time.

NEW—Springfield Newspapers, Inc., Springfield, Mo.—Application for construction permit amended so as to read: 710 kc., 1 KW daytime only; also granted petition of KGBX, Inc., to intervene in hearing.

NEW—Carl S. Taylor, Dubois, Pa.—Application for C. P. for new station; 780 kc., 250 watts, daytime only.

WPHR—WLBG, Inc., Petersburg, Va.—Application for C. P. to move transmitter and studio from Petersburg to a site to be determined, subject to Commission's approval, at Richmond, Va.

NEW—Philco Radio & Television Corp., Philadelphia, Pa.—Application for C. P. to erect a special experimental station to be used in conjunction with visual station W3XE as a synchronized sound transmitter.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Application for C. P. for new station; studio and transmitter site to be determined, subject to Commission's approval; 1200 kc., 100 watts, daytime only.

NEW—L. S. Packard, L. H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Cal.—Application for C. P. for new station; 1160 kc., 250 watts, daytime only.

NEW—Dudley J. Connolly, Elliott Knight and Fred Sullivan, d/b as Dudley J. Connolly and Company, Chattanooga, Tenn.—Amended C. P. so as to read: transmitter location to be determined subject to Commission's approval; make changes in equipment; change hours of operation from unlimited to daytime only; to change name of applicant (giving names of partners); 1200 kc., 100 watts, daytime.

NEW—Central Texas Broadcasting Co., Inc., Fort Worth, Tex.—Application for C. P. for new station; 1210 kc., 100 watts, unlimited time.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Application for C. P. for new station; transmitter site to be determined subject to Commission's approval; frequencies 1210 kc., 100 watts night, 250 watts day, unlimited time.

KUJ—KUJ, Inc., Walla Walla, Wash.—Application for C. P. to install new equipment; change frequency from 1370 kc. to 1450 kc.; change power from 100 watts to 1 KW, and move station locally.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license; 890 kc., 250 watts, unlimited time.

MISCELLANEOUS

WRBX—Richmond Development Corp., Roanoke, Va.—Denied special temporary authority to operate unlimited time, until such time as station WHIS resumes operation, but for a period not to exceed 30 days.

WJZ—National Broadcasting Co., New York City—Retired to files application for extension of special experimental authorization to operate with 50 KW day and night to Feb. 1, 1936, since this matter has been covered by application for license.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in opposition to application of A. O. Jenkins for new radio station to operate on 610 kc., 250 watts, unlimited time.

WMFI—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. to change transmitter and studio locally, extend completion date from Aug. 31, 1935, to 60 days after grant.

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special experimental authority to operate with 500 KW night, with directional antenna, and 500 KW day, unlimited time.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authorization to operate on frequency 710 kc., 250 watts, unlimited time, for period of 30 days.

WHA—University of Wisconsin, Madison, Wis.—Granted special temporary authorization to operate from 7 to 7:15 p. m., CST, on Tuesdays, with power of 1 KW, for period of 30 days, to permit continuance at established hour of series of weekly broadcasts by Governor LaFollette.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted special temporary authorization to operate from 3:30 p. m., CST, to local sunset, Aug. 14, 15, 16, 17 and 18, 1935, in order to broadcast Annual Homecoming Celebration and Dedication of new Post Office.

APPLICATIONS DISMISSED

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

NEW—Samuel Nathaniel Morris, Stamford, Tex.—C. P., 1420 kc., 100 watts, specified hours.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authority, 1240 kc., 1 KW, unlimited.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—C. P., 1230 kc., 250 watts, 500 watts LS, unlimited.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KTRB, Modesto, Cal.; KYW, Philadelphia, Pa.; WBBM and auxiliary, Chicago; WCAZ, Carthage, Ill.; WDGY, Minneapolis, Minn.

The following stations were granted renewal of licenses on a temporary basis only subject to such action as the Commission may take upon their pending applications for renewal:

KFBI, Abilene, Kans.; KIEV, Glendale, Cal.; KMPC, Beverly Hills, Cal.; KWJJ, Portland, Ore.; KXA, Seattle, Wash.; WBAP, Fort Worth, Tex.; WCCO, Minneapolis, Minn.; WESG, Elmira, N. Y.; WFAA, Dallas, Tex.; WHDH, Boston, Mass.; WJAG, Norfolk, Neb.; WNYC, New York City; WOI, Ames, Ia.; WOV, New York City; WPG, Atlantic City, N. J.; WWL, New Orleans, La.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license on a temporary basis only subject to such action as the Commission may take on the application for renewal of this station and on the application of Ark-La-Tex Radio Corp., and any other application involving the facilities of this station now pending before it.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authorization to change hours of operation from S. H. to unlimited, on a temporary basis only, subject to such action as the Commission may take on licensee's pending application now before it.

- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted renewal of license for the period ending Dec. 1, 1935.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Present license extended on a temporary basis only to Sept. 1, 1935, pending receipt and/or action on application for renewal.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Present license extended on a temporary basis only to Sept. 1, 1935, pending receipt and/or action on application for renewal.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Present license extended on a temporary basis only to Sept. 1, 1935, subject to such action as may be taken upon pending application for renewal.
- W6XAR—Julius Brunton & Sons, Co., Portable-Mobile—Present license extended for a period of one month from Aug. 1, on a temporary basis only, pending receipt and action on application for renewal.
- W6XAS—Julius Brunton & Sons, Co., Portable-Mobile—Present license extended for a period of one month from Aug. 1, on a temporary basis only, pending receipt and action on application for renewal.
- W9XBY—First National Television, Inc., Kansas City, Mo.—Granted renewal of license in exact conformity with existing license for the period August 5 to expire Dec. 1, 1935.
- W6XAI—Pioneer Mercantile Co., Bakersfield, Cal.—Granted renewal of license in exact conformity with existing license effective August 12 to expire Dec. 1, 1935.

APPLICATIONS RECEIVED

First Zone

- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—630 Construction permit to install new equipment, increase day power from 250 watts to 1 KW.
- WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—780 Modification of license to increase day power from 500 watts to 1 KW. Amended: To request 1 KW day and night.
- W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile—Construction permit to change equipment and increase power of transmitter to 100 watts.
- W2XE—Atlantic Broadcasting Corp., Wayne, N. J.—Modification of license to add frequencies 17800 and 21520 kc.
- W2XDV—Atlantic Broadcasting Corp., New York, N. Y.—Modification of license to change station from general experimental (broadcast pick-up) to general experimental (miscellaneous), with deletion of frequencies 31100, 34600, 37600, 40600 kc., and addition of frequencies 31600, 35600, 38600, and 41000 kc.
- WNYC—City of New York Department of Plant and Structures, 810 New York, N. Y.—Construction permit to install new equipment, increase power from 1 to 5 KW, to sunset N. Y., and from sunset New York use 1 KW power to sunset at Minneapolis, move transmitter from Centre and Duane Streets to Victory Blvd. and Travis Ave. New Springfield Park, N. Y.

Second Zone

- WASH—Kunsky Trendle Broadcasting Corp., Grand Rapids, Mich.—1270 Construction permit to install a new transmitter and increase power from 500 watts to 1 KW. Amended: To make changes in equipment (antenna).
- WADC—Allen T. Simmons, Village of Tallmadge, Ohio—1320 Construction permit to make equipment changes and change operating power from 1 KW night, 2½ KW day to 1 KW night, 5 KW day.
- WLW—The Crosley Radio Corp., Cincinnati, Ohio—Extension of 700 special experimental authorization to operate with power of 500 KW day and 500 KW night, using directional antenna for period 8-1-35 to 11-1-35.
- WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, 1270 Mich.—Construction permit to make equipment changes, increase power from 500 watts to 1 KW. Amended: To make equipment changes (antenna).
- WJSV—Old Dominion Broadcasting Co., Alexandria, Va.—1460 Modification of license to move studio from Alexandria, Va. to Earle Building, 13th and E Streets, N. W., Washington, D. C.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—880 Extension of special authorization to operate with additional 250 watts power from 9-1-35 to 3-1-36.

Third Zone

- NEW—The Life Builders, Dr. Alvin J. Corbell, Fort Worth, Tex.—1200 Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts, limited and sharing. Amended: To change frequency from 1310 kc. to 1200 kc., change hours of operation from limited and sharing to unlimited and change transmitter and studio sites from 513 Main St. to 2430 Belknap St., Fort Worth, Texas.

- NEW—James R. Doss, Jr., Tuscaloosa, Ala.—Construction permit 1420 for a new broadcast station to be operated on 1420 kc., 100 watts, daytime.
- KELD—T. H. Barton, El Dorado, Ark.—Modification of construction permit (B3-P-3216) authorizing erection of new station to be operated on 1370 kc., 100 watts, unlimited, to request authority to make equipment changes.
- NEW—C. E. Baker and H. W. Slavick, Meridan, Miss.—Construction permit to erect a new broadcast station to be operated on 1420 kc., 100; 250 watts, day, unlimited time.
- WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Modification of license to change hours of operation from specified hours to unlimited.

Fourth Zone

- WISN—Hearst Radio Inc., Milwaukee, Wisc.—License to cover 1120 special authorization, to use transmitter formerly licensed as main transmitter of WHAD as an auxiliary transmitter of WISN, to be operated with power of 250 watts at 1217 W. Wisconsin Ave., Milwaukee, Wisconsin.
- WCAL—St. Olaf College, Northfield, Minn.—Modification of 1250 license to make changes in specified hours on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays from 9:43-10:16 a. m. to 9:45-10:16 a. m.
- NEW—Mankato Broadcasting Co., Mankato, Minn.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time.
- KFEQ—Scroggin & Co., Bank, St. Joseph, Mo.—Construction permit to install new equipment, increase power from 2½ to 5 KW power day. Amended: To change name from Scroggin & Co., Bank, to KFEQ, Incorporated.
- NEW—Roberts MacNab Hotel Co. (Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, General Manager), Jamestown, N. D.—1420 Construction permit for new broadcast station to be operated on 1420 kc., 100 watts power, unlimited time. Amended: Change frequency from 1420 to 1310 kc.
- Northwestern Broadcasting, Inc., Minneapolis, Minn.—Construction permit for general experimental station for 31100, 34600, 37600, 40600, 86000-400000, 401000 kc., and above, 50 watts. Amended: To delete frequencies 31100, 34600, 37600, 40600 kc., and add frequencies 31600, 35600, 38600, and 41000 kc.
- WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—1070 Construction permit to install a new transmitter and increase operating power from 100 watts to 250 watts. Amended: To move transmitter to site to be determined, Carthage, Illinois.
- NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hastings, Nebr.—1420 Construction permit for a new broadcast station to be operated on 1420 kc., 100 watts, unlimited.
- NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy., 1500 Appleton, Wisc.—Construction permit for a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time.
- WJBC—Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—1200 Construction permit to install new equipment and increase the operating power from 100 watts to 100 watts night, 250 watts day. Amended: To make changes in antenna system.
- KFJM—University of North Dakota, Grand Forks, N. D.—1370 Special experimental authorization to operate on 250 watts day for period ending 1-1-36.
- NEW—Burlington Broadcasting Co., Emmons L. Abeles, Secy., 1370 Burlington, Iowa—Construction permit for a new broadcast station to be operated on 1370 kc., 100 watts, unlimited.
- NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clinton, Iowa—1310 Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts, unlimited.

Fifth Zone

- NEW—Clark Standiford, Visalia, Calif.—Construction permit to 1310 erect a new broadcast station to be operated on 1310 kc., 100 watts power, daytime. Amended: Change hours of operation from daytime to unlimited and request 100 watts power night.
- NEW—Clark Standiford, San Jose, Calif.—Construction permit to 1310 erect a new broadcast station to be operated on 1500 kc.,

- 100 watts power, daytime. Amended: Change hours of from 1500 to 1310 kc.
- KPCB**—Queen City Broadcasting Co., Seattle, Wash.—Transfer of control of corporation from Chas. M. Thomsen Holding Corporation to Saul Haas.
- KIFO**—Nichols and Warinner, Inc., Portable-Mobile—License to cover construction permit (B5-PY-7a) authorizing operation on frequencies 1622, 2060, 2150, 2790 kc., 200 watts.
- KPCB**—Queen City Broadcasting Co., Seattle, Wash.—License to cover (B5-P-433) to make equipment changes.
- KPCB**—Queen City Broadcasting Co., Seattle, Wash.—Extension of special authorization to operate on 710 kc., 250 watts power, unlimited time, for period 8-1-35 to 2-1-36.
- KFBK**—James McClatchy Co., Sacramento, Calif.—Modification of (B5-P-3144) to request approval of transmitter at W. Sacramento Reclamation District 900, California make equipment changes, and extend commencement date 10 days if this application is granted after 8-30-35, and completion date 90 days thereafter. Amended: To make equipment changes (antenna).
- NEW**—Robert Kaufman, Inglewood, Calif.—Construction permit for a new broadcast station to be operated on 1210 kc., 100 watts power, specified hours daytime. Amended: to change name and ownership from Robert Kaufman to The Voice of Labor Stations, Inc.
- NEW**—Golden Empire Broadcasting Co., Sacramento, Calif.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 100 watts power, unlimited. Amended: change frequency from 1500 to 1310 kc.
- KGVO**—Mosby's Inc., Missoula, Mont.—Modification of construction permit (B5-P-232) authorizing installation of new equipment, changes in frequency from 1300 to 1260 kc., increase power from 100 watts to 1 KW, change transmitter site to U. S. Highway No. 93, approximately 3¼ miles northwest of Missoula, Mont.; to request authority to make equipment changes.

The National Association of Broadcasters

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

NAB REPORTS

Vol. 3 - - No. 37
 AUG. 8, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|---|------|
| Senate Passes Duffy Copyright Bill..... | 911 |
| Radio Gains Over Other Media..... | 911 |
| The National Labor Relations Act..... | 911 |
| Does the Act require union membership on the part of employees? | 912 |
| Does the collective bargaining provision compel agreement? | 912 |
| What about the closed shop?..... | 912 |
| What about the company union?..... | 912 |
| Does the Act give the Federal government the power to dictate working conditions in any company?..... | 912 |
| Does the Act restrict a company's authority to deal with its employees on the basis of individual merit?..... | 912 |
| Rights of employees..... | 912 |
| Unfair labor practices..... | 912 |
| Company dominated unions..... | 913 |
| Discrimination..... | 913 |
| Closed shop and other agreements with unions..... | 914 |
| Collective bargaining..... | 914 |
| Representation and elections..... | 914 |
| Majority rule..... | 915 |
| Rights of minorities..... | 915 |
| Appropriate unit for collective bargaining..... | 916 |
| Send in Recognition Subscriptions..... | 916 |
| WDRG Power Increase Recommended..... | 916 |
| WQDM Draws Unfavorable Report..... | 916 |
| Securities Act Registrations..... | 916 |
| Federal Trade Commission Activities..... | 916 |
| Injunction Denied I. B. of E. W..... | 918 |
| Broadcast Advertising in June..... | 920 |
| Federal Communications Commission Action..... | 924 |

SENATE PASSES DUFFY COPYRIGHT BILL

The Senate today passed the Duffy Copyright Bill S. 3047 with minor amendments.

An amendment offered by Senator Wagner of New York to restore the minimum statutory damage provision was defeated.

The Bill was amended—

1. To preserve for American labor the rights contained in the manufacturing clause of the old law.
2. To allow preliminary injunctions.
3. To preserve certain rights to authors of artistic models or designs.

The bill now goes to the House of Representatives.

The debate on the bill in the Senate will be compiled for the information of members.

RADIO GAINS OVER OTHER MEDIA

The next number of NAB REPORTS will be devoted to an analysis of broadcast advertising trends during the first six months of 1935. Whereas the monthly statistical reports hereafter will be incorporated in the regular weekly bulletins, the six months report has been printed as a separate issue to make it more readily available to station sales staffs.

The six months analysis will be of promotional interest in that it shows radio to have gained more than any other major advertising medium, when comparison is made with the corresponding period of 1934. Of particular significance is the 50.3 per cent growth of retail broadcast advertising.

The report will indicate that increased use is being made of radio by the manufacturers and distributors of higher-priced commodities such as automobiles, household equipment and furniture, fields which should experience continued buying in view of the volume

of demand which has been built up during the past six years by widespread refusal to renew obsolete and worn out equipment.

The report also will show that national network volume has continued its remarkable growth of the past eighteen months, while other portions of the medium, after a somewhat slower start, have made particularly marked gains during the first half of the current year.

Extended markets for radio advertising are indicated in the material growth of clothing, soap and kitchen supply, confectionery, and tobacco advertising over the air.

The continued trend toward the use of station studio programs by national advertisers will be of considerable interest to many broadcasters. Regional networks and stations, interested in national advertising, will find a helpful sign in the very marked trend toward the use of regional network and national non-network advertising by tobacco companies.

A generally encouraging economic outlook for the industry as a whole is indicated by the strong showing made by local advertising and with regard to business placed over local stations.

Additional copies of the six months report will be available on request.

THE NATIONAL LABOR RELATIONS ACT

Because of possible question concerning the National Labor Relations Act (NAB REPORTS, Vol. 3, No. 4, July 18, 1935), which emerged from the Wagner-Connery Labor Disputes Bill, the following comments are offered as of interest in determining the policies of broadcasting stations subject to the terms of the Act.

On signing the bill on July 5, 1935, President Roosevelt issued the following statement:

"This act defines, as a part of our substantive law, the right of self-organization of employees in industry for the purpose of collective bargaining, and provides methods by which the Government can safeguard that legal right. It establishes a National Labor Relations Board to hear and determine cases in which it is charged that this legal right is abridged or denied, and to hold fair elections to ascertain who are the chosen representatives of employees.

"A better relationship between labor and management is the high purpose of this act. By assuring the employees the right of collective bargaining it fosters the development of the employment contract on a sound and equitable basis. By providing an orderly procedure for determining who is entitled to represent the employees, it aims to remove one of the chief causes of wasteful economic strife. By preventing practices which tend to destroy the independence of labor, it seeks, for every worker within its scope, that freedom of choice and action which is justly his.

"The National Labor Relations Board will be an independent quasi-judicial body. It should be clearly understood that it will not act as mediator or conciliator in labor disputes. The function of mediation remains, under this act, the duty of the Secretary of Labor. It is important that the judicial function and the mediation function should not be confused. Compromise, the essence of mediation, has no place in the interpretation and enforcement of the law.

"This act, defining rights, the enforcement of which is recognized by the Congress to be necessary as both an act of common justice and economic advantage, must not be misinterpreted. It may eventually eliminate one major cause of labor disputes, but it will not stop all labor disputes. It does not cover all industry and labor, but is applicable only when violation of the legal right of independent self-organization would burden or obstruct interstate commerce. Accepted by management, labor, and the public with a sense of sober responsibility and of willing cooperation, however, it should serve as an important step toward the achievement of justice and peaceful labor relations in industry." (Congressional Record, July 8, 1935, p. 11129.)

All broadcasting stations operate in interstate commerce and are subject to the provisions of the Labor Relations Act.

The Act establishes certain unfair labor practices. The first unfair labor practice provision, in substance, forbids an employer to interfere with, restrain, or coerce employees in the exercise of their right to self-organization; to form join or assist labor organizations; to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid and protection.

The second unfair labor practice provision deals with the so-called "company-union problem." It makes it unlawful for an employer to dominate or interfere with the information or administration of any labor organization, or contribute financial or other support to it.

The third unfair labor practice makes it illegal for an employer, by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

The fourth unfair labor practice makes it illegal to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the Act.

The final unfair labor practice makes it illegal for an employer to refuse to bargain collectively with the representatives of his employees.

An attempt is made below to answer several of the numerous questions that may arise relative to the provisions of the Act.

Does the Act require union membership on the part of employees? Senator Walsh (Congressional Record, May 16, 1935, page 7957): "The bill does not require or request any employee to join any organization of any kind, shape or character. It does not seek to encourage or bring about the establishment of any labor organization under any employer where there is now none."

Does the collective bargaining provision compel agreement? Senator Walsh (Congressional Record, May 16, 1935, page 7958): "The bill requires no employer to sign any contract, to make any agreement, to reach any understanding with any employee or group of employees." Senator Wagner (Congressional Record, page 7852): "It does not compel anyone to make a compact of any kind if no terms are arrived at that are satisfactory to him. The very essence of collective bargaining is that either party shall be free to withdraw if its conditions are not met."

What about the closed shop? Senator Wagner (Congressional Record, May 15, 1935, page 7852): "While outlawing the organization that is interfered with by the employer, this bill does not establish the closed shop or even encourage it. The much-discussed closed-shop proviso merely states that nothing in any Federal law shall be held to legalize the confirmation of voluntary closed-shop agreements between employers and workers. This insertion is necessary to prevent repetition of those mistaken interpretations which have held that Congress intended to outlaw the closed shop when it enacted section 7(a) of the Recovery Act."

What about company unions? Are they permitted? Senator Walsh (Congressional Record, May 16, 1935, page 7958): "If employees choose to organize a shop committee or a union for a particular plant or company, they may do so." The Report of the House Committee on Labor (Report No. 1147, page 18): "Nothing in the bill prohibits the formation of a company union, if by that term is meant an organization of workers confined by their own volition to the boundaries of a particular plant or employer."

Does the Act give the Federal government the power to dictate working conditions in any company? Senator Walsh (Congressional Record, May 16, 1935, page 7958): "Nothing in this bill allows the Federal government or any agency to fix wages, to regulate rates of pay, to limit hours of work, or to effect or govern any working conditions in any establishment or place of employment."

Does the Act restrict a company's authority to deal with its employees on the basis of individual merit? The Senate Committee on Education and Labor (Report No. 573, page 11): "Nothing in the bill prevents an employer from discharging a man for incompetence; for advancing him for special aptitude, or for demoting him for failure to perform."

It should be remembered that until the new National Labor Relations Board is appointed, no agency is authorized to exercise any powers under the Act, although the prohibitions of the Act are now effective.

The present National Labor Relations Board, existing in pursuance of Public Resolution No. 44, approved June 19, 1934, ceases to exist on appointment of the new Board and designation of its Chairman. All employees of the old Board are to be transferred to the new Board. All records, papers, and property of the old Board are likewise to be transferred; and all unexpended funds and appropriations to be made available to the new agency.

Cases pending before the old Board are not transferred to the new. A provision doing so was stricken from the legislation after the Supreme Court decision in the Schechter case. Accordingly, all cases before the new Board will be cases initiated by it, and all parties proceeded against will be entitled to such procedural protection as the new Act affords.

In any controversy which may be the occasion for a formal complaint by the National Labor Relations Board, careful consideration should be given to procedure to be followed by the employer. The answer should be clear and complete, and should contain any reservations as to the jurisdiction of the Board, as well as responses to specific charges. It will then be well to consider, even in cases where it is believed the Board has no jurisdiction, whether appearance should be made, directly or through counsel, for the purpose of seeing that the record is accurate and complete. It must be remembered that on appeal the courts will review the record made before the Board, and in some cases the nature of the record may determine the character of the court's decision. A full and complete stenographic record of all conversations between employers and employees concerning wage and hour agreements, etc., properly notarized, should insure a fair presentation of any controversy to the Board.

The following analysis of the provisions of the Act are re-printed, with permission, from the **Prentice-Hall Labor and Unemployment Insurance Service**:

Rights of employees. Sec. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

"General explanation:—Sections 7 and 8 should be read together. In effect they are the product of the experience of the National Labor Board and the National Labor Relations Board in administering Section 7(a) of the National Industrial Recovery Act and are designed to remedy the proved weaknesses of that legislation. The language of section 7 is not substantially different from" * * * section 7(a) of the National Industrial Recovery Act (48 Stat. 198, U.S.C., title 15, sec. 707(a), which provides that—

"Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

"Similarly, section 2 of the Railway Labor Act of 1934 (48 Stat. 1185) provides:

"The purposes of the Act are * * * (3) to provide for the complete independence of carriers and of employees in the matter of self-organization * * *. Employees shall have the right to organize and bargain collectively through representatives of their own choosing * * *. No carrier, its officers or agents, shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice * * *."

"Similar statements will be found in section 2 of the Railway Labor Act of 1926 (44 Stat. 577, U.S.C., title 45, sec. 152) section 2 of the Norris-LaGuardia Act (47 Stat. 70, U.S.C., title 29, sec. 102); section 77(p) and (q) of the 1933 amendments to the Bankruptcy Act (47 Stat. 1481, U.S.C., title 11, sec. 205(p) and (q)); and section 7(e) of the Act creating the office of the Federal Coordinator of Transportation (48 Stat. 214, U.S.C., title 49, sec. 257(e)).

"The four succeeding unfair-labor practices are designed not to impose limitations or restrictions upon the general guaranties of the first, but rather to spell out with particularity some of the practices that have been most prevalent and most troublesome." Report (No. 573) of Senate Committee on Education and Labor, May 2, 1935, p. 9.

Sec. 8. It shall be an unfair labor practice for an employer— (1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

"General explanation.—The first unfair labor practice in section 8, taken in conjunction with the rights stated in section 7, is merely a restatement of a portion of the language of section 7(a) of the National Industrial Recovery Act, quoted previously in this report (par. 5776). Similar pronouncements have been made

in the Railway Labor Act of 1934, and in other acts of Congress (48 Stat. 1185, sec. 2 (Railway Labor Act of 1934); 44 Stat. 577, sec. 2 (Railway Labor Act of 1926); 47 Stat. 70, sec. 2 (Norris Anti-Injunction Act); 47 Stat. 1481, secs. 77(p) and (q) (Bankruptcy Act); 48 Stat. 214, sec. 7(e) (Emergency Transportation Act)).

"Objection is constantly made that the bill is limited to unfair labor practices by employers. It is contended that the bill should prohibit 'anyone,' including, of course, an employee or labor organization, from interfering with, restraining or coercing employees in the exercise of these rights, and that without such provision, the bill is 'unfair,' 'one-sided,' and would lead to the domination of industry by organized labor. But it is clear that corresponding to the right of employees to be free from interference, etc., by their employer in their organizational activities, is the right of the other party to the negotiations, the employer, to be free in his designation of representatives for that purpose. The Railway Labor Act contains such a reciprocal provision that neither employers nor employees shall in any way interfere with, influence, or coerce the other in their choice of representatives (sec. 2 (3)), but does not deal with organizational activities by employees or labor organizations. Such a reciprocal provision, for bidding employees to interfere with the right of employers to choose their representatives for collective bargaining, would be a merely formal requirement, ignoring the realities of the situation. In the light of common knowledge, it can hardly be said that this right of employers needs protection under this bill. Organizations of employers in trade associations and in national organizations of such trade associations, have blanketed the country; the integration of business into larger corporate units and the formation of such trade associations has not been stopped by the antitrust laws. * * *

"The bill seeks to redress an inequality of bargaining power for forbidding employers to interfere with the development of employee organization, thereby removing one of the issues most provocative of industrial strife and bringing about a general acceptance of the orderly procedure of collective bargaining under circumstances in which the employer cannot trade upon the economic weakness of his employees.

"The report (No. 573) on S. 1958 by the Senate Committee on Education and Labor deals fully and conclusively with this topic. We incorporate a portion of that report:

"There is an even more important reason why there should be no insertion in the bill of any provision against coercion of employees or labor organizations. Courts have held a great variety of activities to constitute "coercion": A threat to strike; a refusal to work on material of nonunion manufacture; circularization of banners and publications; picketing; even peaceful persuasion. In some courts, closed-shop agreements or strikes for such agreements are condemned as "coercive." Thus, to prohibit employees from "coercing" their own side would not merely outlaw the undesirable activities which the word connotes to the layman, but would raise in Federal law the ghosts of many much-criticized injunctions issued by courts of equity against activities of labor organizations, ghosts which it was supposed Congress had laid low in the Norris-LaGuardia Act.

"Nor can the committee sanction the suggestion that the bill should prohibit fraud or violence by employees or labor unions. The bill is not a mere police-court measure. The remedies against such acts in the State and Federal courts and by the invocation of local police authorities are now adequate, as arrests and labor injunctions in industrial disputes throughout the country will attest. The Norris-LaGuardia Act does not deny to employers relief in the Federal courts against fraud, violence, or threats of violence. (See 29 U.S.C., sec. 104(e) and (i)).

"Racketeering under the guise of labor-union activity has been successfully enjoined under the antitrust laws when it affected interstate commerce. The latest case along these lines is *United States v. Local No. 167 et al.* (291 U.S. 293).

"In addition, the procedure set up in this bill is not nearly so well suited as is existing law to the prevention of such fraud and violence. Deliberations and hearings by the Board, followed by orders that must be referred to the Federal courts for enforcement, are methods of procedure that could never be sufficiently expeditious to be effective in this connection.

"The only results of introducing proposals of this sort into the bill, in the opinion of the committee, would be to overwhelm the Board in every case with countercharges and recriminations that would prevent it from doing the task that

needs to be done. There is hardly a labor controversy in which during the heat of excitement statements are not made on both sides which, in the hands of hostile or unsympathetic courts, might be construed to come under the common-law definition of fraud, which in some States extends even to misstatements innocently made, but without reasonable investigation. And if the Board should decide to dismiss such charges, its order of dismissal would be subject to review in the Federal courts.

"Proposals such as these under discussion are not new. They were suggested when section 7(a) of the National Industrial Recovery Act was up for discussion, and when the 1934 amendments to the Railway Labor Act were before Congress. In neither instance did they command the support of Congress."

"The succeeding unfair labor practices are intended to amplify and state more specifically certain types of interference and restraint that experience has proved require such amplification and specification. These specific practices, as enumerated in subsections (2), (3), (4), and (5), are not intended to limit in any way the interpretation of the general provisions of subsection (1)." Report (No. 1147) of House Committee on Labor, June 10, 1935, p. 15-17.

Sec. 8. It shall be an unfair labor practice for an employer—
* * * * *

(2) *To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published by the Board pursuant to section 6(a), an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.*

"General explanation.—The second unfair labor practice prohibits an employer from dominating or interfering with the formation or administration of any labor organization or contributing financial or other support to it. It is provided, however, that subject to rules and regulations made and published by the Board, an employer may permit employees to confer with him during working hours without loss of time or pay. This section has its counterpart in provisions of other Federal statutes, such as the Railway Labor Act amendments of 1934, section 2; the Bankruptcy Act amendments of 1933 and 1934; and the Emergency Transportation Act, section 7(e).

"It is reliably estimated that about 70 per cent of the company unions now in existence were established subsequent to the passage of section 7(a) of the National Industrial Recovery Act. According to the semi-annual report of the National Labor Relations Board to the President, for the period July 9, 1934, to January 9, 1935, such company unions were a primary or attendant cause of the disputes in about 30 per cent of the cases heard by the National Board; and the great majority of such company unions had become active in contemplation of or contemporaneously with a trade union organizing movement, or in close relation to a strike. Employer-promoted unions are most prevalent in the larger plants and industries, where the bargaining power of the individual worker is very weak, and, curiously enough, where the managements have hitherto been opposed to organization of their workers. It is of the essence that the right of employees to self-organization and to join or assist labor organizations should not be reduced to a mockery by the imposition of employer-controlled labor organizations, particularly where such organizations are limited to the employees of the particular employer and have no potential economic strength."

Sec. 8. It shall be an unfair labor practice for an employer—
* * * * *

(3) *By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: provided, That nothing in this Act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9(a), in the appropriate collective bargaining unit covered by such agreement when made.*

"General Explanation.—The third unfair labor practice prohibits an employer, by discrimination in regard to hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any labor organization. This spells out in greater detail the provisions of section 7(a) prohibiting 'yellow-dog' contracts and interference with self-organization. This interference may be present in a variety of situations in this connection, such as discrimination in discharge, lay-off, demotion or transfer, hire, forced resignation, or division of work; in reinstatement or hire following a technical change in corporate structure, a strike, lock-out, temporary lay-offs, or a transfer of the plant.

"Nothing in this subsection prohibits interference with the normal exercise of the right of employers to select their employees or to discharge them. All that is intended is that the employer shall not by discriminatory treatment in hire or tenure of employment or terms or conditions of employment, interfere with the exercise by employees of their right to organize and choose representatives. It is for this reason that the employer is prohibited from encouraging or discouraging membership in any labor organization by such discrimination." Report (No. 1147) of House Committee on Labor, June 10, 1935, p. 19.

Closed Shop and Other Agreements With Unions.—"General Explanation.—The proviso attached to the third unfair-labor practice deals with the question of the closed shop. Propaganda has been wide-spread that this proviso attaches special legal sanctions to the closed shop or seeks to impose it upon all industry. This propaganda is absolutely false. The reason for the insertion of the proviso is as follows: According to some interpretations, the provision of section 7(a) of the National Industrial Recovery Act, assuring the freedom of employees 'to organize and bargain collectively through representatives of their own choosing,' was deemed to illegalize the closed shop. The committee feels that this was not the intent of Congress when it wrote section 7(a); that it is not the intent of Congress today; and that it is not desirable to interfere in this drastic way with the laws of the several States on this subject.

"But to prevent similar misconceptions of this bill, the proviso in question states that nothing in this bill, or in any other law of the United States, or in any code or agreement approved or prescribed thereunder shall be held to prevent the making of closed-shop agreements between employers and employees. In other words, the bill does nothing to facilitate closed-shop agreements or to make them legal in any State where they may be illegal; it does not interfere with the status quo on this debatable subject but leaves the way open to such agreements as might now legally be consummated, with two exceptions about to be noted.

"The assertion that the bill favors the closed shop is particularly misleading in view of the fact that the proviso in two respects actually narrows the now existent law regarding closed-shop agreements. While today an employer may negotiate such an agreement even with a minority union, the bill provides that an employer shall be allowed to make a closed-shop contract only with a labor organization that represents the majority of employees in the appropriate collective-bargaining unit covered by such agreement when made.

"Secondly, the bill is extremely careful to forestall the making of closed-shop agreements with organizations that have been 'established, maintained, or assisted' by any action defined in the bill as an unfair labor practice. And of course it is clear that no agreement heretofore made could give validity to the practices herein prohibited by section 8." Report (No. 573) of Senate Committee on Education and Labor, May 2, 1935, p. 11.

Sec. 8. It shall be an unfair labor practice for an employer—
* * * * *

(4) *To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act.*

"General Explanation.—The fourth unfair trade practice—the discharge or other discrimination against an employee who has complained of a violation of the act or given testimony in a proceeding under the act, is self-explanatory.

"This provision is very similar to Executive Order 6711 of May 15, 1934 (no longer in effect), which made it a violation of the N. I. R. A. for any employer operating under an approved code to dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of any approved code."

Sec. 8. It shall be an unfair labor practice for an employer—
* * * * *

(5) *To refuse to bargain collectively with the representatives of his employees, subject to the provisions of Section 9(a).*

"General Explanation.—The fifth unfair labor practice makes it illegal for an employer to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9(a).

"The committee wishes to dispel any possible false impression that this bill is designed to compel the making of agreements or to permit governmental supervision of their terms. It must be stressed that the duty to bargain collectively does not carry with the duty to reach an agreement, because the essence of collective bargaining is that either party shall be free to decide whether proposals made to it are satisfactory.

"But, after deliberation, the committee has concluded that this fifth unfair labor practice should be inserted in the bill. It seems clear that a guarantee of the right of employees to bargain collectively through representatives of their own choosing is a mere delusion if it is not accompanied by the correlative duty on the part of the other party to recognize such representatives as they have been designated (whether as individuals or labor organizations) and to negotiate with them in a bona fide effort to arrive at a collective bargaining agreement. Furthermore, the procedure of holding governmentally supervised elections to determine the choice of representatives of employees becomes of little worth if after the election its results are for all practical purposes ignored. Experience has proved that neither obedience to law nor respect for law is encouraged by holding forth a right unaccompanied by fulfillment. Such a course provokes constant strife, not peace." Report (No. 573) of Senate Committee on Education and Labor, May 2, 1935, p. 12.

Representatives and elections. Sec. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer.

"General explanation.—Section 9 (a) incorporates the majority rule principle, that representatives designated for the purposes of collective bargaining by the majority of employees in the appropriate unit shall be the exclusive representatives of all the employees in that unit 'for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.' As a necessary corollary it is an act of interference (under sec. 8 (1)) (Par. 5825) for an employer, after representatives have been so designated by the majority, to negotiate with individuals or minority groups in their own behalf on the basic subjects of collective bargaining.

"The misleading propaganda directed against his principle has been incredible. The underlying purposes of the majority rule principle are simple and just. As has frequently been stated, collective bargaining is not an end in itself; it is a means to an end, and that end is the making of collective agreements stabilizing employment relations for a period of time, with results advantageous both to the worker and the employer. There cannot be two or more basic agreements applicable to workers in a given unit; this is virtually conceded on all sides. If the employer should fail to give equally advantageous terms to nonmembers of the labor organization negotiating the agreement, there would immediately result a marked increase in the membership of that labor organization. On the other hand, if better terms were given to nonmembers, this would give rise to bitterness and strife, and a wholly unworkable arrangement whereby men performing comparable duties were paid according to different scales of wages and hours. Clearly then, there must be one basic scale, and it must apply to all.

"It would be undesirable if this basic scale should result from negotiation between the employer and unorganized individuals or a minority group, for the agreement probably would not command the assent of the majority and hence would not have the stability which is one of the chief advantages of collective bargaining. If, however, the company should undertake to deal with each group separately, there would result the conditions pointed out by the present National Labor Relations Board in its decision in the Matter of Houde Engineering Corporation (1 N. L. R. B. 35 (Aug. 30, 1934) (Par. 24, 214 P.-H. Labor Services):

"It seems clear that the company's policy of dealing first with one group and then with the other resulted, whether intentionally or not, in defeating the object of the statute. In the first place, the company's policy inevitably produced a certain amount of rivalry, suspicion, and friction between the leaders of the committees. * * * Secondly, the company's

policy, by enabling it to favor one organization at the expense of the other, and thus to check at will the growth of either organization, was calculated to confuse the employees, to make them uncertain which organization they should from time to time adhere to, and to maintain a permanent and artificial division in the ranks.'

"Speaking of the company's suggested alternative that it deal with a composite committee made up of representatives of the two major conflicting groups, supplemented by other individual employees, the Board pointed out:

"This vision of an employer dealing with a divided committee and calling in individual employees to assist the company in arriving at a decision is certainly far from what section 7(a) must have contemplated in guaranteeing the right of collective bargaining. But whether or not the workers' representation by a composite committee would weaken their voice and confuse their counsels in negotiating with the employer, in the end whatever collective agreement might be reached would have to be satisfactory to the majority within the committee. Hence the majority representatives would still control, and the only difference between this and the traditional method of bargaining with the majority alone would be that the suggestions of the minority would be advanced in the presence of the majority. The employer would ordinarily gain nothing from this arrangement if the two groups were united, and if they were not united he would gain only what he has no right to ask for, namely, dissent and rivalry. * * *'

"Since the agreement made will apply to all, the minority group and individual workers are given all the advantages of united action. And they are given added protection in various respects. First, the proviso to section 9(a) expressly stated that 'any individual employee or a group of employees shall have the right at any time to present grievances to their employer.' And the majority rule does not preclude adjustment in individual cases of matters outside the scope of the basic agreement. Second, agreements more favorable to the majority than to the minority are impossible, for under section 8 (3) any discrimination is outlawed which tends to 'encourage or discourage membership in any labor organization.' Nor does the majority rule in itself establish a closed shop or encourage a closed shop, that being a matter of negotiation and agreement requiring the assent of the employer, as discussed above.

"In view of what has been said, it is apparent that those who oppose majority rule in effect oppose collective bargaining and the making of collection agreements as the end thereof, by seeking to create conditions making such accomplishment impossible. Those who profess to favor collective bargaining and the general purposes of this bill should favor majority rule, which is the only practical method of achieving the desired ends. Majority rule is at the basis of our democratic institutions. The same organized employer groups who now oppose majority rule for workers have publicly announced their adherence to it as applied to the formulation of codes of fair competition. It has been the experience of the National Labor Relations Board in cases before it that employers opposing majority rule wished only to keep their responsibilities diffused and to maintain in the picture a complacent minority group, typically a company union, so that no collective agreement might be reached at all. This motivation has been brought to the surface in specific cases where employers refused to recognize the rule when trade unions represented the majority, although in the course of the previous history of the disputes in question, when the opposing employer-promoted company unions had a majority, the employers had invoked the majority rule as the excuse for their refusal to deal with the same trade unions. Thus in *Matter of Guide Lamp Corporation* (1 N. L. R. B. 48 (1934) (par. 14, 216 P.-H. Labor Service), the Board said:

"* * * The company has not always felt the same consideration it now expresses for minority groups. In October 1933 the union addressed a letter to the company requesting an opportunity to meet and bargain collectively.'

"The company's letter in reply stated that the Guide Employee's Association represented 70 per cent of the employees and concluded:

"If we begin the practice of negotiation with each group which presents itself, we will not be complying with the provisions of the National Recovery Act, and a great deal of confusion would result. If there is any complaint or grievance which you wish to present, we shall be glad to consider it, but any negotiation or collective bargaining must be with the committee representing the great majority of our employees.'

"Many precedents for majority rule in labor relation may be cited. Thus it has been applied by the National War Labor Board, the Railway Labor Board, the National Labor Board, and by the three boards established under Public Resolution 44; the National Steel Labor Relations Board, the National Textile Labor Relations Board, and the National Labor Relations Board. The rule was expressly written into the statute books by Congress in the Railway Labor Act of 1934: 'Employees shall have the right to bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act' (sec. 2(4) (par. 5601))." Report (No. 1147) of House Committee on Labor, June 10, 1935, pp. 19-22.

Majority Rule.—"Development of majority rule principle by federal agencies prior to 1933.—The National War Labor Board, created by President Wilson in the spring of 1918, with Frank P. Walsh and the late William Howard Taft as joint chairmen, promulgated as one of its principles a clause almost identical with Section 7(a) reading as follows: 'The right of workers to organize in trade-unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged or interfered with by employers in any matter whatsoever.' In application of this principle the Board in numerous instances recognized the majority rule. In what was perhaps its most famous case, that involving the employees of certain munitions plants in Bridgeport, the Board worked out a detailed plan of organization for collective bargaining which was expressly based upon the majority rule. And in a general plan for the election of shop committees in war industries the Board again promulgated the majority rule.

"Two years later, by the Transportation Act of 1920, the Railroad Labor Board was created, and the statute provided that all disputes were to be considered in conferences between the carriers and 'representatives designated and authorized so to confer * * * by the employees * * * directly interested in the dispute.' This language is even more general than that of section 7(a), but the Railroad Labor Board, charged with construing and enforcing the statute, in one of its first important cases laid down the majority rule in the following words: 'The majority of any craft or class of employees shall have the right to determine what organization shall represent members of such craft or class. Such organization shall have the right to make an agreement which shall apply to all employees in such craft or class. No such agreement shall infringe, however, upon the right of employees not members of the organization representing the majority to present grievances whether in person or by representatives of their own choice.' The Railroad Labor Board consistently applied these principles in its decisions. In two of these cases the majority rule came before the Supreme Court of the United States, which, while it did not pass on the legal rights of the parties under the Board's ruling, stated that the principles laid down by the Board were 'just and reasonable.'

"Custom was in accord with these precedents. Even employers who set up employee representation plans consistently provided in these plans, according to a recent study by the National Industrial Conference Board, that representatives for collective bargaining should be elected by majority vote. So far as appears the majority rule was never questioned until employees who had been shepherded into company unions began, under the protection of Section 7(a), to join outside labor unions and to demand the right to bargain collectively through these unions." In *re Houde Engineering Corp.*, (N.L.R.B.) Aug. 30, 1934 (par. 14,214 P.-H. Labor Service).

Rights of Minorities—Proportional Representation.—"General Explanation.—MR. MILLIS * * * Proportional representation of all groups is plausible and democratic and finds an analogy in the Government arrangements of some of the more liberal countries. Just how it will function in collective bargaining in industry remains practically untested by experience. Yet certain things can be said concerning it with a degree of assurance.

"Such an arrangement in a plant or industry tends to keep the organization situation open and plastic, while majority rule tends to maintain and to increase the strength of the representation plan or union which has succeeded in obtaining a recognized majority. But, on the other hand, and because it does keep the organizational situation open and plastic, it inevitably tends to place a premium on continued division of the workers and to make for jealousy, friction, and struggle. This will be true except where the matter of which organization to belong to is of indifference to the workers and in that case there is no reason why they should not belong to and work through one organization. So long as there are two or more rival organizations functioning through a composite commit-

tee or council, differences will be exhibited in conference. There is likely to be scheming to gain prestige with labor by advocating heavy demands or to curry favor with management by advocating light ones; there is almost certain to be protest voiced against any decision on policy. In other words, friction and jealousy between organizations will almost certainly be exhibited by their representatives on the committee or council. The employer or employers will almost certainly know precisely what labor will take while labor will not have corresponding knowledge of how much will be given. Moreover, under such an arrangement the workers will certainly not cooperate in making a show of strength by withdrawing their labor power. In bargaining, such a plan is little stronger than an employee representation plan which gets most of its power from prospect of arbitration or from the threat of unionism. Perhaps a proportional representation plan must be a plant or firm scheme of representation; there will be no organization to bargain with and to secure standards for the entire industry or such of it as is important in a given market; there will be in the picture nothing corresponding to the international usually behind and over the local unions, advising them, strengthening them, supervising them, disciplining them, and usually seeing to it that they stand by collective agreements entered into. Not only is labor likely to be weak in bargaining under a scheme based upon proportional representation; there will not be the same centralized responsibility for finding solutions for production or cost problems as has been experienced in the cases of such union organizations as the Amalgamated Clothing Workers and which has proved to be of much value to the manufacturers.

"Beyond this, when a committee or council divides in conference, which may be expected to occur as the usual thing, a majority vote must decide. In other words, the representatives of a majority organization, if they stand together, will control. Proportional representation does not get away from the principle of majority rule." Hearings before Senate Committee on Labor, March 18, 1935, pp. 181-182.

Sec. 9.

* * * * *

(b) *The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.*

"General Explanation.—Section 9(b) provides that the Board shall determine whether, in order to effectuate the policy of the bill (as expressed in sec. 1), the unit appropriate for the purposes of collective bargaining shall be the craft unit, plant unit, employer unit, or other unit. This matter is obviously one for determination in each individual case, and the only possible workable arrangement is to authorize the impartial governmental agency, the Board, to make that determination. There is a similar provision in the Railway Labor Act of 1934 (sec. 2(9); 2(4)).

"The purpose of the amendment to section 9(b), which was suggested by the Attorney General's Office, is merely to provide some nominal standards in connection with the provision which allows the Board to designate units for the purpose of holding elections. These standards will make it more likely that the bill will receive a favorable reception in the courts. Report (No. 1147) of House Committee on Labor, June 10, 1935, p. 22."

SEND IN RECOGNITION SUBSCRIPTIONS

Stations are requested to indicate at their earliest convenience whether they intend to avail themselves of the facilities of the NAB Agency Recognition Bureau, when established. First response to the recently mailed prospectus has been encouraging. However, the sooner the full number of requisite stations indicate their intention to subscribe to the bureau, the sooner it can be made an actual working service.

WDRC POWER INCREASE RECOMMENDED

Broadcasting Station WDRC, Hartford, Conn., applied to the Federal Communications Commission for a power increase from 2,500 watts L.S. to 5,000 watts L.S. The station operates on a frequency of 1330 kilocycles, with 1,000 watts night power and unlimited time on the air.

George H. Hill(e) in Report No. I-84 has recommended that the application be granted. The Examiner states that the programs broadcast by the station are generally meritorious and that the

proposed power increase would make possible the extension of the service area of the station and that reception would be generally improved. The Examiner found also that the power increase would not cause any additional interference.

WQDM CHANGE DRAWS UNFAVORABLE RECOMMENDATION

Broadcasting Station WQDM, St. Albans, Vt., applied to the Federal Communications Commission to increase its daytime power from 100 to 1,000 watts, to change its frequency from 1370 to 1390 kilocycles and to use certain specified hours of operation.

Melvin H. Dalberge(e) in Report No. I-85 has recommended that the application be denied. The Examiner found that there does not seem to be any public demand for increasing the power of the station "nor does the evidence disclose any very definite assurances of an increased number of advertisers through its facilities should this application be granted."

SECURITIES ACT REGISTRATIONS

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

- Analyzed Securities, Inc., Baltimore, Md. (2-1554, Form A-1)
- National Gypsum Company, Buffalo, N. Y. (2-1555, Form E-1)
- Loose-Wiles Biscuit Company, Kansas City, Mo. (2-1556, Form A-2)
- Keystone Custodian Funds, Inc., Philadelphia, Pa. (2-1557, Form C-1)
- American Cigarette Tobacco Corp., Danville, Va. (2-1559, Form A-1)
- Shaver Forwarding Company, Portland, Ore. (2-1560, Form A-1)
- Sonotone Corporation, New York City. (2-1561, Form A-2)
- Granite City Steel Company, Granite City, Ill. (2-1562, Form A-2)
- Excel Inwall Fixtures, Inc., Wilmington, Del. (2-1563, Form A-1)
- Horn Signal Manufacturing Corp., New York City. (2-1564, Form A-1)

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

The following cease and desist orders have been issued by the Trade Commission:

No. 2177. Electro-Magnetic Belt Co., and others, of Minneapolis, Minn. In the sale of the device, known as "Dorsey's Vita-Noid," the respondents are directed to stop asserting that science has made progress in the treatment of diseases by electro-magnetism; that electro-magnetism has brought health and happiness to thousands and that Dorsey's Vita-Noid has created a curative agent which has helped thousands of persons who had become discouraged with results of other treatments for diseases.

The order also forbids the representation that this appliance, because of the electrical magnetism produced by it, tends to eliminate toxic products from the human system and that among the diseases which have successfully responded to this treatment are 25 well-known ailments ranging from asthma and arthritis to goitre, rheumatism, ulcers and varicose veins.

Electro-Magnetic Belt Co. is said to have advertised its appliance in the newspapers, in printed circulars, over the radio and by personal interviews.

J. Dorsey Markwood, of Minneapolis, manufactured the appliances, selling them in various states, including Iowa, Nebraska, Missouri and Wisconsin. Besides Markwood, other respondents named are A. A. Baird, of Sioux City, Iowa, and V. A. Molitor, of Minneapolis, associated with Baird in the sale of the magnetic belts under the trade name of "Vita-Noid of Kansas City", with a place of business in Kansas City, Mo.

No. 2415. Louise Norris of Kansas City, Mo., trading as Louise Norris Company. The respondent is directed to discontinue representing that the "Louise Norris Permanent Lash and Brow Coloring" is safe or harmless and may be used without danger to the skin, the eyes, the eye-sight and the health of users thereof.

To advertise that the product is scientific or is scientifically compounded, is also prohibited in the order, and it is no longer to be represented that use of this preparation as an eyelash or eyebrow coloring has been approved by the United States Government or by boards of health.

The respondent is directed not to assert in connection with the sale of the product that medical authorities of high repute have helped to perfect it or that it is now or ever has been perfected so as not to be dangerous when used as directed.

No. 2429. Baker Paint & Varnish Co., Jersey City, N. J. Use of the phrase "Baker Z & L Combination White ground in strictly pure linseed oil", is prohibited in the order, also use of the words "zinc and lead" or "zinc lead" to brand or label paint or paint pigment, unless and until the pigment in such paint is composed of a combination consisting wholly of lead carbonate and zinc oxide, or a combination of lead sulphate and zinc oxide, each in sufficient quantity and proportion to be substantial and effective.

Stipulations

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. 2308. Greenberg & Josefsberg, New York City. The order directs this firm to stop selling to dealers toothpicks or other merchandise packed in boxes or cartons of approximately the same size, form and color as the containers in which the Diamond Match Co., a competitor, sells its toothpicks.

The findings say that "by such means the respondents were enabled to pass off and they did pass off their said toothpicks as and for the toothpicks of their competitors."

Greenberg & Josefsberg are said to have sold foreign-made toothpicks while those of the competitor were a domestic product.

The respondents, Harry Greenberg and Leo Josefsberg, also traded under the following names: G. & J. Manufacturing Co., G. & J. Products, and American Merchandise Co.

No. 2333. Douglas P. Borden, Peoria, Ill., trading as Mormiles, engaged in the business of repairing and selling used or discarded automobile tires. The order directs Borden to stop representing as reconstructed, those tires in which the reconditioning has been limited to the repair of worn or damaged portions, to vulcanizing and painting so they will present a new appearance, and to re-grooving of treads which have worn smooth, by means of cutting a tread design through the smooth face.

Borden is directed to discontinue representing in any manner that the tires he sells and distributes have their original treads, when such is not true.

The respondent consented to issuance of the order to cease and desist.

No. 1410. C. R. and A. L. Brady, Kansas City, Mo., trading as Brady Products Co., B & B Chemical Co., and Western Brokers. The respondents agree to stop using labels or other advertising matter in which their products are referred to by means of exaggerated representations concerning the price. They will also discontinue use of phrases such as "Made from pure oil of banana" and "Raspberry Flavoring Cream", when, respectively, the flavor is a synthetic product or is composed of ingredients other than the juice or fruit of the fruit indicated, unless, in the latter case, proper specified qualifications are made.

No. 1412. E. M. Rosensweig, Washington, D. C., trading as Sun Liqueur Co. The misrepresentation of a beverage as "Champagne" when it is not that product made effervescent by natural fermentation and known to the trade and public as "Champagne" will be discontinued by the respondent. The respondent is said to have labeled his product "La Boheme Sparkling Burgundy Champagne."

No. 1414. Vermont Farmers Co., Inc., Springfield, Mass. The respondent agrees to discontinue branding its syrups as "Absolutely Pure" so as to imply that they are all-maple or absolutely pure maple, when this is not true.

Provision is made that when the syrup is a blend of maple and other ingredients, each of which is pure, and the phrase "Absolutely Pure" is used to describe all of them, it should be immediately accompanied by other words in equally conspicuous type to show clearly that the words "Absolutely Pure" are used to qualify the various ingredients and that the product is not made wholly of maple.

This company also agrees to cease using on labels the Great Seal or coat of arms of the State of Vermont, together with the corporate name "Vermont Farmers Company", or in any way implying that the syrup is a Vermont product, when this is not true.

No. 1415. Harry R. Rohde, trading as Mallory Ignition Co., Newark, N. J. The respondent will discontinue, in the sale of an automobile accessory, use of the word "Mallory" as part of or in connection with his trade name, or as a trade mark or label for his product so as to imply that it is made or sold by Mallory Electric Corporation, of Detroit.

Rohde is engaged in the assembly of parts into a unit intended for use in connection with the distributor head of an automobile, to effect a more complete combustion of gasoline. The Detroit firm manufactures electrical equipment for automobiles and, according to the stipulation, has acquired a valuable good will and reputation under its name as a manufacturer.

Rohde also agrees to stop making representations to the effect that his product has been endorsed or approved by the American Automotive Association of Engineers, or by any other association or society, when this is not true.

No. 1416. M. M. Levy, Henderson, Ky. The respondent has agreed to discontinue misleading and excessive representations in the advertisement of his product "Rx 999" as a cure for distemper in dogs.

No. 1417. National Electrical & Automotive School, Inc., Los Angeles, Calif. The respondent has agreed to discontinue misrepresenting its correspondence courses in radio engineering which include instruction in radio, television, sound pictures and general electricity.

The school agrees to stop advertising directly or indirectly that its salesmen do not sell correspondence courses and to discontinue implying that the salesmen represent industrial firms in selecting men for definite positions.

It was advertised that "a limited number of men are now being selected to train for positions in radio and television. Those accepted will be given preliminary training at home and then taken to Los Angeles for special practical experience in the 'National' studios. Transportation paid both ways."

The school agrees to stop representing directly or indirectly that it will pay part or all of the students' transportation to and from Los Angeles, when this is not true.

No. 1419. McGraw, Inc., Farmersville, Texas. The respondent agrees to discontinue the distribution of his candy in such a fashion as to make possible its sale by means of punch board, offering prizes or premiums which were obtained by lot or by chance.

No. 1420. Roddis Lumber & Veneer Co., Marshfield, Wis. The respondent has entered into a stipulation with the Federal Trade Commission to discontinue certain unfair representations in the sale of veneer panels, doors and other built-up wood products.

The stipulation provides that the respondent and the Roddis Company, of Chicago, a subsidiary, cease and desist from using the word "Walnut", either alone or in connection with the word "Canadian", in advertising matter so as to imply that the products sold by these companies are derived from the walnut tree family, when this is not true. The article advertised was "Canadian Walnut Wallboard".

No. 1421. Jessie Rogers, Chicago, trading as the Rogers Remedy Co., and Osan Products Co. The respondent agrees to discontinue representing certain hygienic devices and preparations for women as harmless or safe. One of the articles was said to be neither safe, nor a product a reputable physician would prescribe, while a mechanical device was described as neither safe nor sure, especially when self-applied.

No. 1422. Vernon Distributing Co., Los Angeles, Calif. The respondent has entered into a stipulation with the Federal Trade Commission to stop using the word "Escondido" as part of or in connection with its trade name in advertising wines not produced in the Escondido district of California.

The stipulation points out that wine producers in that district have advertised their products as "Escondido" wines, and both individual growers and the Escondido, Calif., Chamber of Commerce have spent large sums in advertising and creating a demand for their wines.

The Vernon company is said to have used as a trade name "Escondido Vintage Co."

Complaints

No. 2503. The following complaint has been issued by the Federal Trade Commission against the **B. F. Huutley Furniture Co., Winston-Salem, N. C.**, charging unfair competition in the sale of household furniture.

The company's furniture, made from woods other than walnut but resembling walnut in some characteristics and in general appearance, was sold as "Walnut" or "Oriental Walnut", according to the complaint. These representations are alleged to constitute unfair competition with manufacturers who sell household furniture made of walnut and with competitors who sell furniture not made of walnut but who truthfully designate it.

The respondent's use of certain advertising literature is said to have enabled unscrupulous dealers to mislead and deceive customers

into believing that the furniture products made and sold by the Huntley Company were composed of and constructed from genuine walnut wood.

Friday, September 6, has been designated for the respondent to show cause why an order to cease and desist from the practices charged in the complaint should not be issued.

Dismissal of Proceedings

No. 2099. The Federal Trade Commission has issued an order closing its proceeding against the **Food Distributors Association of Illinois, and others, with headquarters in Chicago.** The action was taken without prejudice to the reopening of the case or the issuance of a new complaint in the event the public interest requires such action.

The complaint issued against the Food Distributors Association of Illinois and several officers, directors and active and associate members alleged unfair methods of competition having a tendency to bring about regulation and control of trade by and in the interest of the respondents.

No. 2175. The Commission also has ordered closed its case against **Henry Emmerich, formerly of 122 Fourth Ave., New York City, trading as "Marie Dunne"** and charged with false advertising of a massage cream called "Creamo". The Commission ordered closing of the case upon being informed that the respondent is no longer in business, that his present whereabouts are unknown, and that a fraud order has been issued by the Post Office Department against "Marie Dunne". The Commission was also informed that the respondent did not actually own the business, but was an employee of and "dummy" for the business operated by others under the trade names of Nancy Lee, Doris Kent, Marie Dunne and Betty Drew.

WRIT OF INJUNCTION DENIED I. B. OF E. W.

Judge Creel of the Circuit Court, Tenth Judicial Circuit of Alabama, holds "closed shop agreement" between I. B. of E. W. and WSGN, Incorporated, impliedly warrants that the Local Union will have available at all times enough qualified members to supply any reasonable demand, giving the employer a reasonable range of selection; and that before a writ of injunction should issue the complainants must show complete performance on their part of all obligations imposed upon them, or sufficient excuse for failure to perform, and the contract should be preeminently fair and reasonable in its construction and practical operation.

The text of the opinion follows:

No. 39227

LOCAL UNION No. 253, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, An Unincorporated Association of Individuals, and R. M. Jones, and C. T. Lee, Complainants,

vs.

WSGN, INCORPORATED, a Corporation, and ORMOND O. BLACK, Respondents.

CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA. IN EQUITY.

Complainants in the foregoing cause seek to restrain an alleged breach of a collective bargaining agreement entered into by and between Local Union No. 253, International Brotherhood of Electrical Workers, an unincorporated Association of Individuals, one of the complainants in the foregoing cause, and the Respondent, WSGN, Inc., a corporation. The contract is what is termed a "Closed shop agreement" between the employer and the employee.

This Court has heretofore in the case of *Local Unions 109 and 112, Laundry Workers International Union*, an unincorporated Association, and *Local Union No. 339, Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America*, an unincorporated Association, vs. *Leeper's Cleaning and Dyeing*, a corporation et al, held that a collective bargaining agreement is valid and binding. It is further of the opinion that the principles of the so-called "closed shop agreement" between employer and employee is valid and binding according to the weight of recent authority. Each contract of this character, however, of a necessity differs from each other contract. The validity of each must be determined in the light of facts and circumstances surrounding its execution. Such contract, however, to be held valid and binding by the Courts must be preeminently fair and reasonable both in its construction and practical operation.

The controversy in question grows out of an alleged breach whereby the employer discharged certain employees who were

members of the Complainant Union and employed in their stead workmen who were non-members, in disregard of the "closed shop" provisions binding the employer to select his employees solely from members of the Complainant Union.

The contract among other things specified that "strikes and lockouts are detrimental * * * and should be avoided." It provides a means of arbitrating disagreements, and states in express terms that in case disagreements or grievances arise: "There shall be no cessation of work by the members of the Party of the Second Part nor any cessation of employment of the Party of the Second Part by the Party of the First Part during the period of consideration of the matter by the Committee." Among the matters to be referred to the Arbitration Board provided in the contract are, that if either party desires "An amendment or change of provision, or provisions herein," the matter of proposed change or amendment shall be submitted by said party in writing to the other party thirty days before such amendment or change shall become effective and that the settlement of such change or amendment shall take the same course as that provided for "disputes or disagreements or grievances."

This Court has heretofore held in the *Laundry vs. Leepers* case, supra, that such unincorporated association could contract and be contracted with, and could sue and be sued on such contracts. It is there stated, that solemn obligations between the parties should be enforced by the Courts; that there is no valid reason why employer and employee should not perform when bound by a solemn promise; that a willful breach by either, when damages result of the character here involved, should be restrained. A valid and binding contract places responsibility on each of the contracting parties. If it is not enforceable as to one party, it should not be enforceable against the other. If one party does not assume and perform his part of the obligations, the other should not be required to do so. The Courts in an effort to best serve capital, labor and the public generally, should encourage execution of working agreements by assurance to Employer and Employee that all contracting parties will be expected to perform their solemn obligations.

In the case at Bar, there is a conflict in the testimony as to whether or not the contract under which the parties operated was breached and terminated at the time the employee I. J. Jones was discharged and certain other employees immediately refused to report to their post of duty. It is contended by the employer that such contract was breached and terminated, and that the men, including I. J. Jones, were put back to work under protest and because of necessity. The complainant's contention is to the effect that the then breach, if any, was healed. The Employer apparently later recognized the existence of the contract by writing the Complainant Union his letter of May 14, 1935, requesting certain amendments of changes in the contract. Under the circumstances, no act or failure to act of either party done or suffered with reference to the incident occurring about the middle of April, 1935, should be controlling in this decision. Suffice it to say that there was a cessation of work by members of the Complainant Union in violation of the terms of the agreement. It makes no difference whether a "strike was called" or whether the members merely voluntarily failed to report for duty. If the Local Union wishes to secure the benefits of the contract for and on behalf of its employees, it is under the duty to "discipline" its members if necessary as it reserved the right to do in the contract. A breach of this character by the members would constitute a breach by the Union.

The employer Respondent on the 14th day of May, 1935, directed a letter to the Union asking for certain amendments or changes in the agreement and requested the Local to proceed with arbitration as provided in the contract. The amendments or changes requested, if adopted, would have changed very materially, if not have revolutionized the contract. The Complainant instead of selecting arbitrators and proceeding under the terms of the contract decided that there was "Nothing to arbitrate," and so informed the employer. The contract itself does not specify the nature nor the extent of "What amendments or changes" may be requested under its terms. If the requested amendments or changes should prove unreasonable, a fair-minded Board of Arbitrators would so hold. The Court is therefore of the opinion that the question of whether or not to arbitrate was not to be determined by, nor within the discretion of either party to decide. The Contract fixed the procedure to follow.

The testimony to the effect that the Complainants' members were practically all employed by the four Radio Stations in the City of Birmingham, each Station being under a closed shop agreement. It tends to show that the purpose of the Complainant Union was

to restrict its membership to such an extent that practically all of its members would be at all times employed by the employers entering into the several "closed shop agreements." Under such circumstances should it become necessary for an employer to replace one of its employees, there would be practically no range of selection available to the employer. If it should become necessary for employers operating the different stations to replace two or more of its employees simultaneously, there would be no range of selection whatsoever.

The desire of the Union to fully protect its members in securing employment and in making the employment secured most favorable is to be commended. On the other hand, the right of the employer to a reasonable range of selection in choosing its employees cannot be denied. Should an employer wish to fill a position with a Radio Technician, or a Radio Engineer, he might be entirely justified in demanding the privilege of making his selection from several artisans, each of whom was qualified to hold the position. It is the opinion of the Court that the contract impliedly warrants that the Local Union will have available at all times enough qualified members to supply any reasonable demand, giving the employer a reasonable range of selection.

The Temporary Writ of Injunction prayed for is an extraordinary writ. Before it should issue the Complainants must show complete performance on their part of all obligations imposed upon them, or sufficient excuse for failure to perform, and the contract should be preeminently fair and reasonable in its construction and practical operation.

The Court, therefore, upon consideration of the cause which is submitted on the Bill of Complaint and testimony as noted by the Register, is of the opinion that the Complainants herein are not entitled to the relief prayed for.

It is therefore ordered, adjudged and decreed by the Court, that the relief prayed for in said Bill of Complaint be and the same is hereby denied and the Bill of Complaint filed in said cause is hereby dismissed. The Complainants are hereby taxed with the costs accrued in said cause for the collection of which let execution issue at the expiration of sixty days from the date hereof, and if such execution is returned "no property found" then execution for costs may issue against the Respondents.

Done and ordered this the 9th day of July, 1935.

E. M. CREEL,
Circuit Judge,
In Equity Sitting.

Broadcast Advertising in June

Developments of the Month

BROADCAST advertising volume in June amounted to \$6,583,976, a decline of 12.7% as against the preceding month's level. This decline was considerably less than during the previous year, when June volume dropped 21.6% below that of May. National network advertising during June of the current year declined 13.1% as against the previous month, regional network advertising 1.5%, national non-network business 7.1% and local broadcast advertising 16.6%.

Comparison with Previous Year

Broadcast advertising during June was 21.5% greater than during the corresponding month of 1934. National network advertising experienced a gain of 13.7%, regional network volume increased practically three-fold, national non-network business rose 43.5%, and local broadcast advertising was 26.6% greater than during last June.

Comparison with Other Media

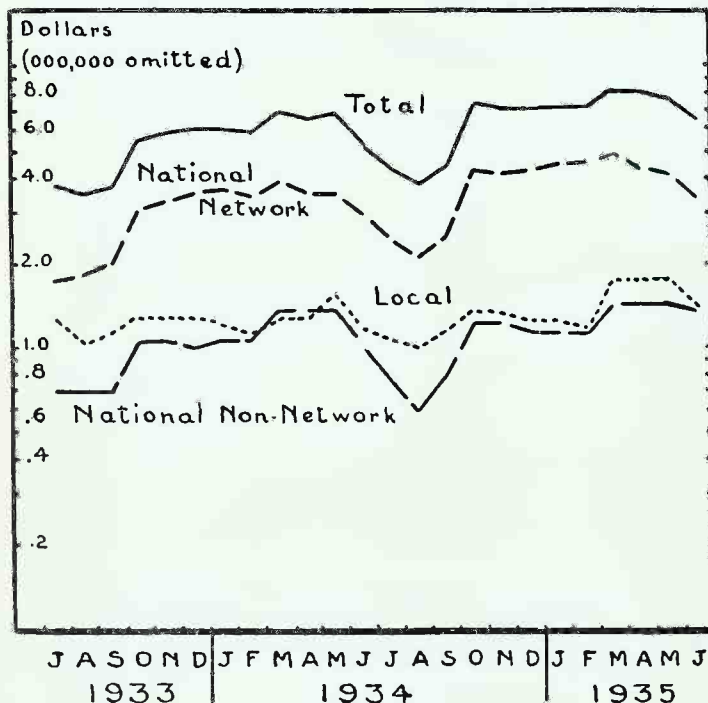
Radio broadcasting has shown the smallest decline from the preceding month and the greatest gain over the corresponding month of 1934 of any major medium. National magazine advertising declined 10.1% as compared to May, national farm paper advertising 19.0%, and newspaper lineage 13.3%. National magazine volume remains comparatively unchanged from the June 1934 level. National farm paper advertising has increased 3.0%, and newspaper advertising has decreased 1.2%.

Non-Network Trends

General non-network advertising declined 12.4% as compared to May and registered a gain of 22.4% as against June 1934. Local station volume showed the greatest stability, decreasing but 2.1% from the May level. Clear channel and high powered regional volume decreased 10.7% and regional volume dropped 17.3%. Non-network advertising in the highest power group was 32.2% greater than during the same month of last year, 23.4% greater in the case of regional stations and 39.6% with regard to local stations.

RADIO BROADCAST ADVERTISING VOLUME

July, 1933 to June, 1935



With the exception of the South, where non-network business decreased but 3.2% during the month, non-network business declined rather evenly throughout the country. Southern and Far Western volume was nearly double that of the previous June, while Mid-Western business rose 19.1%. New England-Middle Atlantic non-network business declined 6.9%, rising network volume probably being responsible for a considerable portion of the drop.

Rendition Trends

Declines were fairly even throughout all types of rendition in both the local and national fields except for an increase of 1.0% in national live talent volume, and a decline of but 7.0% in national transcription business.

National transcription business was double that of June, 1934, while live talent volume showed an increase of 30.0%. Announcements rose 7.0%. Local transcription business was 19.4% greater than last June, live talent volume 6.2%, announcements 33.9% and records 72.8%.

Sponsor Trends

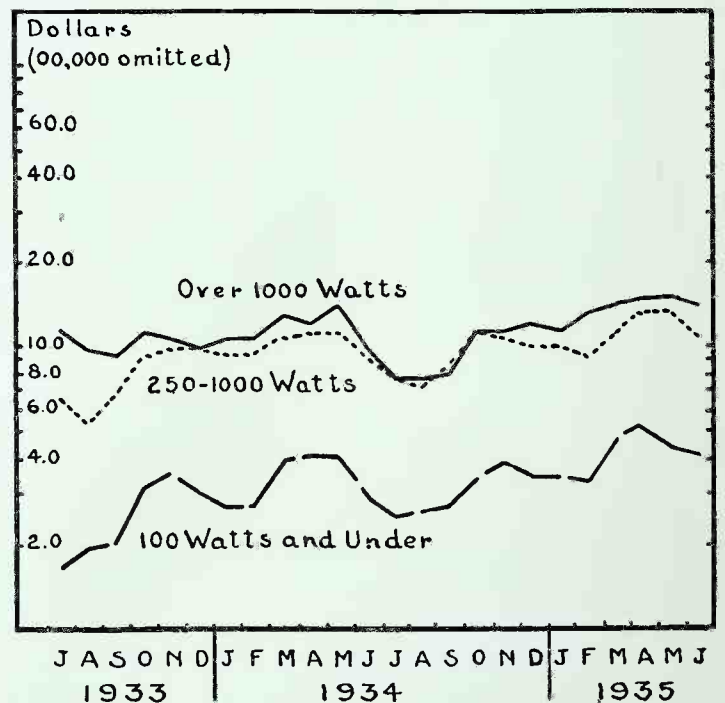
Regional network accessory advertising, national non-network clothing and kitchen supply volume, and regional tobacco advertising experienced the greatest gains as compared with the preceding month. Other than this declines were fairly constant.

Automotive, accessory, drug, clothing, food, tobacco, and household equipment advertising showed the greatest gains as compared with the corresponding month of 1934. National network automotive advertising was double that of the preceding June, while local volume increased 24.4%. National network clothing advertising rose 43.5%, regional volume rose materially and local advertising increased 61.4%.

National network food advertising rose 35.3%, regional business nearly tripped, and national non-network advertising rose 29.7%. Local drug advertising increased 36.8%, and regional volume doubled. National network household equipment advertising increased two and one-half times, and local advertising rose 116.0%. National non-network soap and kitchen supply volume increased 166.0%. National network tobacco advertising rose 34.5%. regional network volume increased materially and national non-network business gained ten-fold.

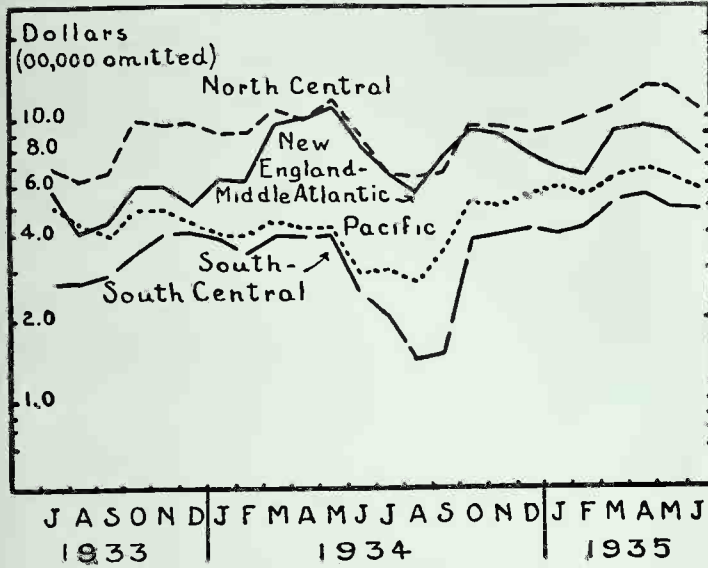
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933 to June, 1935



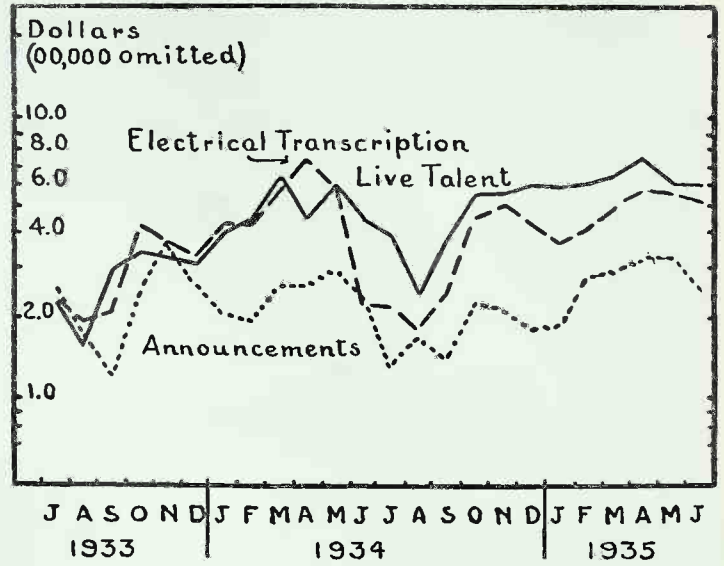
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933 to June, 1935



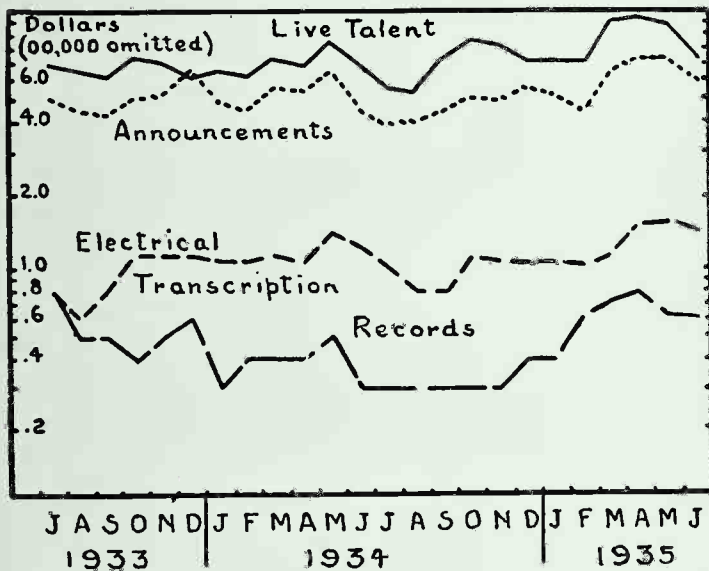
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF RENDITION

July, 1933 to June, 1935



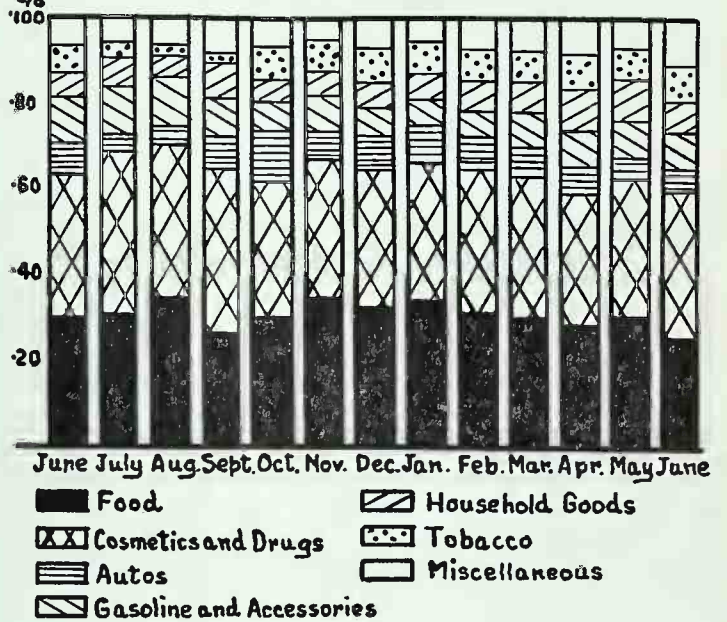
LOCAL BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933 to June, 1935



NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

June, 1934 to June, 1935



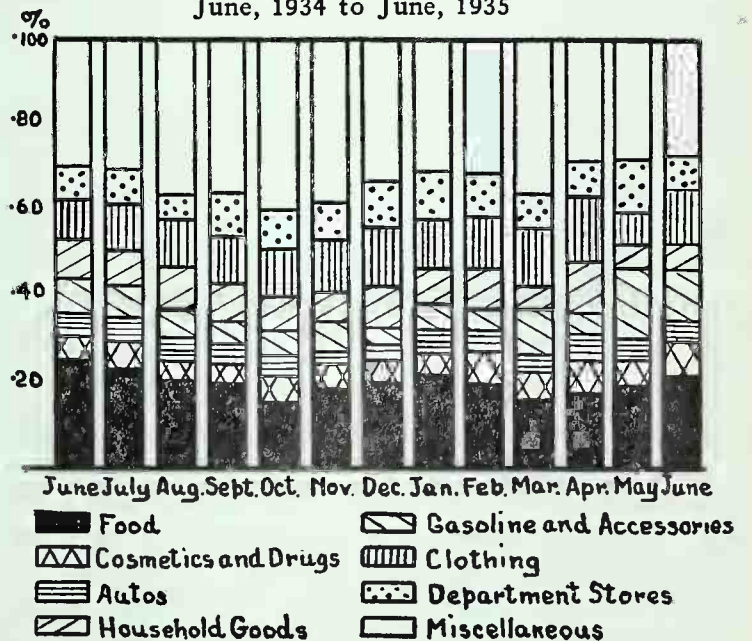
NATIONAL NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

June, 1934 to June, 1935



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

June, 1934 to June, 1935



Detailed information regarding trends in the various fields is as follows:

1a. **Amusements.** Gain 18.0% as against May. Increase 6.0% as compared previous June.

1. **Automotive.** Gain national non-network 5.2% compared to May. Decline 14.2% national network and 17.8% local. Slight gain national network compared to June 1934. National non-network volume doubled and local volume up 24.4%.

2. **Gasoline and accessories.** National network volume down 4.6% compared May; local 18.6%. Regional network volume up 60.0%, and national non-network 10.0%. National network business 6.0% over previous June; national non-network 64.4%, and regional network 7.2%. Local down 10.6%.

3. **Clothing.** National network business 12.6% above May, regional unchanged, national non-network up 45.8%, and local down 24.8%. Compared to June 1934, national non-network up 43.5%, regional up materially, local up 61.4%, and national non-network down 12.5%.

4. **Drugs and pharmaceuticals.** National network volume down 14.5%, regional 28.0%, national non-network 25.7%, and local up 9.0%. National network volume 8.0% ahead of June 1934, regional double, national non-network down 2.6%, and local up 36.8%.

5. **Toilet goods.** National network volume declined 5.6% as compared to May, and local advertising 30.0%. National non-network rose 13.0%. Compared to June, 1934, national network business rose 14.2%, regional volume remained unchanged, national non-network up 11.4%, and local down 19.7%.

6. **Foodstuffs.** National network business down 18.7% compared to May, regional down 16.0%, and local 7.8%. National non-network up 9.0%. National network advertising 35.3% above last June, regional network nearly tripled, national non-network up 29.7%, and local down 12.5%.

7. **Beverages.** National network down 13.4% compared to May, regional volume increased materially, national non-network up 25.0%, and local unchanged. Compared to June, 1934, national network down 44.0%, regional down 50.0%, and national non-network 37.3%. Local up 13.3%.

8. **Confectionery.** National network 34.0% below May, regional unchanged, national non-network down 55.0%. Local up 34.3%. National network 11.1% above last June, regional unchanged, national non-network up 16.3%, and local up seven-fold.

9. **Household equipment.** National network volume 47.1% below May, regional 35.0%, national non-network 56.4%, and local 18.7%. National network business two and one-half times June 1934, regional unchanged, national non-network same, and local up 116.0%.

10. **Soaps and kitchen supplies.** National network up 14.8%, national non-network up 166.0%, and local down 50.0%, compared June 1934. All fields declined evenly from May except for 60.0% gain in national non-network.

11. **Financial and insurance.** National network up 12.8% as against May, regional unchanged, national non-network 34.4% ahead, and local unchanged. Compared to June 1934, national network unchanged, regional up materially, national non-network up 11.3% and local up 14.1%.

12. **Radio.** National network down 2.0% compared to preceding month. National non-network up 56.1%, and local down 50.0%. Compared to corresponding month of preceding year, national network more than doubled, local up 60.0%, and national non-network down 47.0%.

13. **Department and general stores.** National non-network down 61.5% as against May and local down 26.8%. National non-network volume 38.7% below preceding June, and local 17.1% above. General volume in field 11.9% above same month of 1934.

14. **Tobacco products.** National network business 2.0% under preceding month, national non-network 4.0%, and local 60.0%. Regional advertising up 58.4%. Compared to last June national network up 34.5%, regional network business rose from nothing to \$26,468, national non-network volume increased ten-fold and local advertising doubled.

15. **Miscellaneous.** National network down 23.6%, regional 45.4%, national non-network 25.0%, and local 19.0%. Compared to June of previous year, national network 34.0% lower, regional network up 38.0%, national non-network 65.6%, and local 12.1%.

Retail Broadcast Advertising

There was a general downward trend in retail broadcast advertising as compared with the preceding month. With the exception of the food field, material gains were experienced in practically all branches of retail broadcast advertising as compared with June of the preceding year. Housefurnishings lead in general gains, with clothing and the automotive fields among the other important branches to show increases.

The following gains were recorded: Automotive, 30.0%; gasoline and accessories, 34.0%; clothing, 41.7%; drug stores and beauty parlors, doubled; restaurants, 52.1%; household equipment retailers, 52.2%; furniture, 59.0%; hardware, 60.0%; department and general stores, 11.9, and miscellaneous retail groups, 50.0%.

General Business Conditions

With the exception of buying in the agricultural areas, business continues uncertain. The *New York Times* index of business activity was 83.6% of the 1923-1925 average during the week of July 16, as compared with 84.3% one month earlier, and 81.3% during the corresponding week of May. It also is compared to 79.7% during the week of July 21, 1934, and to 95.8% during that of July 22, 1933.

Automobile production remained firm and electric power output and steel production showed gains. Prices remained fairly steady with some slight recessions in food and agricultural products.

In the field of distribution, freight car loadings were 6.2% under the previous year's level for the second week in June. June retail rural sales were 38% greater than during the same month of 1934 and 51% greater than in June 1933. The rural retail sales index stood at 99.5% of the 1929-1931 average. Chain grocery store sales, on the other hand, were but 4% greater than during the preceding June, while variety store sales were one-half per cent lower than during the same month of last year.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS (June, 1935)

| Type of Sponsoring Business | Gross Time Sales | | | | Total |
|---|--------------------|-------------------|----------------------|--------------------|--------------------|
| | National Networks | Regional Networks | National Non-network | Local | |
| 1a. Amusements | — | — | \$4,710 | \$54,260 | \$58,970 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$186,694 | — | 143,455 | 82,585 | 412,734 |
| (2) Accessories, gas and oils | 350,429 | \$15,664 | 120,870 | 90,930 | 577,893 |
| 3. Clothing and apparel | 39,488 | 4,818 | 31,950 | 184,540 | 260,796 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals | 399,957 | 4,820 | 191,660 | 87,255 | 683,692 |
| (5) Toilet goods | 841,481 | 372 | 70,500 | 16,670 | 929,023 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 758,515 | 21,322 | 291,470 | 205,120 | 1,276,427 |
| (7) Beverages | 199,309 | 2,354 | 75,450 | 104,800 | 381,913 |
| (8) Confections | 38,686 | 200 | 23,570 | 22,705 | 85,161 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings | 37,104 | 9,256 | 43,380 | 182,220 | 271,960 |
| (10) Soap and kitchen supplies | 206,726 | 4,128 | 159,300 | 5,595 | 375,749 |
| 11. Insurance and financial | 27,754 | 464 | 11,560 | 53,020 | 92,798 |
| 12. Radios | 80,032 | — | 2,720 | 8,320 | 91,072 |
| 13. Retail establishments | — | — | 5,715 | 117,140 | 122,855 |
| 14. Tobacco products | 286,857 | 26,468 | 56,780 | 5,570 | 375,675 |
| 15. Miscellaneous | 83,583 | 4,655 | 167,820 | 331,200 | 587,258 |
| Total | \$3,536,615 | \$94,521 | \$1,400,910 | \$1,551,930 | \$6,583,976 |

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

| Type of Sponsoring Business | 1935 Gross Time Sales | |
|--|-----------------------|------------------|
| | May | June |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$108,235 | \$78,250 |
| Gasoline stations, garages, etc. | 79,345 | 66,720 |
| Clothing and apparel shops | 248,847 | 193,435 |
| Drugs and toilet goods: | | |
| Drug stores | 16,128 | 14,000 |
| Beauty parlors | 10,420 | 10,025 |
| Food products: | | |
| Grocery stores, meat markets, etc. | 51,034 | 42,325 |
| Restaurants and eating places | 22,025 | 26,940 |
| Beverage retailers | 1,690 | 2,500 |
| Confectionery stores | 1,780 | 220 |
| Household goods: | | |
| Household equipment dealers | 90,706 | 69,390 |
| Furniture stores | 95,800 | 70,780 |
| Hardware stores | 39,100 | 23,465 |
| Radio retailers | 15,810 | 10,270 |
| Department and general stores | 173,345 | 122,855 |
| Tobacco shops | 343 | 325 |
| Miscellaneous | 83,590 | 77,350 |
| Total | \$1,038,198 | \$808,850 |

TOTAL BROADCAST ADVERTISING

| Class of Business | 1935 Gross Time Sales | | |
|----------------------|-----------------------|--------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| National networks | \$4,078,576 | \$3,536,615 | \$26,120,410 |
| Regional networks | 96,021 | 94,521 | 465,899 |
| National non-network | 1,509,348 | 1,400,910 | 8,591,053 |
| Local | 1,862,340 | 1,551,930 | 9,898,610 |
| Total | \$7,546,285 | \$6,583,976 | \$45,075,972 |

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

| Type of Rendition | 1935 Gross Time Sales | | | | | | |
|---------------------------|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------------|
| | National Non-network | | Local | | Total | | Cumulative Jan.-June |
| | May | June | May | June | May | June | |
| Electrical transcriptions | \$568,719 | \$528,420 | \$176,773 | \$153,740 | \$745,492 | \$682,160 | \$3,805,738 |
| Live talent programs | 593,906 | 600,000 | 885,844 | 730,150 | 1,479,750 | 1,330,150 | 8,817,245 |
| Records | 12,045 | 12,990 | 60,223 | 60,460 | 72,278 | 73,450 | 435,151 |
| Announcements | 334,768 | 259,500 | 739,490 | 607,580 | 1,074,258 | 867,080 | 5,431,539 |
| Total | \$1,509,438 | \$1,400,910 | \$1,862,340 | \$1,551,930 | \$3,371,778 | \$2,952,840 | \$18,489,673 |

ADVERTISING VOLUME BY MAJOR MEDIA

| Advertising Medium | 1935 Gross Time and Space Sales | | |
|---------------------------------|---------------------------------|---------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| Radio broadcasting | \$7,546,285 | \$6,583,976 | \$45,075,972 |
| National magazines ¹ | 12,524,188 | 11,368,313 | 67,954,820 |
| National farm papers | 566,919 | 475,889 | 2,973,225 |
| Newspapers ² | 47,998,000 | 42,345,000 | 254,551,000 |
| Total | \$68,635,392 | \$60,773,178 | \$370,555,017 |

¹ National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.
² Estimated.

NON-NETWORK ADVERTISING BY POWER OF STATION

| Power of Station | 1935 Gross Time Sales | | |
|------------------|-----------------------|--------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| Over 1,000 watts | \$1,557,720 | \$1,388,800 | \$8,808,965 |
| 250-1,000 watts | 1,393,710 | 1,151,060 | 7,234,055 |
| 100 watts | 420,348 | 412,980 | 2,446,653 |
| Total | \$3,371,778 | \$2,952,840 | \$18,489,673 |

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

| Geographical District | 1935 Gross Time Sales | | |
|-----------------------------------|-----------------------|--------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| New England-Middle Atlantic Area | \$905,320 | \$784,407 | \$4,887,087 |
| South Atlantic-South Central Area | 505,420 | 489,368 | 2,900,708 |
| North Central Area | 1,302,922 | 1,091,225 | 6,975,707 |
| Pacific and Mountain Area | 658,116 | 587,840 | 3,726,171 |
| Total | \$3,371,778 | \$2,952,840 | \$18,489,673 |

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

Monday, August 12, 1935

- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Modification of license, 930 kc., 1 KW, 2½ KW LS, unlimited (request facilities KGBZ). Present assignment: 930 kc., 1 KW, 2½ KW LS, shares with KGBZ.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Renewal of license, 930 kc., 1 KW, 2½ KW LS; shares with KMA.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Modification of license, 930 kc., 1 KW; 2½ KW LS, unlimited time (requests facilities KMA). Present assignment: 930 kc., 1 KW, 2½ KW LS, shares with KMA.
- KMA—May Seed & Nursery Co.—Renewal of license, 930 kc., 1 KW, 2½ KW LS, shares with KGBZ.

Tuesday, August 13, 1935

- WILL—University of Illinois, Urbana, Ill.—Modification of license, 580 kc., 250 watts, 1 KW LS, daytime. Present assignment: 890 kc., 250 watts, 1 KW LS, shares with KUSD and KFNF.

Wednesday, August 14, 1935

- NEW—Commercial Broadcasters, Inc., Moorhead, Minn.—C. P., 1310 kc., 100 watts, unlimited time.
- NEW—Robert K. Herbst, Moorhead, Minn.—C. P., 1310 kc., 100 watts, unlimited time.

Thursday, August 15, 1935

- WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of license, 1190 kc., 100 watts, limited, LS at San Antonio, Texas. Present Assignment: 1190 kc., 100 watts, daytime.

Friday, August 16, 1935

- NEW—Willis T. Shaughnessy, Bay Shore, N. Y.—C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Black Hills Broadcasting Co., Rapid City, N. D.—C. P., 1370 kc., 100 watts, unlimited time.
- KGCS—E. E. Krebsbach, Wolf Point, Mont.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, specified hours.

APPLICATIONS GRANTED

- KNOW—KUT Broadcasting Co., Austin, Tex.—Granted construction permit to move transmitter locally from Barton Springs Road to 114 West 7th St., Austin, Tex., and to install new equipment.
- KIFO—Nichols & Warinner, Inc., Portable-Mobile.—Granted license to cover construction permit for broadcast pickup station in the temporary service on frequencies 1622, 2060, 2150, 2790 kc., 200 watts. A3 emission.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted modification of construction permit to extend completion date from 9-8-35 to 10-8-35.
- WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Granted modification of construction permit to extend completion date from 8-18-35 to 10-18-35.

SPECIAL AUTHORIZATION

- KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Granted special temporary authorization to operate from 9 a. m. to 1 p. m. and from 4 p. m. to 9 p. m., CST, during month of August, 1935, instead of from 10 a. m. to 1 p. m., and 4 p. m. to 10 p. m., CST, as now licensed, pending action on application for modification of license.

SET FOR HEARING

- NEW—William S. Thellman, New Castle, Pa.—Application for construction permit for new station, studio location to be determined subject to Commission's approval; 1420 kc., 100 watts, daytime.
- NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Application for construction permit for new station, 1210 kc., 100 watts, unlimited.
- NEW—Clark Standiford, Fresno, Calif.—Application for construction permit for new station, 1370 kc., 100 watts, daytime.

NEW—California Sales Contract Co., San Francisco, Calif.—Application for construction permit for new station, 1280 kc., 500 watts night, 1 KW day, unlimited time, exact transmitter and studio location to be determined subject to Commission's approval.

NEW—Julius Brunton & Sons Co., Fresno, Calif.—Application for construction permit for new station, transmitter and studio location to be determined subject to Commission's approval; 980 kc., 250 watts, daytime.

MISCELLANEOUS

- KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Denied telegraphic request for authority to operate temporarily at 104½ East Fourth Street (Hotel Brandon), Pecos, Tex., pending determination and approval of another transmitter site.
- KNEI—Oregonian Publishing Co., Portable-Mobile.—Retired to files application for construction permit for broadcast pickup station in the temporary service, inasmuch as permit has expired and no application for extension of time or no application for license has been filed.
- WMT—WMT Broadcasting Co., Waterloo, Iowa.—Suspended, during balance of license period, conditional clause in license, during construction of directional antenna, regarding interference with WREC at new site, Cedar Rapids, Iowa.
- KGBZ—KGBZ Broadcasting Co., York, Nebr.—Denied request for authority to take depositions in support of its application for renewal of license and modification of license to be heard August 12, 1935. Denied motion for continuance of case.
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Continued until September 5, 1935, hearing schedule for August 27, 1935, on application to change frequency from 1500 kc. to 1240 kc. and increase in power from 100 watts to 250 watts night, 1 KW LS.
- KNOX—KNOX Broadcasting Co., Schenectady, N. Y.—Application for new station to operate on 1240 kc., 1 KW, unlimited time, continued until September 5, to be heard in connection with Augusta, Ga., case.
- NEW—Advertisers Publishing Co., Ltd., Honolulu, T. H.—Hearing scheduled for September 17 advanced to first week in September on application for relay broadcasting station to operate on 11850 and 15230 kc., 2 KW, specified hours.
- NEW—Robert K. Herbst, Moorhead, Minn.—Hearing on application for construction permit for new broadcasting station to operate on 1310 kc., 100 watts, unlimited time, scheduled for August 14, continued until a decision is handed down by the U. S. Court of Appeals of D. C. in the case of Head of the Lakes Broadcasting Co. and City of Moorhead v. F. C. C.
- NEW—E. L. Clifford, Pottsville, Pa.—Denied motion for continuance for hearing scheduled for August 29, 1935, on application for permit to erect a new broadcasting station at Pottsville, Pa., to operate on 580 kc., 250 watts LS.
- KBFG—Oklahoma Broadcasting Co., Oklahoma City, Okla.—Denied petition to grant full time on 1370 kc. without hearing.

APPLICATION DISMISSED

- The Broadcasting Division dismissed the following application at the request of the applicant.
- NEW—Bailey Bros., San Diego, Calif.—Application for construction permit for new station, 1420 kc., 100 watts, unlimited time.

APPLICATION DENIED

- The Broadcasting Division denied the following application as in cases of default, applicant having failed to file an appearance and statement of facts.
- NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Application for construction permit for new station, 1500 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

- NEW—Fred S. Rogers, Glens Falls, N. Y.—Construction permit 1210 for a new station to be operated on 1210 kc., 100 watts, unlimited time.
- NEW—General Electric Co., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 50 watts.

WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—License 990 to cover construction permit (B1-P-566) to make changes in equipment.

Second Zone

NEW—Steel City Broadcasting Co., Pittsburgh, Pa.—Construction 1420 permit for a new broadcast station to be operated on 890 kc., 500 watts, unlimited. Amended to change frequency from 890 kc. to 1420 kc., power from 500 watts to 100 watts night, 250 watts day, and make changes in equipment (antenna and tubes).

WELL—Enquirer-News Co., Battle Creek, Mich.—License to cover 1420 construction permit (B2-P-418) to make changes in equipment, increase power, and move transmitter and studio.

WJIM—Harold F. Gross, M. Bliss Keeler, and L. A. Versluis, d/b 1450 as Capitol Broadcasting Co., Lansing, Mich.—Construction permit to install new equipment, increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; change frequency from 1210 kc. to 1450 kc., requesting frequency of WGAR if and when WGAR's application requesting facilities of WMMN is granted.

NEW—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as 31100, 34600, 37600, 40600 kc., 15 watts. Capitol City Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station on

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Con- 570 struction permit to move transmitter from Ninth and Indiana Ave., Wichita Falls, Tex., to approximately 2½ miles southwest of center of Wichita Falls, Tex., and make changes in equipment. Amended to request change in frequency from 1240 kc. to 570 kc., power from 1 KW to 250 watts night, 1 KW day (same as licensed).

WDBO—Orlando Broadcasting Co., Orlando, Fla.—Extension of 580 special experimental authorization to operate with additional 750 watts daytime from 9-1-35 to 3-1-36.

WNAD—University of Oklahoma, Norman, Okla.—Modification of 1010 license to change specified hours from 7:15-9:15 p. m. Tuesdays and Thursdays and 8:15-9:15 p. m. Wednesdays, to 2:00-4:00 p. m. Mondays, Tuesdays, Wednesdays and Thursdays and 7:30-9:30 p. m. Tuesdays and Thursdays and 8:30-9:30 p. m. Wednesdays. Requests part of facilities of KGGF.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Con- 1200 struction permit to make equipment changes.

NEW—Clarence Scharbauer, Midland, Tex.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, daytime. Amended: Transmitter site to be determined, Midland County, Tex.

WMFR—Hart & Nelson (J. A. Hart and Wayne M. Nelson), High 1200 Point, N. C.—Modification of construction permit authorizing a new station to be operated on 1200 kc., 100 watts, daytime, requesting changes in equipment and move of studio and transmitter from Southern Furniture Exposition Bldg., High Point, N. C., to 154 S. Main Street, High Point, N. C., and extend commencement date and completion date.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Special 1210 experimental authorization to operate on frequency 1210 kc. for period ending 12-1-35.

KUOA—KUOA, Inc., Fayetteville, Ark.—Authority for consent to 1260 transfer of control of corporation of Station KUOA from Fulbright Investment Co. to John Brown University. Amended to change name of transferee to Miss Roberta, Mrs. Roberta, and Miss Helen Fulbright.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modifi- 1300 cation of construction permit (B3-P-220) for new equipment, increase in power from 1 KW to 1 KW night, 5 KW day and move transmitter, site to be determined, requesting extension of completion date from 9-8-35 to 3-8-36.

KVOL—George H. Thomas, Robert M. Dean, Louis M. Sepaugh, 1310 T. B. Lanford, d/b as Evangeline Broadcasting Co., Lafayette, La.—License to cover construction permit (B3-P-219) authorizing new station to operate on 1310 kc., 100 watts, unlimited time.

Fourth Zone

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Modification of 630 license to change frequency from 1200 kc. to 630 kc., power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Emmons L. Abeles and Robert J. Dean, co-partners d/b 630 as W. I. S. E. Broadcasting Company, St. Paul, Minn.—Construction permit to erect a new broadcast station to be operated on 630 kc., 250 watts power, unlimited time. Requesting facilities of KGDE.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Modifica- 670 tion of construction permit as modified (4-P-B-2876) to extend completion date from 9-4-35 to 11-4-35.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell & Platz, 1010 Coffeyville, Kans.—Modification of license to change specified hours from Sundays, Mondays, Fridays and Saturdays, 6 a. m. to 12 midnight; Tuesdays and Thursdays, 6 a. m. to 7:15 p. m. and 9:15 p. m. to 12 midnight; Wednesdays, 6 a. m. to 8:15 p. m. and 9:15 p. m. to 12 midnight, CST, to Sundays, Fridays and Saturdays, 6 a. m. to 12 midnight; Mondays, 6 a. m. to 2 p. m., 4 p. m. to 7:30 p. m., 9:30 p. m. to 12 midnight; Wednesdays, 6 a. m. to 2 p. m., 4 p. m. to 8:30 p. m., 9:30 p. m. to 12 midnight, CST.

NEW—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak. 1200 —Construction permit for a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time.

NEW—Mankato Broadcasting Co., Mankato, Minn.—Construction 1210 permit to erect a new broadcast station to be operated on 1210 kc., 100 watts power, unlimited time. Amended: Transmitter site to be determined.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.— 1250 Modification of license to increase specified hours by the period 9:43 to 9:45 a. m., CST, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays; part of facilities of WCAL. Amended to request modification become effective 9-2-35 and remain in force until WCAL desires this time.

NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy., 1310 Wausau, Wis.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy., 1370 Grand Island, Nebr.—Construction permit for a new broadcast station to be operated on 1370 kc., 100 watts, unlimited time.

NEW—Winona Broadcasting Co. (Emmons L. Abeles, Secy.), 1500 Winona, Minn.—Construction permit for a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time.

W9XHD—Agricultural Broadcasting Co., Portable-Mobile.— License to cover construction permit for general experimental station on 31100, 34600, 37600, 40600 kc., 25 watts.

W9XHE—Agricultural Broadcasting Co., Portable-Mobile.— License to cover general experimental station construction permit on 31100, 34600, 37600, 40600 kc., 2 watts.

W9XHF—Agricultural Broadcasting Co., Portable-Mobile.— License to cover construction permit for general experimental station on 31100, 34600, 37600, 40600 kc., 2 watts.

WOEB—Agricultural Broadcasting Co., Portable.—License to cover 1606, 2020, 2102, 2760 kc., 100 watts. construction permit for broadcast pickup station to be operated on

Fifth Zone

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah. 550 —Construction permit for a new station to be operated on 550 kc., 500 watts, unlimited time. Amended to make changes in equipment (antenna).

NEW—Melvin D. Close, Provo, Utah.—Construction permit for a 1210 new station to be operated on 1210 kc., 100 watts, unlimited time.

NEW—Miles J. Hansen, Fresno, Calif.—Construction permit for a 1420 new station to be operated on 1210 kc., 100 watts, unlimited time. Amended to change frequency from 1210 kc. to 1420 kc.

NEW—James H. Braffett, Price, Utah.—Construction permit for a 1420 new station to be operated on 1420 kc., 100 watts, unlimited time.

W6XAR—Julius Brunton & Sons Co., Portable-Mobile.—Modifica- tion of license to include the frequencies 31100, 31600, 34600, 40600, 35600, 38600, 41000 kc. Amended to omit request for 31600, 35600, 38600 and 41000 kc.

W6XAS—Julius Brunton & Sons Co., Portable and Mobile.—Modi- fication of license to include frequencies 31100, 31600, 34600, 35600, 37600, 41000. Amended to omit request for 31100, 34600, 37600 kc. and delete 40600 kc.

The National Association of Broadcasters

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

NAB REPORTS

Vol. 3 - - No. 38
 AUG. 8, 1935

Copyright, 1935. The National Association of Broadcasters

BROADCAST ADVERTISING DURING THE FIRST HALF OF 1934

Principal Developments

Broadcast advertising during the first half of the current year showed a gain of 17.9% as compared to the corresponding period of 1934. Important gains were recorded by all phases of the medium, with regional networks making an especially strong showing. Radio as a whole fared better than any major medium during the period.

Non-network advertising increased on all sizes of stations. The largest gain in non-network volume occurred in the Southern states where volume rose 32.1% as compared with the first half of the previous year.

A gain of 26.7% in national non-network live talent volume, and a decline of 2.4% in national transcription business were the principal developments of importance in the rendition field.

Specialty and shopping goods advertising showed important increases during the period, with automotive, clothing and housefurnishing volume showing marked gains. In the convenience goods field, soap and kitchen supply advertising increased materially in the national and regional network and national non-network fields. Tobacco advertising showed most important gains in the regional network and national non-network fields.

General retail advertising experienced an increase of 50.3% as compared with the corresponding six months of the preceding year. Department store volume rose 41.7%. Automobile dealer advertising and that of clothing stores and similar shops and housefurnishing retailers showed the most important increases.

Broadcast Advertising Volume

Broadcast advertising volume over various portions of the medium during the first half of the current year is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING (First Half)

| Class of business | Gross Time Sales | |
|----------------------------|---------------------|---------------------|
| | 1934 | 1935 |
| National networks | \$21,998,866 | \$26,120,410 |
| Regional networks | 317,251 | 465,899 |
| National non-network | 7,610,864 | 8,591,053 |
| Local | 8,294,499 | 9,898,610 |
| Total | \$38,221,480 | \$45,075,972 |

The greatest relative gain experienced by any portion of the medium, as compared with the corresponding period of 1934, occurred in the regional network field where volume rose 47.0%. National network advertising increased 18.2%, national non-network business 13.2% and local broadcast advertising 19.3%.

Comparison with Other Media

Radio broadcast advertising showed the greatest improvement in volume of any major medium during the period under consideration. As contrasted to a gain of 17.9% on the part of radio, national magazine advertising increased 10.7%, national farm paper volume 3.5% and newspaper advertising 5.0%.

Details regarding major media are found in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA (First Half)

| Advertising Medium | Gross Time and Space Sales | |
|-------------------------------|----------------------------|----------------------|
| | 1934 | 1935 |
| Radio broadcasting | \$38,221,480 | \$45,075,972 |
| National magazines | 61,409,805 | 67,954,820 |
| National farm papers | 2,870,927 | 2,973,225 |
| Newspapers ¹ | 242,535,000 | 254,551,000 |
| Total | \$345,037,212 | \$370,555,017 |

¹ Estimated.

Non-network Advertising

Non-network advertising, national and local combined, increased 16.1% as against the same period of 1934. Non-network volume placed over stations of more than 1,000 watts in power rose 18.9%. Volume over stations of between 250 and 1,000 watts increased 12.6% and that of 100 watt stations experienced a gain of 17.7%. Non-network volume by various power groups is shown in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION (First Half)

| Power of Station | Gross Time Sales | |
|------------------------|---------------------|---------------------|
| | 1934 | 1935 |
| Over 1,000 watts | \$7,404,648 | \$8,808,965 |
| 250-1,000 watts | 6,426,929 | 7,234,055 |
| 100 watts | 2,073,786 | 2,446,653 |
| Total | \$15,905,363 | \$18,489,673 |

Viewed from the geographical angle, non-network advertising in the South Atlantic-South Central area showed the greatest gains. Non-network volume in this region experienced a gain of 32.1% over the corresponding period of 1934. Advertising in the North Central states rose 15.1% and 8.6% in the Pacific and Mountain area. Non-network business declined 6.8% in the New England-Middle Atlantic area, probably due in part to increased network volume.

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

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS (First Half)

| Geographical District | Gross Time Sales | |
|---|---------------------|---------------------|
| | 1934 | 1935 |
| New England-Middle Atlantic Area | \$5,250,501 | \$4,887,087 |
| South Atlantic-South Central Area | 2,195,123 | 2,900,708 |
| North Central Area | 6,051,911 | 6,975,707 |
| Pacific and Mountain Area | 2,407,828 | 3,726,171 |
| Total | \$15,905,363 | \$18,489,673 |

Advertising by Types of Rendition

The growing use of live talent programs, produced in station studios, by national advertisers has been the principal development of interest in the national non-network field. Volume of this type of advertising has increased 26.7% as compared with

the first half of last year. Transcription volume, on the other hand, has fallen off by 2.4%. Recorded programs, using regular phonograph records, increased 42.5% but constitute an unimportant portion of national business. Announcement volume increased 17.6%.

In the local field, transcription volume rose 15.2%, live talent business 18.4% and announcements 25.2%. Record volume dropped 30.0%.

The result of these trends has been to materially change the relative importance of various forms of rendition in the national field. Transcription volume has declined from 40.0% of total national business to 34.6% while live talent business has increased from 39.7% to 44.7%. The structure of local advertising rendition has remained comparatively static.

Details regarding broadcast advertising by types of rendition are found in Tables V and VI.

TABLE V
NON-NETWORK BROADCASTING BY TYPE OF RENDITION
(First Half)

| Type of Rendition | National Non-network | | Local | | Gross Time Sales | | Total |
|---------------------------|----------------------|--------------------|--------------------|--------------------|---------------------|---------------------|-------|
| | 1934 | 1935 | 1934 | 1935 | 1934 | 1935 | |
| Electrical transcriptions | \$3,044,571 | \$2,971,754 | \$723,548 | \$833,984 | \$3,768,119 | \$3,805,738 | |
| Live talent programs | 3,029,315 | 3,830,994 | 4,210,888 | 4,986,251 | 7,240,203 | 8,817,245 | |
| Records | 39,512 | 56,924 | 221,955 | 378,217 | 261,467 | 435,151 | |
| Announcements | 1,497,466 | 1,731,381 | 3,138,108 | 3,700,158 | 4,635,574 | 5,431,539 | |
| Total | \$7,610,864 | \$8,591,053 | \$8,294,499 | \$9,898,610 | \$15,905,363 | \$18,489,673 | |

TABLE VI
RELATIVE PROPORTION OF VARIOUS TYPES OF RENDITION USED IN NON-NETWORK BROADCAST ADVERTISING
(First Half)

| Type of Rendition | National Non-network | | Local | |
|---------------------------|----------------------|---------------|---------------|---------------|
| | 1934 | 1935 | 1934 | 1935 |
| Electrical transcriptions | 40.0% | 34.6% | 8.7% | 8.5% |
| Live talent programs | 39.7% | 44.7% | 50.7% | 50.4% |
| Records | .5% | .7% | 2.7% | 3.8% |
| Announcements | 19.8% | 20.0% | 37.9% | 37.3% |
| Total | 100.0% | 100.0% | 100.0% | 100.0% |

Broadcast Advertising Sponsorship

Principal developments in this regard during the first half of the current year have been an increase in all forms of automotive advertising; a rise in national network, regional network and local clothing advertising; an increase in all forms of house-furnishing volume and in national and regional network and national non-network soap and kitchen supply advertising; a most marked increase in national non-network and regional network tobacco advertising, and some gains in national and regional network confectionery advertising.

Volume of advertising placed by various types of sponsors is found in Table VII.

TABLE VII
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(First Half)

| Type of Sponsoring Business | National Networks | 1935 Gross Time Sales | | Local | Total |
|---|---------------------|-----------------------|----------------------|--------------------|---------------------|
| | | Regional Networks | National Non-network | | |
| 1a. Amusements | — | — | \$28,840 | \$268,555 | \$297,395 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$1,667,287 | \$6,490 | 697,043 | 496,951 | 2,867,771 |
| (2) Accessories, gas and oils | 1,983,275 | 61,565 | 659,203 | 498,408 | 3,202,260 |
| 3. Clothing and apparel | 268,758 | 25,051 | 163,600 | 1,301,051 | 1,758,460 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals | 3,546,961 | 33,401 | 1,936,110 | 588,589 | 6,105,061 |
| (5) Toilet goods | 5,359,048 | 20,450 | 480,631 | 135,140 | 5,995,269 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 5,406,082 | 121,546 | 1,597,768 | 1,229,151 | 8,354,547 |
| (7) Beverages | 1,535,216 | 9,924 | 281,482 | 497,737 | 2,324,359 |
| (8) Confections | 842,117 | 6,640 | 294,778 | 77,522 | 1,221,057 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings | 391,658 | 44,456 | 391,401 | 1,082,764 | 1,910,279 |
| (10) Soap and kitchen supplies | 1,583,371 | 16,883 | 449,636 | 44,078 | 2,093,968 |
| 11. Insurance and financial | 229,992 | 1,338 | 109,584 | 343,917 | 684,831 |
| 12. Radios | 540,163 | — | 11,675 | 71,883 | 623,721 |
| 13. Retail establishments | — | — | 49,615 | 857,917 | 907,532 |
| 14. Tobacco products | 1,867,050 | 61,213 | 232,795 | 40,926 | 2,201,984 |
| 15. Miscellaneous | 899,432 | 56,943 | 1,207,072 | 2,364,031 | 4,527,478 |
| Total | \$26,120,410 | \$465,899 | \$8,591,053 | \$9,898,610 | \$45,075,972 |

A detailed analysis of the trends in the various field of sponsorship is as follows:

1a. *Amusements.* National network volume experienced a gain of 45.0% as compared to the first six months of 1934 while local advertising declined 3.0%. Gains and losses offset each with total volume remaining comparatively unchanged.

1. *Automotive.* National network volume increased 26.0% during the period under consideration. Regional network advertising

rose 22.6%, national non-network business 32.5% and local broadcast advertising 42.3%.

2. *Gasoline and accessories.* National network volume increased 2.5% as compared with the same period of last year. Regional network advertising declined 50.0%. National non-network business rose 11.2% while local volume increased but 1.4%.

3. *Clothing.* Marked gains occurred in this field. National network advertising increased 57.6%, regional network volume in-

creased nearly five times the amount during the first half of last year, national non-network volume rose 18.6% and local advertising 56.2%.

4. *Drugs and pharmaceuticals.* National network volume gained 11.0% as compared with the first half of last year. Regional network advertising increased 13.3%, national non-network business 13.6% and local advertising 16.1%.

5. *Toilet goods.* National network business rose 10.0% during the period as compared with the corresponding months of 1934. Regional network advertising increased from \$450 to \$20,450. National non-network business dropped off by 3.6% and local advertising decreased 23.0%.

6. *Foodstuffs.* National network volume alone gained, rising 22.4%. National non-network advertising fell off by 2.0%, local broadcast advertising by 9.0% and regional network business by 50.0%.

7. *Beverages.* Local advertising was the only field to show increases, rising 10.0%. National network volume declined 20.0%, regional network business 74.5% and national non-network business 2.8%.

8. *Confectionery.* Marked gains occurred in practically all fields. National network business increased 40.6%, regional network advertising rose nearly four-fold, national non-network advertising increased 13.0% and local broadcast advertising more than tripled.

9. *Household equipment.* Important increases also occurred in all fields in this instance. National network advertising increased 24.6%, regional advertising rose nearly six-fold, national non-network volume gained 36.2% and local advertising 55.3%.

10. *Soaps and kitchen supplies.* This field also showed important gains as compared with the corresponding six months of 1934. National network advertising rose 47.0%. Regional volume, of which there was none last year for the period, developed to \$16,883. National non-network volume increased by more than 100%. Local advertising, a minor factor in this field, declined 24.8%.

11. *Insurance and financial.* Regional network advertising increased five-fold. National non-network volume rose 14.6% and local advertising 30.0%. National network advertising declined 40.7%.

12. *Radio.* National network volume more than doubled, while local advertising increased 58.7%. National non-network advertising declined 32.3%.

13. *Department and general stores.* National non-network advertising, principally mail order department stores with branches in various cities, increased 72.0%. Local department and general store advertising rose 40.1%.

14. *Tobacco products.* National network advertising increased 10.8%. Regional network volume developed from nothing to

\$61,223, and national non-network advertising from \$25,549 to \$232,795. Local advertising more than doubled.

15. *Miscellaneous.* National network volume increased 17.0%, regional network advertising 37.0%, national non-network business 22.7% and local broadcast advertising 12.3%.

Retail Broadcast Advertising

General retail advertising increased 50.3% as compared to the preceding period. Gains were recorded in all fields except food. Increases were as follows: automotive, 60.0%; gasoline and accessory retailers, 41.0%; clothing and apparel shops, 71.2%; drug-stores, 38.8%; beauty parlors, 116.0%; restaurants, 2.5%; household equipment retailers, 46.2%; furniture stores, 73.6%; hardware stores, 110.7%; radio retailers, 30.0%; department stores, 41.7%; tobacco shops, 37.0%, and miscellaneous, 61.3%. Grocery stores declined 17.8% and confectionery shops, 15.3%. Retail broadcast advertising volume is found in Table VIII.

TABLE VIII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS
(First Half)

| Type of Sponsoring Business | Gross Time Sales | |
|--|------------------|-------------|
| | 1934 | 1935 |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$326,207 | \$521,280 |
| Gasoline stations, garages, etc. | 227,216 | 385,430 |
| Clothing and apparel shops | 794,753 | 1,324,932 |
| Drugs and toilet goods: | | |
| Drug stores | 85,127 | 118,408 |
| Beauty parlors | 27,972 | 60,413 |
| Food products: | | |
| Grocery stores, meat markets, etc. | 340,155 | 278,620 |
| Restaurants and eating places | 117,705 | 120,995 |
| Beverage retailers | 5,043 | 23,299 |
| Confectionery stores | 13,413 | 11,315 |
| Household goods: | | |
| Household equipment dealers | 240,428 | 351,169 |
| Furniture stores | 294,143 | 514,569 |
| Hardware stores | 64,842 | 136,908 |
| Radio retailers | 56,472 | 73,636 |
| Department and general stores | 641,296 | 907,532 |
| Tobacco shops | 4,769 | 6,632 |
| Miscellaneous | 309,114 | 499,195 |
| Total | \$3,545,565 | \$5,334,333 |

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 3 - No. 39
AUG. 15, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|--|------|
| Duffy Copyright Bill..... | 930 |
| Federal Trade Commission Activities..... | 930 |
| Securities Act Registrations..... | 931 |
| Recommends Against New Nebraska Stations..... | 932 |
| Denial of WNBF Application Recommended..... | 932 |
| Ventura Application Dismissal Recommended..... | 932 |
| Federal Communications Commission Action..... | 932 |

DUFFY COPYRIGHT BILL

If you have not already done so, wire or phone your Congressman at once and explain your interests in the bill S. 3047; the importance of having it reported out at once by the Patents Committee and brought to a vote. The American Hotels Association, the Motion Picture Theatre Owners of America, and the NAB are continuing their joint support of the bill as it passed the Senate and will resist any effort to restore, by amendment, the minimum damage provision.

The members of the Committee on Patents are as follows:

William I. Sirovich, of New York; Fritz G. Lanham, of Texas; Braswell Deen, of Georgia; Thomas O'Malley, of Wisconsin; Robert L. Ramsey, of West Virginia; Matthew A. Dunn, of Pennsylvania; J. Leroy Adair, of Illinois; James P. Richards, of South Carolina; Charles J. Colden, of California; John D. Dingell, of Michigan; Charles Kramer, of California; Randolph Perkins, of New Jersey; Clarence J. McLeod, of Michigan; Fred A. Hartley, Jr., of New Jersey; Robert F. Rich, of Pennsylvania; and Gerald J. Boileau, of Wisconsin.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2300. William Littman and Max Littman, New York City, co-partners trading as **Imperial Laboratories**, and engaged in the manufacture of permanent wave appliances and products.

William Littman is directed to cease using as part of his trade name the word "Laboratories" unless and until he actually maintains a place where scientific investigations are conducted.

Littman is also ordered to stop representing that his products are made or compounded in a laboratory when this is not true, and from alleging that permanent wave hair lotion which he sells and distributes has been perfected by leading chemists or that it will wave hair without altering the texture.

Littman is prohibited from asserting that the felt used in the sachets which he sells and distributes is treated so that it will absorb the lotion evenly, when this is not true.

The Commission ordered that the complaint in this matter be dismissed as to Max Littman.

No. 2357. Renesol Corporation, New York City, and Charles Goldblatt and Maurice Goldberg. Unfair representations through newspaper, magazine and radio advertising by the respondents is prohibited.

The respondents are ordered to cease representing Renesol or any product of substantially the same composition as a cure for epilepsy or as a remedy by which permanent relief from epilepsy or epileptic fits can be effected. They are directed to stop representing Renesol

as other than an agent for the treatment of epilepsy, the effectiveness of which depends on continued or permanent use.

Renesol is said to contain phenobarbital plus bicarbonate of soda and may be used to relieve the discomforts due to epilepsy, according to the findings.

Complaints

Unfair competition of various sorts is alleged by the Federal Trade Commission in complaints issued against the following companies. These concerns will be given opportunity to appear before the Commission to show cause why cease and desist orders should not be issued against them.

No. 2504. United States Electric Manufacturing Company, New York City, manufacturer of flashlight and dry cell batteries under the trade name "**Usalite Lok-Top.**"

The respondent is alleged to have represented that those products had a "special patented Lok-Top," when in fact the company had no United States or other patent on its flashlights, or on the method of construction.

The complaint charges that the respondent's representations placed in the hands of dealers the means by which they might commit a fraud on the purchasing public. Hearing, Friday, September 6.

No. 2505. Abraham Platell, trading as Platell Shoe Company, 158 Duane Street, New York City.

Platell is alleged to have stamped and labeled shoes sold by him with the phrase, "Dr. Florence Scientific Arch Support," when in fact these shoes were not made in accordance with the design of or under supervision of a doctor, and did not contain special scientific or orthopedic features which were the result of medical advice or services.

Subsequent to October, 1933, Platell is said to have changed the labeling on his shoes by substituting an "i" for an "r" in the abbreviation "Dr.," thus making the designation read "Di. Florence Shoes."

Use of the abbreviation "Dr." or the imitation thereof printed as "Di." have had the capacity to unfairly divert trade from or otherwise injure competitors, according to the complaint. Platell's footwear was not designed for the purpose of correcting or alleviating any particular kind of foot trouble, except to the extent that the arch in the shoe was purported to correct or support defective arches, it was alleged.

No. 2506. Barager-Webster Co., Eau Claire, Wis. This company is said to have sold to wholesale and retail dealers certain packages or assortments of candy so packed and assembled as to involve the use of a lottery scheme when sold and distributed to consumers. The complaint charges that these practices have a capacity to unfairly divert trade from the respondent's competitors.

No. 2508. Calaf Company, Los Angeles, Calif., dealer in medicines for treatment of asthma and hay fever. The company is said to have advertised that by use of its product asthma and hay fever will disappear "like magic." The complaint points out that this is not true and that the respondent's representations tend to deceive the buying public. Hearing, September 13.

Stipulations

Unfair competition of various kinds will be discontinued by the following companies in pursuance of stipulations entered into between these concerns and the Federal Trade Commission:

Nos. 0881 and 0882. Frank R. Jelleff, Washington, D. C., and Pharma Craft Corporation, Louisville, Ky. The respondents each have agreed to discontinue unfair advertising practices in the sale of facial and antiseptic cream.

Jelleff agrees to cease asserting that the facial cream "**Delv**" is the result of years spent in searching for an ingredient to duplicate the natural oils of the skin and that the unhealthy functioning of an oily skin will be corrected through daily use of "**Delv.**"

Representation that the Pharma company's "Fresh" antiseptic cream "will relieve your trouble," that it either dries into the skin or vanishes into the skin immediately, or that it relieves foot irritations, unless this allegation is limited to irritation caused by excessive perspiration attended by abrasions or infections of the skin, will be discontinued.

Nos. 0883 and 0884. Tablet Sixty-Six Company, Los Angeles, Calif., and R. Robert Reveno, Philadelphia, operating as R. Robert Reveno & Co. Both firms deal in treatments for rheumatic afflictions.

Tablet Sixty-Six Co. agrees to cease representing inferentially or by direct statement that its treatment, designated "Tablet 66," is a competent treatment or an effective remedy for either muscular rheumatism, inflammatory rheumatism, muscular rheumatic conditions or "incurable" rheumatic conditions, or that medical authorities have so recognized its ingredients.

The Commission, following an investigation, had reason to believe that many of the company's advertising representations were incorrect, exaggerated and misleading.

Reveno agrees to stop representing that his "Aralgia Capsules" are a competent treatment or an effective remedy for rheumatic pains, neuritis, gout, lumbago or neuralgia, and that he has "perfected" a rheumatic remedy.

No. 0885. Breckenridge Manufacturing Co., of Detroit, Mich., engaged in selling a device for gas stoves called "Scientific Gas Saver," has entered into a stipulation with the Federal Trade Commission to stop unfair advertising practices.

The respondent company agrees to cease advertising that by the use of its appliance, cooking gas bills may be cut 59 per cent or 25 per cent or any other percentage not established by scientifically conducted tests. The company will also stop representing that gas bills may be cut from \$10.32 to \$4.62, or by any other amount not actually demonstrated under accurate test conditions.

Other representations to be discontinued are to the effect that the article is a "scientific" gas saver or in fact a gas "saver" at all, until competent scientific proof thereof can be furnished, and that it either burns more air or less gas than other contrivances, or that it burns any air whatsoever.

No. 0886. Kent Laboratories, New York City. The respondent agrees to cease asserting that its "Broncotone" is a competent treatment or effective remedy for asthma, whooping cough, lung or bronchial disturbances, bronchitis, catarrh, sore throat and colds, and that its "Gastritone" is a competent treatment or effective remedy for constipation, acids and other stomach ailments, unless the allegation is limited to such disorders as a laxative or a mild sedative would relieve.

No. 0887. Century Laboratory, Inc., Chicago. Advertising a treatment for foot troubles called "Perfect-Foot Foot Bath Powder," the Century Laboratory, Inc., agrees to stop making allegations that use of this preparation at least once a week will keep a person's feet in normal condition regardless of circumstances, and that the article is a new, scientifically compounded formula, or that it will correct practically every known kind of foot trouble.

No. 1424. Hugo Gernsback, of 101 Hudson Street, New York City, doing business as Radio Trading Co., has entered into a stipulation with the Federal Trade Commission to discontinue use of the words "All-Wave" in the sale of radio sets which are not capable of reception over the entire meter range covering all broadcast and commercial transmissions.

Gernsback also agrees to cease representing in substance and effect that by the use of his radio receiving sets owners thereof can have world-wide continuous reception of short-wave transmission, with loud speaker volume, as dependably and as easily tuned in or "logged" as with long-wave or broadcast transmissions.

The stipulation points out that in the present state of the art the reception of foreign short-wave bands is difficult and uncertain and that these conditions are known to experts but not generally to the purchasing public. Gernsback agrees to stop presenting the advantages of his products in such a way as to conceal their difficulties and deficiencies.

He also agrees to stop using the phrase "Manufactured by Radio Trading Company, New York," when in fact he is not a manufacturer but purchases the products he sells from the manufacturers thereof.

No. 1425. Triangle Underwear Company, New York City. The respondent company agrees to cease branding or labeling its products as "Pure Silk" or as "100% Pure Silk."

The stipulation provides that if the products are weighted to an amount exceeding 15 per cent in black goods or 10 per cent in other than black goods, the word "Silk," if used, shall be accompanied by the word "weighted" printed in equally conspicuous type so as

to indicate clearly that the garments are weighted with mineral salts or other weighting substance.

This company's articles were said by the stipulation to have contained a substantial quantity of mineral salts or substance other than silk and were what is known as weighted silk.

No. 1426. W. G. Earnhardt, of Chicago, an individual trading as Earnhardt Laboratories, has entered into a stipulation with the Federal Trade Commission to cease misleading representations in the sale of a facial cream product called "Earnhardt's Turtle Oil Cream." Earnhardt agrees to stop using the words "Turtle Oil" alone or in connection with other words to designate his product so as to imply that the article is a cream, the oil content of which is composed of turtle oil.

Provision is made that when the oil content is substantial and does contain turtle oil in substantial amounts, the words "turtle oil," if used to describe the turtle oil content, shall be properly qualified.

Earnhardt also agrees to cease using the word "Laboratories" as part of his trade name or otherwise when he does not operate a laboratory.

No. 1428. Beaulieu Vineyard, Rutherford, Napa Valley, Calif. The respondent has agreed to discontinue the unfair appropriation of the good will of a foreign trade name in the sale of a domestic product.

The stipulation provides that Beaulieu Vineyard discontinue selling certain of its wines under the trade name "Chateau Yquem," as Chateau d'Yquem is the name of an estate belonging to the Marquis de Lur-Saluces, of the Province of Bordeaux, France. According to the stipulation, there is produced on this estate a sweet wine which is sold under the brand name "Chateau d'Yquem" and which has acquired a valuable good will because of its excellence.

No. 1431. Leiba Sharn, also known as Leo Sharon, trading as Leotone Radio Company, New York City. Advertising implying that radio receiving sets can procure world-wide reception will be discontinued by the respondent.

According to the stipulation, Sharn sold "Leotone Short-Wave Sets," advertising them as capable of regularly receiving programs from Italy, Spain, Germany and England, when in fact the meter limitation of the sets was not sufficient to cover all broadcasts.

No. 1432. W. N. Hull and A. B. Chapman, fruit growers, Key Largo, Fla. The respondents agree to stop using the name "Florida Key Lime Association" as a trade name alone or in connection with the phrase "Composed of 80 per cent of the Florida Key Lime Growers." The stipulation points out that no organization or association of that name composed of 80 per cent of the Florida Key lime growers is in existence.

No. 1433. American Products and its subsidiary, the Zanol Products Company, both of Cincinnati, dealers in food products, toiletries and household cleansers, have entered into a stipulation with the Federal Trade Commission to stop making misleading representations of their business.

These companies agree to cease asserting that they pay their agents up to \$52.50 a week or any other sum, and to stop overestimating and exaggerating the probable profits of the business. They will also cease alleging that they furnish a Ford Sedan free and that they do a five-million-dollar-a-year business, when such is not the fact.

Closing of Case

No. 2331. The Federal Trade Commission has closed its case against Sinclair G. Stanley, doing business under the name of Z. G. Herbs Co., Chicago. The complaint charged false and misleading representations in the sale of his product, **Z. G. Herbs Tea No. 17.** Closing of the case was ordered because the respondent entered into a stipulation with the Commission to cease and desist from the practices alleged in the complaint.

SECURITIES ACT REGISTRATIONS

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

The Laclede Gas Light Co., St. Louis, Mo. (2-1565, Form A-2)

Agawam Racing & Breeders Asso., Inc., Agawam, Mass. (2-1566, Form A-1)

G. E. Employees Securities Corp., Jersey City, N. J. (2-1567, Form A-2)

Public Service Company of New Hampshire, Manchester, N. H. (2-1568, Form A-2)

Savannah Electric & Power Company, Savannah, Ga. (2-1569, Form A-2)

American Fidelity Corp., Ltd., San Diego, Calif. (2-1573, Form G-1)
 Morgan Industries, Inc., Philadelphia, Pa. (2-1574, Form A-1)
 Oil Ridge Oil & Refining Co., Wilmington, Del. (2-1575, Form A-1)
 Summit Gold Mining Corp., Vancouver, B. C. (2-1576, Form A-1)
 Underwriters Group, Inc., New York City. (2-1577, Form C-1)

RECOMMENDS AGAINST NEW NEBRASKA STATIONS

The Omaha Broadcasting Company filed a petition with the Federal Communications Commission asking for a construction permit to erect a new station at Omaha, Nebr., to use 1500 kilocycles, 100 watts power, and unlimited time.

R. H. Hyde(e), in Report No. I-87, recommends that the application be denied. The Examiner found that the proposed service would not be essentially different from that of existing stations and he did not find that granting the application would serve any public interest.

Application was also filed with the Commission by William A. Schall, also for the erection of a station at Omaha to use the same frequency, power and time asked for by the Omaha Broadcasting Company.

R. H. Hyde(e), in Report No. I-86, recommended that this application also be denied for much the same reasons as set forth in the previous decision.

DENIAL OF WBNF APPLICATION RECOMMENDED

The Howitt-Wood Radio Company, Inc., Binghamton, N. Y., applied to the Federal Communications Commission asking that it grant a special experimental authorization to operate Station WBNF, Binghamton, to use 1240 kilocycles, 500 watts night and 1,000 watts LS, with unlimited time. The station now operates on a frequency of 1500 kilocycles, 100 watts, and unlimited time.

John P. Bramhall(e) recommended in Report No. I-88 that the application be denied. The Examiner found that no need for additional daytime service in that area was shown; also that the granting of the application would increase the facilities of an already overquota state. It would also cause interference, and would not serve any public interest.

VENTURA APPLICATION DISMISSAL RECOMMENDED

The Hauser Radio Company, Ventura, Calif., applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Ventura, to use 1310 kilocycles, 100 watts power, and unlimited time on the air.

P. W. Seward(e), in Report No. I-89, has recommended that the application be dismissed with prejudice. Counsel for the applicant appeared at the hearing recommending that a motion to dismiss the application be granted.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, August 19, 1935

NEW—Big Springs Broadcasting Co., Big Springs, Tex.—C. P., 1500 kc., 100 watts, unlimited time.
 NEW—The North Texas Broadcasting Co., Paris, Tex.—C. P., 1500 kc., 100 watts, unlimited time.
 NEW—Reporter Broadcasting Co., Inc., Abilene, Tex.—C. P., 1420 kc., 100 watts, unlimited time.
 NEW—William O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—C. P., 1420 kc., 100 watts, unlimited time.
 NEW—Homer York, Lufkin, Tex.—C. P., 1350 kc., 250 watts, specified hours, 2 to 10 p. m.
 NEW—Lee Medley and T. C. Hurst, d/b as Central Broadcasting Station, Brownwood, Tex.—C. P., 1210 kc., 100 watts, unlimited time.
 NEW—A. L. Chilton, Kilgore, Tex.—C. P., 990 kc., 500 watts, daytime.
 NEW—Eugene DeBogory, tr/as Dallas Radio Research Engineers, Dallas, Tex.—C. P., 1570 kc., 1 KW, unlimited time.
 NEW—Vernon Taylor Anderson, Mgr., ABC Broadcasting Co., Big Springs, Tex.—C. P., 1500 kc., 100 watts, daytime.

KWEA—International Broadcasting Corp., Shreveport, La.—Renewal of license, 1210 kc., 100 watts, unlimited time.
 NEW—Oil Capital Broadcasting Assn., Kilgore, Tex.—C. P., 1210 kc., 100 watts, unlimited time (facilities KWEA).
 NEW—Plainview Broadcasting Co., Plainview, Tex.—C. P., 1500 kc., 100 watts, daytime.
 KFRO—Voice of Longview, Longview, Tex.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time (facilities KWEA).

APPLICATIONS GRANTED

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted C. P. to make changes in equipment.
 KELD—T. H. Barton, El Dorado, Ark.—Granted modification of C. P. to make changes in equipment.
 KDON (formerly KFUH)—Richard Field Lewis, Del Monte, Calif.—Granted modification of C. P. to move transmitter from Del Monte to Monterey, a distance of two miles, and make changes in equipment.
 KGVO—Mosby's, Inc., Missoula, Mont.—Granted modification of C. P. to make changes in equipment.
 WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special authority to operate with 500 watts night, 500 watts day, for period September 1, 1935, to March 1, 1936, or until pending application now in hearing docket is granted.
 KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate on 710 kc., 250 watts, unlimited time, for the period beginning August 1, 1935, to February 1, 1936. Also granted license covering C. P. authorizing installation of new equipment; 650 kc., 250 watts, limited time.
 WCAL—St. Olaf College, Northfield, Minn.—Granted modification of license to make changes in specified hours on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays from 9:43-10:16 a. m. to 9:45-10:16 a. m.
 KHSL—Wm. Schield, Sydney R. Lewis and Harold Smithson, Trustees of Golden Empire Broadcasting Co., Ltd., Chico, Calif.—Granted consent to voluntary assignment of license of Station KHSL to the Golden Empire Broadcasting Co.
 WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted authority to determine operating power by direct measurement of antenna.
 KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of C. P. approving transmitter site at ½ mile north of State Trunk Highway No. 7 on west side of State Trunk Highway No. 20; also make changes in antenna.
 WBZA—Westinghouse Electric and Manufacturing Co., Springfield, Mass.—Granted license to cover C. P. authorizing changes in equipment; 990 kc., 1 KW, unlimited (when synchronized with WBZ).
 WELL—Enquirer-News Co., Battle Creek, Mich.—Granted license to cover C. P. authorizing local move of station, installing new equipment, and increasing power to 100 watts; 1420 kc., unlimited time.
 KVOL—Geo. H. Thomas, Robert M. Dean, Louis M. Sepaugh, T. B. Lanford, d/b as Evangeline Broadcasting Co., Lafayette, La.—Granted license to cover C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.
 KFNF—Henry Field Company, Shenandoah, Iowa.—Granted consent to assignment of license to KFNF, Inc. Also granted renewal of license for the regular period; 890 kc., 500 watts night, 1 KW day, S-WILL and KUSD.
 W10XCT—Shepard Broadcasting Service, Inc., Portable-Mobile (Boston).—Granted C. P. to make changes in equipment and increase power from 2 watts to 100 watts.
 NEW—Harold F. Gross, M. Bliss Keeler, L. A. Versluis, d/b as The Capitol City Broadcasting Co., Portable-Mobile (Lansing, Mich.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 15 watts.
 NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Granted C. P., frequencies 31600, 35600, 38600, 41000, 85000-400000 kc., 100 watts.
 W6XAS—Julius Brunton & Sons Co., Portable-Mobile (San Francisco).—Granted modification of license to include frequencies 31600, 35600, 41000 kc., and delete 40600 kc. Also granted renewal of license as modified for the next license period.
 W8XAO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental license for period of 90 days from August 21, 1935.

NEW—General Electric Co., Portable-Mobile (Schenectady, N. Y.).
—Granted C. P. for new broadcast pickup station in temporary service, frequencies 1606, 2020, 2102 and 2760 kc., 50 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFDM, Beaumont, Tex.; KFDY, Brookings, S. Dak.; KFEL, Denver; KFKA, Greeley, Colo.; KFPY, Spokane, Wash.; KFSD, San Diego, Calif.; KGFY, Pierre, S. Dak.; KHQ, Spokane; KLX, Oakland, Calif.; KLZ, Denver; KOAC, Corvallis, Ore.; KPOF, near Denver, Colo.; KSD, St. Louis, Mo.; KTAR, Phoenix, Ariz.; KTSA, San Antonio; KVI, Tacoma, Wash.; KWTO, Springfield, Mo.; WCHS, Charleston, W. Va.; WDAF, Kansas City, Mo.; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WEEI, Boston, Mass.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WGST, Atlanta, Ga.; WHJB, Greensburg, Pa.; WILL, Urbana Ill.; WKY, Oklahoma City, Okla.; WNAX and auxiliary, Yankton, S. Dak.; WOW, Omaha, Nebr.; WPRO, Providence, R. I.; WQAM, Miami, Fla.; WTAG and auxiliary, Worcester, Mass.; WTAR and auxiliary, Norfolk, Va.; WWJ, Detroit, Mich.; and WWNC, Asheville, N. C.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-66: Palestine Broadcasting Assn., John C. Welch, Wm. M. Keller, Bonner Frezzell, Palestine, Tex.—Granted C. P. for new broadcast station to operate on 1420 kc., 100 watts, daytime, sustaining Examiner R. L. Walker. Order effective August 20, 1935.

NEW—Ex. Rep. No. 1-68: George B. Bairey, Valley City, N. Dak.—Granted C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time, sustaining Examiner Melvin Dalberg. Order effective August 27, 1935.

WJW—Ex. Rep. No. 1-69: WJW, Inc., Akron, Ohio.—Granted C. P. to install new equipment and increase daytime power from 100 to 250 watts; 1210 kc., 100 watts, unlimited time, sustaining Examiner Geo. H. Hill. Order effective August 27, 1935.

WBBC—Edw. T. Graham, Canton, Ohio.—Granted C. P. to install new equipment and increase daytime power from 100 to 250 watts; 1200 kc., 100 watts night, specified hours; also granted modification of license to change hours of operation from specified to unlimited time, sustaining Examiner Hill. Order effective August 27, 1935.

SET FOR HEARING

NEW—Philip J. Wiseman, Lewiston, Maine.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Site to be determined.

NEW—Herbert Lee Blye, Lima, Ohio.—Application for C. P. for new station to operate on 1210 kc., 100 watts, daytime, site to be determined.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Application for C. P. to make changes in equipment, increase day power from 2½ to 5 KW.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time.

NEW—Chanute Broadcasting Co., Chanute, Kans.—Application for new station to operate on 1500 kc., 100 watts, daytime.

NEW—Harold F. Foraker and Ray D. Luzadder, d/b as The Wichita Broadcasting Co., Wichita, Kans.—Application for C. P. for new station to operate on 1500 kc., 100 watts, unlimited time.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Application for C. P. to install new equipment, increase day power from 250 watts to 1 KW.

NEW—Review Publishing Co. (Pearl B. Robinson, sole owner), Moscow, Idaho.—Application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.

NEW—Robert E. Cole, d/b as Washington Broadcasting Co., Washington, Pa.—C. P. amended to read: 1350 kc., 250 watts daytime; also applicant's name amended to read: Robert E. Cole, d/b as Washington Broadcasting Co. Transmitter site to be determined subject to Commission's approval.

NEW—Roberts MacNab Hotel Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr., Jamestown, N. Dak.—C. P. amended so as to read: 1310 kc., 100 watts, unlimited. Site to be determined subject to Commission's approval.

NEW—Golden Empire Broadcasting Co., Sacramento, Calif.—C. P. amended so as to read: Change frequency from 1500 kc. to 1310 kc.; 100 watts, unlimited time.

NEW—Clark Standiford, Vissalia, Calif.—C. P. amended so as to read: Night power, 100 watts; change hours of operation from daytime only to unlimited. Transmitter site and type of antenna to be determined with Commission's approval.

NEW—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Application for C. P. for new station to operate on 1200 kc., 100 watts, unlimited time, site to be determined.

ORAL ARGUMENTS GRANTED

Oral argument was granted to be heard November 21, 1935, before the Broadcast Division, in re Examiner's Report No. 1-64, involving Station KGKB, Tyler, Tex., and the Dallas Broadcasting Co., Dallas, Tex., and the Paris Broadcasting Co., Paris, Tex. Also in the case of Brownsville Broadcasting Co., Brownsville, Tex., and Denton Broadcasting Co., Denton, Tex., in re Examiner's Report No. 1-72.

Oral argument was also granted in the case of Station KFBI, Farmers' & Bankers Life Ins. Co., Abilene, Kans., which was heard by Commissioner Brown, to be held December 4, 1935.

MISCELLANEOUS

NEW—Central Texas Broadcasting Co., Inc., Fort Worth, Tex.—C. P., 1210 kc., 100 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Denied petition requesting Commission to reconsider and grant application for increased power without hearing.

NEW—Pampa Daily News, Inc., Pampa, Tex.—Denied petition asking Commission to reconsider action in designating application for hearing and grant same without hearing. Application is for a new station to operate on 1200 kc., 100 watts.

WMBG—Havens & Martin, Richmond, Va.—Granted petition to take part in hearing of application of WPHR for removal to Richmond. Denied right to intervene in application for transfer of control of Station WPHR to John Stewart Bryan, Tennant Bryan, and Douglas S. Freeman.

Duluth Broadcasting Co., Duluth, Minn.—Granted request for continuation of hearing scheduled for September 10, 1935, of application for new station to operate on 1200 kc., 100 watts, unlimited time.

WATR—The WATR Co., Inc., Waterbury, Conn.—Reaffirmed grant of April 16, 1935, changing hours of operation from daytime to limited, local sunset at San Antonio, Tex. Action taken after protestants, American Republican, Inc., and The Hartford Times, Inc., withdrew protests.

APPLICATIONS RECEIVED

First Zone

NEW—Alfred C. Matthews, Cape May, N. J.—Construction permit for a new station to be operated on 1420 kc., 100 watts power, specified hours, 9 to 11 a. m., 6 to 12 p. m. daily. Amended: Equipment changes; give transmitter site as Sunset Blvd., Cape May, N. J., and change specified hours to 9 to 12 a. m., 3 to 6 p. m., 9 to 12 p. m. daily.

General Electric Co., Portable-Mobile.—Construction permit for general experimental station for 31100, 34600, 37600, 40600 kc., 2 watts.

General Electric Co., Portable-Mobile.—Construction permit for general experimental station for 31100, 34600, 37600, 40600 kc., 2 watts.

Standard Cahill Co., Inc., Portable-Mobile, New York.—Construction permit for general experimental station for 31100, 34600, 37600, 40600 kc., 5 watts.

W1XAL—World Wide Broadcasting Co., Boston, Mass.—Modification of license to increase power from 5 to 10 KW for experimental relay station.

Second Zone

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of 780 license to increase power from 500 watts, 1 KW day, to 1 KW day and night.

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Construction permit to erect a new broadcast station to be operated on 890 kc., 1 KW, unlimited time. Amended: Equipment.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—License 920 for auxiliary transmitter to operate on 920 kc., 250 watts power. Same transmitter formerly licensed as auxiliary which expired 1-7-35.

NEW—Geo. E. Carter, Homer G. Wolfe, Clari I. Knight, Partners, 1370 d/b as Carter & Wolfe, Mansfield, Ohio.—Construction permit for a new broadcast station to be operated on 1370 kc., 50 watts, 100 watts day, unlimited time.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of license to change hours of operation from shares with WRBX to unlimited. Facilities of WRBX. Agreement submitted.

Third Zone

NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit to 1200 erect a new broadcast station to be operated on 610 kc., 250 watts, 500 watts day, unlimited time. Amended to change frequency from 610 kc. to 1200 kc., power from 250 watts, 500 watts day, to 100 watts day and night.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—1210 License to cover construction permit (B3-P-68) as modified to erect a new broadcast station on 1210 kc., 100 watts power, daytime.

WDAE—Tampa Times Co., Tampa, Fla.—Extension of special 1220 authorization to operate with power of 2½ KW daytime, with equipment changes, for period from 10-1-35 to 4-1-36.

NEW—Navarro Broadcasting Assn., J. C. West, President, Corsi-1310 cana, Tex.—Construction permit to erect a new broadcast station to be operated on 1310 kc., 50 watts, daytime.

WCOA—Pensacola Broadcasting Company, Pensacola, Fla.—Au-1340 thority to transfer control of corporation from Pensacola Broadcasting Co., John C. Pace, Burgess Pace, Beecher Hayford, sole stockholders, to The News-Journal Co., a corporation; 200 shares of common non-par value stock.

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—1420 Modification of construction permit (B3-P-308) to make equipment changes. Amended re equipment and approval of transmitter site at 1.1 miles from center of city on old Carlsbad Highway, Pecos, Tex.

WDSU—WDSU, Inc., Portable-Mobile.—Construction permit for broadcast pickup station for 1646, 2090, 2190, 2830 kc., 3 watts.

Fourth Zone

WMT—Waterloo Broadcasting Company, Cedar Rapids, Iowa.—600 Voluntary assignment of license from Waterloo Broadcasting Co. to Iowa Broadcasting Co.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Authority to con-930 sent to transfer of control of corporation of KGBZ Broadcasting Co. from George R. Miller and Gertrude B. Miller to Nebraska Broadcasting Co., 643 shares.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Voluntary assign-930 ment of license from KGBZ Broadcasting Co. to Nebraska Broadcasting Co.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction 970 permit to install an emergency auxiliary transmitter, 1½ KW power, in main transmitter building, located in York Township, near Bowners Grove, Ill. (Transmitter formerly licensed as main transmitter at Northeast Tower, Navy Pier, Chicago, Ill.)

WDGY—Dr. George W. Young, Minneapolis, Minn.—License to 1180 cover construction permit (B4-P-188) to increase day power from 2½ KW to 5 KW, make equipment changes. (To be considered under Rule 6-g.) Superseding application submitted no changes.

KFKU—The University of Kansas, Lawrence, Kans.—Modification 1220 of license to increase day power from 1 to 5 KW; request permission to use transmitter recently installed by WREN.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Voluntary 1320 assignment of license from Cedar Rapids Broadcast Co. to Iowa Broadcasting Company.

WISC—Milwaukee Broadcasting Company, Milwaukee, Wis.—Modification of construction permit (B4-P-330) for approval of transmitter site at Milwaukee, Wis., and studio site at 710 North Plankinton, Milwaukee, Wis., and extend commencement date 10 days after grant and completion date 90 days thereafter.

Fifth Zone

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Modification 760 of license to change frequency from 920 kc. to 760 kc.; facilities of KXA.

NEW—W. H. Kindig, Hollywood, Calif.—Construction permit for 1160 new broadcast station to be operated on 1160 kc., 5 KW, unlimited. Amended: Transmitter site to be determined.

NEW—Clark Standiford, San Jose, Calif.—Construction permit to 1310 erect a new station to be operated on 1310 kc., 100 watts, daytime (request of applicant).

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—1320 Modification of construction permit (B5-P-303) to make equipment changes. Amended to change transmitter site from Kalakaua Ave. and Seaside, Honolulu, T. H., to Fronting on Kapiolani Blvd, Honolulu, T. H., and studio from Dillingham Bldg., Honolulu, T. H., to Fronting on Kapiolani Blvd., Honolulu, T. H., and extend commencement date 60 days after grant and completion date 90 days thereafter.

NEW—L. E. Robideaux, Bend, Ore.—Construction permit to erect 1500 a new station to be operated on 1500 kc., 100 watts, unlimited. (No reply to our letters.)

W6XHF—KTAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for general experimental station for 40600, 37600, 34600, 31100 kc., 10 watts.

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 3 - - No. 40
AUG. 22, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|--|------|
| Duffy Copyright Bill | 936 |
| Federal Trade Commission Activities..... | 936 |
| NAB Protests Enactment of H. R. 8927 and H. R. 9045..... | 937 |
| Federal Communications Commission Actions..... | 938 |
| Securities Act Registrations | 940 |
| KGW Appeal Withdrawn | 940 |
| Suggests Unlimited Time for WNBX..... | 940 |
| Recommends Granting WJTL Application..... | 940 |

DUFFY COPYRIGHT BILL

The Duffy Copyright Bill, S. 3047, is still pending before the Committee on Patents in the House of Representatives, to which it was referred after approval by the Senate. The chairman of the Committee has not called a meeting of the Committee members since the receipt of the bill.

FEDERAL TRADE COMMISSION ACTIVITIES

Cease and Desist Orders

No. 2258. American Shell Products Co., Muscatine, Iowa. The respondent is directed to refrain from the use of the word "oyster" on bags or containers in which it sells crushed shell or otherwise to represent, describe or designate crushed shell unless and until such crushed shell is composed entirely of the crushed shell of the oyster or unless and until, where such crushed shell is composed partly of oyster shell, the word oyster is accompanied by a word or words, in equally conspicuous form and color, aptly and truthfully describing the other material or materials of which such product is composed.

No. 2365. Armstrong Rubber Co., Inc., West Haven, Conn. The respondent is directed to stop representing in advertisements of automobile tires and tubes that the prices at which it sells its products to consumers are manufacturer's wholesale prices, or that it sells to the consumer under a plan of distribution by means of which all middlemen's costs, profits or other charges are eliminated, unless these representations are true in fact. The respondent is also ordered to stop representing in advertisements or assisting in the circulation of advertisements which have a tendency to indicate that the tires it sells contain more plies of fabric in their composition than is the fact.

No. 2382. Birmingham Automotive Jobbers Association, Birmingham, Ala. The respondent is required to desist from carrying out the terms of an agreement to fix and maintain uniform prices to be exacted by them from purchasers of automobile parts and accessories, and to refrain from certain other practices.

No. 2403. Wyoming Valley Jobbers Association, Inc., Wilkes-Barre, Pa. The respondent is directed to desist from certain practices tending to promote a monopoly and conspiracy in restraint of trade, to fix uniform prices, and other practices held by the Commission to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

No. 2433. Jones Brothers Publishing Co. of Cincinnati, Ohio. The respondent company is directed to desist from the sale of a set of history books by direct or indirect representation that the books are new and up-to-date and that the company is staging a special introductory offer limited as to time. The respondent is also ordered to cease asserting that a subscriber or prospective purchaser is to receive absolutely free an unbound set of the books and that the only cost is the payment of a purported wholesale contract price for the binding.

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given oppor-

tunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2509. Dr. Arthur A. Rock, Milwaukee, Wis., tr/as Dr. Rock and Dr. A. A. Rock. The respondent is charged with misrepresentations in the sale of a treatment for goitre. Hearing Friday, September 13.

No. 2510. Pioneer Maple Products Co., St. Paul, Minn. The complaint charges the company, in newspaper and radio advertising, with using such terms as "tangy maple syrup," etc., in advertising its product, implying that said product is pure maple syrup when, in fact, it consists of approximately seventy per cent cane syrup. Hearing September 13.

No. 2511. World Library Guild, Inc., 1440 Broadway, New York City. The complaint charges that an encyclopedia sold by the Guild is not free and is not given away to customers who subscribe to the extension service, but that the price charged actually includes the regular price of the books and any additional service furnished. It is also alleged that the respondent does not publish the encyclopedia which it sells, that said encyclopedia is not new or up-to-date and that the respondent company does not maintain a research department for the service of its customers. Hearing September 20.

No. 2512. National Silver Co., 61-65 West 23d Street, New York City. The complaint charges misuse of the trade term "sectional overlay" in the selling of silverware. Hearing September 20.

No. 2513. Harry Neivert, tr/as Pigno Chamois Co., Gloversville, N. Y. The complaint alleges the respondent manufactures leather products represented to be chamois skins, when in fact they are not chamois skins. Hearing September 20.

No. 2514. Johnson Manufacturing Co., and John C. Johnson, Birmingham, Ala. The complaint alleges that pamphlets distributed by the respondent falsely represent that aluminum in cooking utensils is poisonous and that the pamphlets in question contain false statements purported to have been made by doctors in support of that contention. The complaint further charges that the respondent company falsely maintains as part of its corporate name the "manufacturing" when in fact it does not maintain a factory and does not manufacture the goods that respondents offer for sale. Hearing September 20.

No. 2515. B. H. Krueger, Inc., and Lightfoot Schultz Co., of New York and Hoboken. The complaint states that the Krueger Corporation is engaged in the business of manufacturing, compounding, selling, and distributing toiletries and cosmetics, while the Schultz company manufactures and sells toilet soaps. It is set out in the complaint that both of these corporations deliver part of their products to Worthal, Ltd., by which company they are distributed under the trade name of "Drury Lane English Lavender," and so marked as to indicate that Worthal, Ltd., maintains places of business in London, Montreal, and New York. The complaint says, in fact, the Worthal, Ltd., is not a limited corporation, is not an English company, and has no branch or office in London or Montreal. Hearing September 20.

No. 2516. Carey Salt Co., Hutchinson, Kansas. The respondent is charged with advertising its products as "smoke salt" and particularly adaptable for the curing of meat, when in fact it has not been and is not smoked salt or "smoke salt" as understood by the consuming public. Hearing September 20.

No. 2517. General Implement Company of America, Inc., and its subsidiary, the General Implement Manufacturing Co., Inc., Cleveland, Ohio. These respondents are alleged, among other things, to have represented themselves in advertisements, catalogues, pamphlets, price lists and other literature, as the manufacturers of a complete line of farm implements and tools under the trade name "Soil Fitter," when in fact they were not manufacturers of any complete line of farm implements and tools. Hearing September 20.

No. 2518. Crescent Shoe Co., Inc., 133 Duane St., New York City. The complaint alleges that the company, in the course of its wholesale business, stamps its shoes as "Dr. Copland's Arch-of-Air," and in other ways represents or implies that they are made in accordance with the design of or under the supervision of a doctor, when in fact they are not so made and do not contain special scientific or orthopedic features. Hearing September 20.

No. 2519. Miles L. Finch, tr/as Associate British Manufacturers, 200 Fifth Avenue, New York City. The complaint sets out that, in the course of respondent's business, he advertises and labels tweed which he sells as "Imported British Wool Harris Tweed Type" with the words "Imported" and "Harris Tweed" in capital letters and the word "Type" in small letters. In this and in other ways, the complaint charges, the respondent attempts to deceive the purchasing public into believing that his product is a genuine Harris Tweed imported from Scotland, when such is not the fact. Hearing September 20.

No. 2521. I. Teich and A. Makower, tr/as Tee and Emm Knitting Mills, New York City. The respondents are charged with advertising and in other ways representing that they are knitters and manufacturers, tending to deceive purchasers into believing that they save middlemen's profits by purchasing from the respondents, when in fact the said respondents do not own, operate or control any mill or plant in which the products they sell are manufactured. Hearing September 20.

Stipulations

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. 1434. Walter H. Candler, Chicago, tr/as The Candler System Co. Candler will cease using in advertisements any false, misleading, disparaging or derogatory representations concerning a competitor, and will stop using the assertion that he has trained more than 45,000 telegraph and radio operators.

No. 1435. A. Vallina and Gerardo Vallina, Tampa, Fla., tr/as A. Vallina & Son, and Tampa-Havana, Inc. Co. Respondents agree to cease advertising cigars by means of the words "Havana," "Habana," "Vuelta Abajo" or "Cuba" when the products so designated are not made from tobacco grown on the island of Cuba or in the Vuelta Abajo district thereof.

No. 1436. J. P. Levy and A. L. Bauman, New York City, tr/as Levy and Bauman. Respondents agree to cease representing on labels or tags furnished to manufacturers that their interlinings are made of lambs' wool, when this is not true.

No. 1438. Louis Herman, New York City, tr/as Louis Herman & Co. Respondent agrees to cease branding or labeling products as "Pure Silk" or "100% Pure Silk," when in fact the product so labeled contains a substantial quantity of mineral salts and the material is known as weighted silk.

No. 1437. Mineral Science Laboratories, Inc., Sioux City, Iowa. The respondent agrees to refrain from the use of the word "Laboratories" in connection with its name, and to stop representing in advertisements that its products are the "chief need" for treatment of various human ailments listed by it.

No. 1439. M. Wittens, Chicago, tr/as the Printwell Co. Respondent agrees to stop the use in his advertisements of the words "Process Engraved" or "Engraving," either alone or with other words to describe his printed products, thereby tending to deceive buyers into believing that the products are made from ink engraved plates, when this is not true.

No. 1440. General Foods Corporation, General Foods Sales Co., Inc., and Maxwell House Products Co., Inc., New York City. Respondents have agreed to stop advertising by radio broadcasts that loose or bag coffee loses 45 per cent of its flavor 9 days after the roasting, and that the loss in flavor of bean coffee is only slightly less rapid, so that the buying of unground coffee offers little if any advantage to the consumer as far as the flavor goes.

NAB PROTESTS ENACTMENT OF H. R. 8927 AND H. R. 9045

The following letter was sent to the Chairman of the Committee on Immigration and Naturalization, House of Representatives, protesting the enactment of H. R. 8927 and H. R. 9045. These bills, if enacted, would practically prohibit musical performances by alien artists and reduce the opportunities for the employment of American musicians. The text of the letter follows:

Hon. Samuel Dickstein, Chairman,
Committee on Immigration and Naturalization,
House of Representatives,
Washington, D. C.

My dear Mr. Dickstein:

The National Association of Broadcasters protests the enactment of the following bills:

H. R. 8927, A Bill, To protect the artistic and earning opportunities of American musicians, both vocal and instrumental, including orchestral conductors, in the United States of America; and

H. R. 9045, A Bill, To protect the artistic and earning opportunities of American singers—operatic, concert, oratorio, and so forth—including orchestral conductors, in the United States of America.

These bills contain substantially the same provisions and therefore for the purpose of this communication will be treated as one. To summarize, these bills contain conditions that

(a) An alien musician may not be imported into this country unless it is conclusively proved that there is not at that time within the United States an unemployed musician of that class and equal ability, and

(b) It must be conclusively proved that the country of origin of such alien musician has made arrangement to engage an equal number of American musicians in employment of a similar nature.

A part of the first condition which must be observed is that of conclusively proving the "ability" of the foreign musician. This evidently has reference to musical ability, although it is not specifically so provided. "Ability" includes capacity, skill, power to perform, talent and proficiency, competency, aptitude, knowledge and artistic perception. It embraces both native and acquired capacity. How is it possible to meet this part of the condition? A well-known Polish conductor is engaged by an American musical organization. It is intended that he should conduct one performance of an *American manned* philharmonic orchestra in Boston. His appearance is desired not because he is a foreigner or the world's greatest conductor but because of his prominence in the musical world and because of his special appeal to the American musical public. Before he may enter this country these bills require that the American musical organization must conclusively prove the ability of the foreign conductor and then conclusively prove the ability of all American conductors not employed. Having done that, the musical organization must then conclusively compare the ability of the one against the ability of the other. What standard shall be employed to make this comparison? We submit that not even the roughest comparison of artistic ability of musicians of the same general class can be made. There simply is no yardstick by which one may prove musical ability beyond its meager fundamentals. The subject involves art, not mathematical science.

The second condition is equally restrictive. It requires conclusive proof of the actual employment of American artists in the homeland of the alien in order to offset the employment of the alien here. If Toscanini is engaged to conduct one Philharmonic performance in the United States then some American conductor must be employed to conduct one Philharmonic performance in Italy. This condition is obviously impossible of compliance except in unusual circumstances too rare to even require mention here, and will in effect banish from the American musical world every performance except that which is wholly American.

The enactment of either of these bills would not improve the employment condition of American musicians. The opportunity for greater employment here for American artists would not be added to by forbidding employment of foreign artists. To the contrary, some American instrumentalists contemplating labor with foreign impressarios here would discover that the engagement had necessarily been cancelled and nothing, American or foreign, added in its stead. It is a fallacious notion that for a planned performance by a given foreign artist there would be substituted a performance by an American artist. If, for example, Madam Flagstead is not permitted to exhibit her artistic talents in a concert scheduled here for a given time then no concert whatever will take place and American musicians will therefore lose rather than gain. In other words, it is our conviction that the enactment of either of these bills will defeat the purpose for which they are intended.

In the hope that it may be of some assistance to the members of your committee in their consideration of this proposed legislation, we offer the following data and observation on these bills as

they relate to a specific concert organization whose purpose is to arrange engagements for outstanding concert artists and symphony orchestra conductors. In this capacity the organization selected for this example acts for 107 outstanding concert artists and 53 orchestra conductors. Of such 107 concert artists, 65 are American-born, 15 are naturalized American citizens, and 27 are aliens. These artists include, among others, the following:

| <i>American-born</i> | <i>Naturalized</i> | <i>Alien</i> |
|----------------------|---------------------|----------------------|
| Helen Jepson | Lucrezia Bori | Lotte Lehmann |
| Grace Moore | Elizabeth Rethberg | Lily Pons |
| Jeannette Vreeland | Edward Johnson | Grete Stueckgold |
| Rose Bampton | Harold Bauer | Karin Branzell |
| Paul Althouse | Ossip Gabrilowitsch | Beniamino Gigli |
| Richard Crooks | Margaret Matzenauer | Nino Martini |
| Charles Hackatt | Ernest Hutcheson | Frederich Schorr |
| Frederick Jagel | Jascha Heifetz | Alexander Brailowsky |
| James Melton | Toscha Seidel | Vladimir Horowitz |
| Richard Bonelli | Georges Barrere | Jose Iturbi |
| Paul Robeson | | Serge Prokofieff |
| Lawrence Tibbett | | Nathan Milstein |
| Yehudi Menuhin | | Gregor Piatigorsky |

Of the 53 symphony conductors, eight are American-born, 16 are naturalized American citizens, and 29 are aliens. These include, among others, the following:

| <i>American-born</i> | <i>Naturalized</i> | <i>Alien</i> |
|----------------------|---------------------|---------------------|
| Walter Damrosch | Otto Klemperer | Sir Thomas Beecham |
| Henry Hadley | Fritz Reiner | Albert Coates |
| Werner Janssen | Ossip Gabrilowitsch | Vladimir Golschaann |
| | Georges Barrere | Jose Iturbi |
| | Leopold Stokowski | Erich Kleiber |
| | Arthur Bodanzky | Molinari |
| | Frederick Stock | Hoogstraten |
| | | Wilhelm Furtwangler |
| | | Pierre Monteux |
| | | Serge Koussevitzky |
| | | Arturo Toscanini |

It will be noted that, as to the concert artists, the American-born and naturalized artists outnumber the alien artists by over three to one. Included among the alien artists, however, are persons of outstanding attainments who have contributed immeasurably to the artistic enjoyment and cultural advance of the American people. It is unthinkable that a law should be enacted which would exclude these artists from this country and deprive the American people of the cultural benefits derived from their performances.

On the other hand, it is clear that the large majority of American artists in this group is conclusive proof that foreign competition does not interfere with the securing of engagements in this country by American artists of ability. It is common knowledge that artists of the first rank, whether American or alien, have no difficulty in securing engagements and that there exists at the present time a pronounced shortage of artists of this type.

The deleterious effect of these bills would be even more pronounced in the case of conductors. In order to develop artists of this type it is necessary to have a large number of symphony orchestras which will serve as training schools for conductors. The scarcity of symphony orchestras in this country, as compared with Europe, is well known, with the result that the outstanding symphony conductors have been those who were born in Europe or had extensive European training.

Many of these conductors (as in the case also with concert artists) have come to this country and have established themselves so firmly that they have become naturalized American citizens.

We, therefore, oppose the enactment of either of these bills on the grounds:

1. The condition which requires conclusive proof of musical ability of both the alien and all American musicians of the same class is equivalent in practice to a positive inhibition against any musical performance in this country by an alien artist.
2. Such legislation will effectively reduce the opportunities for the employment of American musical talent.

Cordially yours,

NATIONAL ASSOCIATION OF BROADCASTERS,
S/JAMES W. BALDWIN, *Managing Director*.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, August 26, 1935

- NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—Pat Whitaker, tr/as Tampa Broadcasting Co., Tampa, Fla.—C. P., 1370 kc., 100 watts, unlimited time.
NEW—D. B. Sutton, Miami, Fla.—C. P., 1210 kc., 100 watts, unlimited time.
NEW—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

Thursday, August 29, 1935

- WCAO—Monumental Radio Co., Baltimore, Md.—Modification of license, 600 kc., 1 KW, unlimited time. Present assignment: 600 kc., 500 watts, 1 KW LS, unlimited time.
WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Modification of license, 610 kc., 1 KW, unlimited time. Present assignment: 610 kc., 500 watts (SA for 1 KW daytime), unlimited time.
WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special experimental authority, 610 kc., 1 KW exp., unlimited time.
WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Modification of license, 600 kc., 1 KW, specified hours. Present assignment: 600 kc., 500 watts night, C. P. for 1 KW day; specified hours.
NEW—E. L. Clifford, Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.
WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification of license, 560 kc., 1 KW, unlimited time. Present assignment: 560 kc., 500 watts (1 KW LS S. A.), unlimited time.

APPLICATIONS GRANTED

- WNRI—S. George Webb, Newport, R. I.—Granted modification of C. P. to move transmitter and studio from near Middletown, R. I., to Newport, R. I.; make changes in equipment; extend commencement date to 30 days after grant and completion date to 180 days thereafter.
KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—Granted modification of C. P. approving transmitter site, 11 miles from center of city on old Carlsbad Highway, Pecos, Tex., and make changes in equipment.
WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted modification of C. P. to make changes in equipment.
WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted modification of C. P. extending completion date to 3-8-36.
WISC—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted modification of C. P. approving transmitter and studio sites at Milwaukee; extend commencement date to 10 days after grant and completion date to 90 days thereafter.
KFSO (formerly KTAB)—Associated Broadcasters, Inc., San Francisco, Calif.—Granted renewal of license for the regular period.
KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted renewal of license for the regular period.
KFVS—Oscar C. Hirsch, d/b as Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Reconsidered action in designating application for hearing, dismissed same from hearing docket, and granted renewal of license for regular period.
WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted 30-day special temporary authority to operate unlimited time pending receipt and action on application for full time.
KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted extension of special experimental authority to use 1 KW night and day for the next license period.
WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted extension of special experimental authority to use 1 KW with directional antenna night, and 5 KW day, for the next license period.
WJAR—The Outlet Company, Providence, R. I.—Granted extension of special experimental authority to use frequency 890 kc. for the next license period.
WJIM—Harold F. Cross, M. B. Keeler, and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Granted renewal of license for the regular period; 1210 kc., 100 watts, with an additional 150 watts from local sunrise to local sunset only; unlimited.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted renewal of license, **620 kc.**, 250 watts, with an additional 250 watts from local sunrise to local sunset; unlimited time.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license, **920 kc.**, 250 watts, with an additional 250 watts from local sunrise to local sunset only. Shares with WPEN. Also granted renewal of license for auxiliary transmitter.

NEW—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Granted C. P. (exp. gen. exp.) service, frequencies **31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above;** 50 watts.

W2XDV—Atlantic Broadcasting Corp., New York City.—Granted modification of license to change frequencies to **31600, 35600, 38600, 41000, 86000-400000, 401000 kc. and above;** 50 watts.

W6XAR—Julius Brunton & Sons Co., Portable-Mobile, San Francisco.—Granted modification of license for authority to use four frequencies assigned to general experimental broadcast pick-up stations—**31100, 34600, 37600 and 40600 kc.** Also granted renewal of license, as set out in modification, for the next license period.

SET FOR HEARING

NEW—Fred S. Rogers, Glens Falls, N. Y.—Application for C. P. for new station, **1210 kc.**, 100 watts, unlimited time; site to be determined.

NEW—The Attala Broadcasting Corp., Columbus, Miss.—Application for C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—Application for C. P. for new station, **1420 kc.**, 100 watts, daytime only.

NEW—W. L. Gleeson, Salinas, Calif.—Application for C. P. for new station, **1310 kc.**, 100 watts, unlimited time.

NEW—Mountain States Broadcasting Corp., Salt Lake City, Utah.—Application for C. P. for new station, **550 kc.**, 500 watts, unlimited time, site to be determined.

NEW—Wm. B. Smullin, Sacramento, Calif.—Application for C. P. for new station, **1310 kc.**, 100 watts night, 250 watts day, unlimited time, site to be determined.

NEW—American Broadcasting Co., Pittsburgh, Pa.—Application for C. P. for new station, **1420 kc.**, 100 watts, unlimited time.

NEW—Amended to read: The Voice of Labor Stations, Inc., Inglewood, Calif.—C. P., already in hearing docket, amended to read: **1210 kc.**, 100 watts, specified hours (daytime hours now used by KFXM and not used by KPPC). Site to be determined.

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for renewal of license set for hearing, and present license extended on a temporary basis pending outcome of hearing.

KFUO—Evangelical Lutheran Synod of Missouri, Etc., St. Louis, Mo.—Application for renewal of license set for hearing, and present license extended on a temporary basis pending outcome of hearing.

MISCELLANEOUS

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Denied authority to operate unlimited time pending action on application requesting authority on a permanent basis.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Denied request for 30-day extension of special temporary authority to operate at night with 500 KW employing conventional non-directional antenna system.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted request to reinstate application requesting special experimental authority to operate with 250 watts additional night power.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Denied petition asking Commission to reconsider and grant without hearing application for increase in daytime power from 1 to 5 KW.

NEW—George B. Storer, Detroit, Mich.—Granted continuance of hearing scheduled for September 11, 1935, on application for new station at Detroit, to operate on **680 kc.**, 1 KW, daytime.

J. W. Birdwell and S. R. Jennings, Johnson City, Tenn.—Granted 10 days additional time within which to file appearance and facts to be proved at hearing scheduled for October 9, 1935.

WBNX—Standard Cahill Co., Inc., New York City.—Denied petition asking Commission to reconsider action in designating

application for hearing and "grant said application in part without hearing, so as to authorize the use of 500 watts day only, said application in so far as it requests 1 KW and a change in transmitter location to remain in hearing docket as now scheduled."

NEW—R. J. Nasser, Sacramento, Calif.—Denied petition requesting postponement of hearing of application for new station at Sacramento to operate on **850 kc.**, 250 watts, daytime. Hearing scheduled for October 8, 1935.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Denied petition requesting hearing on application to change frequency from **1500 kc. to 1240 kc.**, and to increase power from 100 watts, unlimited time, to 250 watts, 1 KW LS, unlimited time, be continued pending action on application of WNBK, Binghamton, N. Y. Hearing scheduled for September 5, 1935.

The Broadcast Division granted oral argument of Examiner's Reports Nos. 1-76, involving applications of National Battery Broadcasting Co., Minneapolis; Dr. Geo. W. Young, Minneapolis; Radio Chapel of the Air, Minneapolis; and Edw. Hoffman, St. Paul; Rept. No. 1-77 involving applications of Glass & Kirkland, Eustis, Fla.; Lake Region Broadcasting Co., Lakeland, Fla.; Robert Louis Sanders, Palm Beach, Fla.; Hazlewood, Inc., West Palm Beach, Fla. Rept. No. 1-78, application of Head of the Lakes Broadcasting Co., Virginia, Minn.; and Rept. No. 1-79, WNEW, Newark, N. J., said argument to be heard November 27, 1935.

APPLICATIONS DISMISSED

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

NEW—A. L. Chilton, Kilgore, Tex.—C. P., **990 kc.**, 500 watts, daytime.

NEW—Educational Radio, Inc., Spartanburg, S. C.—C. P., **1420 kc.**, 100 watts, unlimited time.

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

NEW—Paul Sullivan Andrews, Lewiston, Maine.—C. P., **560 kc.**, 250 watts, nighttime only.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Modification of license, **1500 kc.**, 100 watts, unlimited time.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Special experimental authority, **560 kc.**, 1 KW, unlimited time.

APPLICATIONS RECEIVED

First Zone

WJAR—The Outlet Co., Providence, R. I.—Modification of construction permit (B1-P-333) for changes in equipment, to move transmitter from Outlet Co. Bldg., 176 Weybosset St., Providence, R. I., to junction Newport and Ferris Avenues (Rumford), East Providence, R. I., to further request increase in power from 250 watts, 500 watts day, to 1 KW day and night; install directional antenna, extend commencement and completion dates to 30 days after grant and 180 days thereafter.

W2XE—Atlantic Broadcasting Corporation, Wayne, N. J.—Modification of license to add frequencies **17800 and 21520 kc.** Amended: Change frequency to **17760 and 21520 kc.**

WIEW—National Broadcasting Company, Inc., Portable-Mobile.—Construction permit for broadcast pickup station to replace transmitter, and increase power to 20 watts.

Second Zone

NEW—Earle W. Brown, Elyria, Ohio.—Construction permit for **1500** new station to be operated on **1500 kc.**, 100 watts, daytime.

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—**570** Authority to transfer control of corporation from Wichita Falls Broadcasting Co., J. J. Perkins, L. H. Cullum, F. P. Timberlake, C. M. Snider, S. A. Kahn, to Amon G. Carter, 350 shares of common stock.

KGKD—Wichita Falls Broadcasting Co., Fort Worth, Tex.—**570** Construction permit to install new equipment; move transmitter from 9th and Indiana Avenues, Wichita Falls, Tex., to site to be determined, Fort Worth, Tex.; studio from Kemp Hotel, 8th and Scott Sts., Wichita Falls, Tex., to Worth Hotel, Fort Worth, Tex.

WREC—WREC, Inc., Memphis, Tenn.—Extension of special authorization to operate with power of 1 KW, 2½ KW day, for period from 9-1-35 to 3-1-36.

KPRC—Houston Printing Co., Houston, Tex.—Extension of special authorization to operate with power of 5 KW for period from 9-1-35 to 3-1-36.

NEW—A. L. Chilton, Dallas, Tex.—Construction permit for new station to be operated on 990 kc., 1 KW power, daytime operation.

NEW—Whittle Furniture Co., Inc., Brunswick, Ga.—Construction permit for a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of license to change hours of operation from daytime to specified hours (day, 6 a. m. to 9 p. m., EST), using 100 watts power.

NEW—W. A. Patterson, Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on 1200 kc., 100 watts, unlimited time. Amended to change frequency from 1200 kc. to 1420 kc., time to daytime only.

NEW—Denton-Record Chronicle Company, Denton, Tex.—Construction permit for a new broadcast station to be operated on 1420 kc., 100 watts, daytime. Amended: Antenna to be determined.

NEW—C. W. Snider, Wichita Falls, Tex.—Construction permit for new station to be operated on 1500 kc., 100 watts, unlimited time.

Fourth Zone

WMT—Waterloo Broadcasting Company, Cedar Rapids, Iowa.—Extension of special authorization to operate with power of 1 KW, 2½ KW day, for period from 9-1-35 to 3-1-36.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special authorization to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, from 9-1-35 to 2-1-36.

WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change specified hours from: daily except Sundays, 11 a. m. to 4 p. m.; daily except Saturdays and Sundays, 4 p. m. to 5 p. m.; Sundays, 2 p. m. to 4 p. m. Also daily, 6 p. m. to local sunset (when sundown occurs after 6 p. m.). To specified hours except Sundays, 10 a. m. to 2 p. m.; Saturdays, 2 p. m. to 5 p. m. Amended: Except Sundays, 10 a. m. to 2 p. m.; Saturdays, 2 p. m. to 5 p. m. Except November and December, 2 to 4:30 p. m.; January, 2 to 4:45 p. m.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna.

NEW—Daily News Corp., St. Paul, Minn.—Construction permit for new station to be operated on 1370 kc., 100 watts, unlimited time.

Fifth Zone

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—License to cover construction permit (3-P-B-3200) as modified for new equipment, increase in power from 1 KW to 1 KW, 5 KW day.

KMPL—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Special experimental authority to operate on 710 kc., 250 watts, 500 watts day, unlimited time. Amended: Request 500 watts day and night.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Construction permit to move transmitter from Gunter Hall, State Teachers College Campus, 1800 10th Ave., Greeley, Colo., to Rural U. S. Highway No. 85, Greeley, Colo.

NEW—Eagle Rock Broadcasting Co., Eagle Rock, Calif.—Construction permit for a new broadcast station to be operated on 1160 kc., 250 watts, daytime. Amended: Change frequency from 1160 kc. to 600 kc.

NEW—J. Laurance Martin, Tucumcari, N. Mex.—Construction permit for new broadcast station to be operated on 1200 kc., 100 watts, unlimited.

NEW—Royal Miller, Sacramento, Calif.—Construction permit for new broadcast station to be operated on 1210 kc., 100 watts, daytime.

NEW—Golden Empire Broadcasting Co., Redding, Calif.—Construction permit for a new broadcasting station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 1200 kc.

SECURITIES ACT REGISTRATIONS

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

Coast Counties Gas & Electric Co., San Francisco, Calif. (2-1578, Form A-2)

Central Hudson Gas & Electric Corp., Poughkeepsie, N. Y. (2-1580, Form A-2)

Chain Store Investors Trust, Boston, Mass. (2-1581, Form A-1)

Greenwood Compress & Storage Co., Greenwood, Miss. (2-1582, Form A-2)

National Unit Corp., Boston, Mass. (2-1583, Form C-1)

Alabama Water Service Company, Birmingham, Ala. (2-1584, Form A-2)

KGW APPEAL WITHDRAWN

The United States Court of Appeals for the District of Columbia has dismissed the appeal of Station KGW, Portland, Ore., at the request of the station.

The station appealed against a decision of the Federal Communications Commission of February 26, granting KTAR, Phoenix, Ariz., a power increase of from 500 to 1,000 watts. KGW alleged that interference would be caused.

SUGGESTS UNLIMITED TIME FOR WNBX

Broadcasting Station WNBX, Springfield, Vt., applied to the Federal Communications Commission for unlimited time on the air. The station operates on a frequency of 1260 kilocycles, with 1,000 watts power and now operates daytime hours only.

Melvin H. Dalberg(e), in Report No. I-91, has recommended that the application be granted. The Examiner found that the granting of the application would expand the program service and "would result in a better grade of service within the station's present service area." He also found that the granting of the application would not cause any serious interference and that it would "cause a very slight deviation with respect to quota and would be in accordance with the public interest."

RECOMMENDS GRANTING WJTL APPLICATION

David Parmer applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Atlanta, Ga., to use the facilities of Station WJTL, Atlanta. Station WJTL asked for license renewal and also for leave to make voluntary assignment of its facilities.

John P. Bramhall(e), in Report No. I-90, recommended that the motion of David Parmer to withdraw his application be granted "with prejudice." He also recommended that the application of Station WJTL for license renewal be granted and that the application of the station to make voluntary assignment to the Atlanta Broadcasting Company be granted.

NAB REPORTS

Vol. 3 - - No. 41
 AUG. 29, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|--|------|
| Radio Advertising and the Federal Trade Commission | 942 |
| Notes for the Sales Staff | 942 |
| Broadcast Advertising During July | 944 |
| Highlights of the Month | 944 |
| Total Broadcast Advertising | 944 |
| Comparison with Previous Years | 944 |
| Comparison with Other Media | 944 |
| Non-network Advertising | 944 |
| Broadcast Advertising Sponsorship | 945 |
| Business Conditions | 946 |
| Retail Broadcast Advertising | 946 |
| Federal Trade Commission Activities | 946 |
| Rep. Scott Introduces 3 Bills and Resolution | 947 |
| FCC Requests Ultra High Frequency Data | 949 |
| FCC Contemplates High Frequency Allocations | 949 |
| Quota Facilities as of August 26, 1935 | 951 |
| Radio Legislation During 74th Congress | 952 |
| Recommends WHBL Change to 1300 kc. | 952 |
| Recommends License Renewal for WRBL | 952 |
| Suggests New Kansas Station | 953 |
| Suggests New Massachusetts Grant | 953 |
| 250 Watts Recommended for WRJN | 953 |
| Federal Communications Commission Activities | 953 |

NOTICE

The following item should have the immediate attention of station licensees and executives.

RADIO ADVERTISING
 AND
 THE FEDERAL TRADE COMMISSION

Much of the confusion and uncertainties attending the broadcast of commercial copy is seen eliminated in the latest developments at the Federal Trade Commission. Henceforth, the Federal Trade Commission will afford to members of the radio broadcasting industry the same notice, and opportunity to sign stipulations as heretofore has been extended to other forms of advertising media. Approval of this procedure, which was requested by the Managing Director, was given yesterday (27).

Details of the Trade Commission's procedure in handling matters arising out of their examination of advertising copy and the form of stipulation that will be offered broadcasters are set forth below in a letter addressed to the Chairman of the Federal Trade Commission.

The procedure therein outlined will be found reasonable. It is authorized by statute. It affords a judicial review of all controversies in the light of scientific opinion. It avoids any threat of boycott. It provides in clear and unambiguous language what should not be done.

The stipulation which will be offered to broadcasters is fair. In substance it is identical with the stipulation afforded publishers and agencies. It is a means by which members can insure observance of those standards contained in paragraphs four and seven of the NAB Code of Ethics. By signing such stipulation the broadcaster agrees that he has broadcast the copy in question; waives any right he might have to defend the copy against the Commission's action (opinion is divided on the question whether he actually has any such right); and that he will abide by any stipulation or cease and desist order entered against the advertiser. In short the broadcaster accepts notice, steps aside pending settle-

NOTES FOR THE SALES STAFF

Broadcast advertising has made the greatest gains of any medium since the depression, it is indicated in the July report of radio advertising volume appearing elsewhere in this bulletin. (See page 944.)

The current report makes available for radio as a whole, for the first time, information extending over a two-year period. This comparison for July shows radio far to have outstripped other media in recovery. This is all the more significant when one remembers that, except for a brief setback in 1932 and 1933, radio continued to grow rapidly throughout the depression.

Of particular interest will be the growth of regional network and national non-network advertising during the period. Station managers also will note with gratification that the decline in national non-network volume in July was considerably less than what seems to be the usual seasonal decrease.

The strength shown in local transcription business and the continued strong showing of studio programs in the national non-network field both present sales opportunities to the station sales department. The volume of broadcast advertising by national advertisers using station talent presentations in July of this year was 176.1% above that of the corresponding month of 1933.

Those interested in local business will be interested to note that radio advertising by department stores showed a gain of 27.6% over July of last year, while department store newspaper lineage increased by only .4%.

The automotive and housefurnishing fields have been joined in their recent rapid growth of volume by the food advertisers, while national non-network and regional network tobacco advertising continues its recent remarkable development. Since this latter seems concentrated at the moment, it would seem that additional stations can utilize this as a sales opportunity.

ment between the advertiser and the Federal Trade Commission, and agrees to abide by whatever decision is made in the matter.

Each case will require a separate stipulation. In order that stations may be brought up to date stipulations will be sent to cover all cases now pending before the FTC for which the broadcaster has submitted copy. That is to say, for each piece of copy that has been submitted by a broadcaster, and which has reached the investigation stage, the broadcaster will receive a stipulation which he may sign and return to the FTC.

The inhibitions contained in stipulations and cease and desist orders entered against the advertiser will be carried in NAB REPORTS so that members may be currently informed in all cases of which they have had notice.

This procedure is the answer to the various suggestions made to the NAB and to the many inquiries received from members concerning what service the Association might render to members. Any opinion which the NAB might render in the case of any product would require the services of professionals equal in qualifications to those available to the FTC from the several departments of the government; and when rendered it would be extrajudicial and could not take precedence over a decision of the FTC which is the only agency of government authorized by

statute to investigate and regulate matters relating to fraudulent and misleading advertising.

Combined with the exercise of good judgment and a careful appraisal of the sensibilities of the audience this procedure, which has proved successful in the field of printed media, offers a means for making radio broadcasting the most reliable and most respected advertising medium in the United States.

The cooperation of each member is therefore urgently requested.

The full text of the Managing Director's letter in the matter follows:

August 23, 1935.

Honorable Ewin L. Davis
Chairman, Federal Trade Commission
Washington, D. C.

My dear Judge Davis:

This letter is addressed to you as a result of several discussions had with members of your staff concerning the procedure of the Federal Trade Commission in handling matters arising out of your examination of advertising copy.

As I understand it this procedure may be summarized as follows:

When a radio commercial continuity or a published advertisement has been examined by the preliminary reviewer and noted for further attention, it is referred for consideration from a legal point of view after which it is submitted to the Special Board of Investigation. If the Board decides there is prima facie evidence of false or misleading representations, a questionnaire, is sent to the advertiser.

Upon receipt of the information called for in the questionnaire together with samples of advertising copy and all follow-up literature, etc., the formula, for example, in cases of drugs and cosmetics is submitted to appropriate departments of the government for opinion. The Board then considers the matter in the light of scientific opinion.

If the statements contained in the advertising copy appear to be justified, the matter is reported to the Commission for filing without action.

If the statements contained in the advertising copy are not justified in the light of such scientific opinion the Board forwards to the advertiser a list of the statements in question and a copy of the scientific opinion relative thereto, and the advertiser is afforded the opportunity to produce all the evidence he can to support his claims.

When this has been done, either through correspondence or by personal conferences, the advertising copy is again reviewed in the light of new evidence, if any, and those statements which have not yet been justified in the opinion of the Board are thereupon reported to the Commission accompanied by all evidence in the case with the recommendation that an application for a complaint be docketed, but that before further action is taken the matter be referred back to the Board to negotiate a stipulation with the advertiser in settlement of the matter.

If the Commission concurs in the recommendation of the Board a stipulation is prepared reciting the objectionable statement and providing inhibitions wherein the advertiser agrees to cease and desist publishing such claims in the future.

If, however, the Commission is of the opinion that the statements contained in the advertising copy are justified, the case is reported for filing without action.

At the time the case is docketed as an application for complaint the advertising medium, *if a publisher*, is notified and extended an opportunity to sign and return a publisher's stipulation enclosed with the notice. In this stipulation, the publisher agrees to observe and abide by the terms of any stipulation signed by the advertiser in the case, or of any cease and desist order entered by the Commission against the advertiser in such case.

The effect of the publishers stipulation is not to stop the advertising forthwith, but to place the publisher on notice and get his agreement that he will abide by the outcome of the investigation.

When the terms of the advertisers' stipulation have been accepted by the Commission, copies of the same are available to the medium.

In the few cases where the advertiser and the Board cannot agree the matter is reported to the Commission with the advice that a stipulation could not be negotiated, whereupon, as a rule, a complaint is prepared and served by the Commission and the matter takes its usual course of litigation.

Where the stipulation as agreed upon is tendered and accepted by all parties, it is treated as a settlement and the Commission enters an order closing the proceedings.

Your procedure in this matter has been summarized for two reasons—

First, that our understanding of the matter may be verified, that we may be able to better inform our members on a subject that has caused very great confusion.

Secondly, if our understanding of the matter is correct, then in that event we request that the Federal Trade Commission afford to the members of the radio broadcasting industry the same notice, and opportunity to sign a publishers' stipulation, as is now afforded other advertising media. If approval is given this request we understand that the form of the stipulation that would be offered to the licensees of radio broadcasting stations will be substantially as described in the form attached to and made a part of this letter and marked Exhibit "A."

The success with which the procedure above outlined has been met in the field of printed media is well known; and I am confident that our 393 members will contribute toward the same success in the field of radio advertising.

With expression of my high esteem, I am

Sincerely yours,

JAMES W. BALDWIN, Managing Director.

EXHIBIT "A"

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the matter of a certain } FILE NO.
proposed complaint against }

Waiver and Stipulation.

The Federal Trade Commission, acting in the public interest, pursuant to the provisions of 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," ordered that an application for a complaint be docketed against

(hereinafter called the advertiser)

based upon charges of false and misleading advertising by radio broadcast in violation of Section 5 of said Act.

The Federal Trade Commission directed that any party participating in the broadcasting of said advertisement be afforded the opportunity of settling the matter by stipulation; and the undersigned, being the operator of Radio Station _____, over which on or about _____ such advertisement was broadcast, hereby tenders to the Federal Trade Commission this waiver and stipulation as a means of closing the proceedings in so far as they may effect this broadcasting company (hereinafter referred to as the broadcaster).

The broadcaster disclaims any interest in the business of the advertiser, or the subject matter, or the continued broadcasting of said commercial continuity which the broadcaster desires to defend in the proceedings proposed against the advertiser; waives all right to be joined therein as a respondent; and to such end asserts and stipulates as follows, to wit:

(2) That the broadcaster accepted and broadcast the said continuity as stated;

(3) That the broadcaster is now and was operating said radio station at the time and over which such continuity was broadcast; and

(4) That the broadcaster hereby agrees to observe and abide by the terms and provisions of any cease and desist order based on the aforesaid charges which may hereafter be issued by the Federal Trade Commission; and also agrees to observe and abide by the terms and provisions of any stipulation or other agreement between the aforesaid advertiser and the Federal Trade Commission in this matter of which the broadcaster has notice.

This waiver and stipulation is tendered to the Federal Trade Commission for its consideration and approval, and upon its acceptance is to be entered of record, at which time it shall become binding upon the undersigned.

IN WITNESS WHEREOF, the broadcaster has duly signed and executed this waiver and stipulation this _____ day of _____,

A. D., 193 _____

Accepted and approved:

_____, 193 _____

FEDERAL TRADE COMMISSION

OTIS B. JOHNSON,
Secretary.

BROADCAST ADVERTISING DURING JULY

Highlights of the Month

Broadcast advertising during July totaled \$5,848,004, a decline of 11.1% from the June level. This represented a normal seasonal decrease at this period of the year.

Marked gains were experienced as compared to corresponding months of preceding years. Advertising volume over stations and networks was 33.2% greater in July than during the same month of 1934, and 49.5% greater than that of the corresponding period of 1933.

Compared to radio broadcasting, July national magazine volume remained unchanged from 1934, and showed an increase of 32.0% over the corresponding month of 1933. Newspaper lineage showed an increase of 5.0% over July, 1934, and 10.2% over the same month of 1933.

National non-network advertising declined less than the usual seasonal amount during July, and showed a gain of 68.6% over the same month of last year. Regional non-network volume experienced a three-fold increase as compared to 1934.

In the non-network field, local station business experienced the greatest increase, rising 56.1% as compared to July, 1934, and more than doubling 1933 volume.

Electrical transcription business showed new strength in both the national and local fields, especially in the latter. The national use of live talent programs continued its growth, though at a slightly reduced rate.

National and local automotive advertising, national network accessory volume, food advertising of practically all types, national non-network and local beverage advertising, household equipment advertising, national non-network soap volume and national non-network and regional network tobacco advertising showed the greatest gains as compared with July of last year.

General retail advertising rose 35.0% as compared with the corresponding period of 1934, while department and general store advertising increased 27.6%. Principal gains occurred in the automotive and housefurnishing fields. Newspaper department store advertising was .4% ahead of last July, while general retail advertising in newspapers was 2.9% greater than during the same month of 1934.

Total Broadcast Advertising

Broadcast advertising over stations and networks is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

| Class of Business | 1935 Gross Time Sales | | |
|----------------------------|-----------------------|--------------------|----------------------|
| | June | July | Cumulative Jan.-July |
| National networks | \$3,536,615 | \$3,175,042 | \$29,295,452 |
| Regional networks..... | 94,521 | 92,102 | 558,001 |
| National non-network | 1,400,910 | 1,297,065 | 9,888,118 |
| Local | 1,551,930 | 1,283,795 | 11,182,405 |
| Total | \$6,583,976 | \$5,848,004 | \$50,923,976 |

While total broadcast advertising volume declined 11.1% as compared with June, national network volume dropped 10.2%, national non-network advertising 7.4%, and local broadcast advertising 10.8%. Regional network volume remained practically unchanged.

Comparison with Previous Years

National network advertising during July was 27.2% greater than during the same month of 1934, and 88.0% greater than during July 1933. Regional network advertising was triple the 1934 figure for July and more than five times the 1933 level.

National non-network advertising experienced a gain of 68.6% as compared to the same month of last year and an increase of 75.8% as against July 1933. Local broadcast advertising rose 18.8% as compared with the corresponding period of last year, but showed a decrease of 5.3% from the July 1933 level. The abnormal increase in local advertising during the summer of 1933, and a shift of some local business, principally the joint advertising of manufacturers and local dealers, to the national classification, constitute a partial explanation of the local situation.

Comparison with Other Media

Advertising volume for major media for July and the preceding month is presented in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

| Advertising Medium | 1935 Gross Time and Space Sales | | |
|---------------------------------------|---------------------------------|---------------------|----------------------|
| | June | July | Cumulative Jan.-July |
| Radio broadcasting | \$6,583,976 | \$5,816,064 | \$50,923,976 |
| National magazines ¹ | 11,368,313 | 8,086,053 | 76,040,873 |
| National farm papers..... | 475,889 | 340,300 | 3,313,525 |
| Newspapers ² | 42,345,000 | 36,994,000 | 291,545,000 |
| Total | \$60,773,178 | \$51,236,417 | \$421,823,374 |

¹ National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

² Estimated.

National magazine advertising declined 28.1% from the June level, and remained comparatively the same in volume as during the corresponding month of last year. National magazine advertising was 32.0% greater than during July 1933.

Newspaper advertising was 5.0% greater than during the same month of 1934, and 10.2% above the July 1933 level. Newspaper lineage dropped 14.7% as compared to June.

National farm paper advertising decreased 40.0% as compared to June, and remained at approximately the July 1934 level. It was 44.0% greater than during the corresponding month of 1933.

Non-network Advertising

General non-network advertising decreased 12.6% during the month. Non-network volume during July was 13.2% greater than during the same month of the preceding year and 23.3% above the 1933 level.

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

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

| Power of Station | 1935 Gross Time Sales | | |
|-----------------------|-----------------------|--------------------|----------------------|
| | June | July | Cumulative Jan.-July |
| Over 1,000 watts..... | \$1,388,800 | \$1,160,000 | \$9,968,965 |
| 250-1,000 watts | 1,151,060 | 1,016,860 | 8,250,915 |
| 100 watts | 412,980 | 404,000 | 2,850,653 |
| Total | \$2,952,840 | \$2,580,860 | \$21,070,533 |

Non-network advertising over stations of more than 1,000 watts in power decreased 16.3% as compared to June, that of stations of between 250-1,000 watts in power 7.8%, while local station volume remained comparatively unchanged.

Clear channel and high-powered regional station non-network volume showed an increase of 46.6% over last July, regional station advertising experienced a gain of 40.7% and local station business a rise of 56.1%. Clear channel non-network business was approximately at the 1933 level during July, regional volume 50.0% greater, and local volume more than double.

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

TABLE IV

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

| Geographical District | 1935 Gross Time Sales | | |
|---|-----------------------|--------------------|----------------------|
| | June | July | Cumulative Jan.-July |
| New England-Middle Atlantic Area | \$784,407 | \$649,950 | \$5,537,037 |
| South Atlantic-South Central Area | 489,368 | 428,580 | 3,329,288 |
| North Central Area | 1,091,225 | 926,740 | 7,902,447 |
| Pacific and Mountain Area... | 587,840 | 575,590 | 4,301,761 |
| Total | \$2,925,840 | \$2,580,860 | \$21,070,533 |

Declines of 15.5% and 12.2% were experienced in the Mid-West and South respectively during the month, while eastern and far-western volume decreased approximately 4.0% as compared to June. Non-network advertising in the New England-Middle Atlantic area was comparatively unchanged from the July 1934 level. Mid-western volume rose 36.3%, southern advertising dou-

bled and gross time sales in the Pacific and Mountain districts rose 88.7%.

Non-network Advertising by Type of Rendition

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

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

| Type of Rendition | National Non-network | | 1935 Gross Time Sales | | Total | | Cumulative Jan.-July |
|---------------------------------|----------------------|--------------------|-----------------------|--------------------|--------------------|--------------------|----------------------|
| | June | July | Local June | Local July | June | July | |
| Electrical transcriptions | \$528,420 | \$439,170 | \$153,740 | \$146,090 | \$682,160 | \$585,260 | \$4,390,998 |
| Live talent programs..... | 600,000 | 639,705 | 730,150 | 610,835 | 1,330,150 | 1,250,540 | 10,067,785 |
| Records | 12,990 | 4,325 | 60,460 | 51,355 | 73,450 | 55,680 | 490,831 |
| Announcements | 259,500 | 213,865 | 607,580 | 475,515 | 867,080 | 689,380 | 6,120,919 |
| Total | \$1,400,910 | \$1,297,065 | \$1,551,930 | \$1,283,795 | \$2,952,840 | \$2,580,860 | \$21,070,533 |

In the national field, transcription volume declined 18.8% as compared to June, while announcement volume dropped 17.5%. Live talent business increased 6.6%. Transcription volume was 87.6% ahead of July 1934 and approximately the same figure above the 1933 level. Live talent business was 60.5% above July 1934 and 176-1% higher than during the same month of 1933. Announcement business was 50.8% above 1934 and 22.0% below 1933.

In the local field, declines from June were as follows: transcription, 14.0%; live talent, 6.0%; records, 24.0%, and announcements, 20.4%. Local transcription business in July was 51.1% greater than during the same month of 1934 and 76.0% above 1933. Live talent business was 10.0% ahead of last year and 12.0% under 1933. Record programs was 87.6% above 1934, and 15.0% below 1933. Announcement volume was 20.3% greater than during the same month of last year and 4.0% below July 1933.

Broadcast Advertising Sponsorship

The following are the highlights with regard to broadcast advertising sponsorship during July. Automotive advertising of all

types increased markedly. National network food advertising experienced an increase of 54.3% over the corresponding month of 1934, regional network volume doubled and national non-network advertising tripled. National non-network beverage advertising rose 72.0% and local volume increased 44.2%.

Housefurnishing advertising rose to a considerable degree. National network volume increased 250% over July 1934, local volume doubled and national non-network advertising increased by one-sixth.

National non-network soap and kitchen supply advertising rose 150%. The marked gains of recent months in tobacco advertising over regional networks and in the national non-network field continued.

General retail advertising rose 35.0% and department store advertising 27.6%.

Advertising volume by various sponsor groups is found in Table VI, while an analysis of these various groups is presented below.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(July, 1935)

| Type of Sponsoring Business | Gross Time Sales | | | | Total |
|--|--------------------|-------------------|----------------------|--------------------|--------------------|
| | National Networks | Regional Networks | National Non-network | Local | |
| 1a. Amusements | — | — | \$7,635 | \$39,000 | \$46,635 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$131,675 | \$1,684 | 166,000 | 79,465 | 378,824 |
| (2) Accessories, gas and oils..... | 393,991 | 15,594 | 68,410 | 71,130 | 549,125 |
| 3. Clothing and apparel..... | 15,336 | 4,536 | 31,280 | 140,330 | 191,482 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals..... | 350,586 | 5,025 | 148,450 | 47,560 | 551,621 |
| (5) Toilet goods..... | 768,974 | — | 35,290 | 19,445 | 823,709 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 757,303 | 22,819 | 315,550 | 175,400 | 1,271,072 |
| (7) Beverages | 188,337 | 1,984 | 74,125 | 99,835 | 364,281 |
| (8) Confections | 30,586 | 250 | 28,335 | 4,985 | 64,156 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings..... | 25,714 | 6,166 | 28,750 | 155,750 | 216,380 |
| (10) Soap and kitchen supplies..... | 180,131 | 5,253 | 161,080 | 3,725 | 350,189 |
| 11. Insurance and financial..... | 29,612 | 464 | 18,640 | 42,520 | 91,236 |
| 12. Radios | 61,906 | — | 1,205 | 13,535 | 76,646 |
| 13. Retail establishments..... | — | — | 3,290 | 112,450 | 115,740 |
| 14. Tobacco products..... | 187,566 | 23,160 | 43,940 | 5,335 | 260,001 |
| 15. Miscellaneous | 53,325 | 5,167 | 165,085 | 273,330 | 496,907 |
| Total | \$3,175,042 | \$92,102 | \$1,297,065 | \$1,283,795 | \$5,848,004 |

1a. **Amusements.** Decline 25.5% as compared to June. Local volume mainly responsible. Decline 26.0% as compared to July, 1934.

1. **Automotive.** National networks 29.0% below June, local volume unchanged, and national non-network increased 15.3%. National networks 31.0% above July, 1934, local business 35.0% greater, and national non-network four times 1934 level. Material increase regional volume.

2. **Gasoline and accessories.** National network volume 12.4% above June level. Regional unchanged, national non-network 43.8% below, local 28.6% lower. National network business 41.8% above last July, regional volume up 11.3%. National non-network and local comparatively unchanged.

3. **Clothing.** National network business 16.0% below preceding month, regional networks 8.0%, and local 23.7%. National non-network unchanged. Compared to corresponding month of

previous year, national network 50.0% lower, regional network five times greater, national non-network 24.0% greater, and local up 14.7%.

4. **Drugs and pharmaceuticals.** National networks 12.5% below June, 1934. Regional networks up 4.0%, national non-network down 22.1%, and local down 43.3%. Compared to last July, national network up 26.1%, national non-network down 10.0%, and local down 25.0%.

5. **Toilet goods.** National network 8.7% below July, national non-network volume down 50.0%. Local business up 19.6%. National network business 24.2% above July of last year. National non-network volume up 37.1%, and local up 76.0%.

6. **Foodstuffs.** Regional network volume up 10.0% as against June, and national non-network up 8.0%. National network unchanged and local down 14.8%. Compared to corresponding month of previous year, national network up 54.3%, regional network almost double, and national non-network tripled. Local business down 2.8%.

7. **Beverages.** National network volume 5.5% under June level, regional down 15.0%, and local 4.0%. National non-network unchanged. National network business 36.3% under July, 1934, and regional down 61.5%. National non-network up 72.0% and local 44.2%.

8. **Confectionery.** National non-network down 21.0% and local 67.0%. National non-network up 22.0% contrary to seasonal trends. Regional volume up slightly. Compared to preceding July, national network up 42.8%, national non-network up fivefold, and local up three times last year's level.

9. **Household equipment.** National network volume down 30.0% from June, regional networks 21.9%, national non-network 46.6%, and local 14.4%. Compared to July of the previous year, national network up 250.0%, regional up materially, national non-network increased 16.7%, and local nearly doubled.

10. **Soaps and kitchen supplies.** National network volume down 12.7% and local down 40.0% as against preceding month. Regional volume up 30.0% and national non-network unchanged. National network volume 27.1% above last July, regional up materially, national non-network increased one and one-half times, and local down 66.0%.

11. **Insurance and Financial.** National network down 6.0%, local 18.0%, and regional unchanged. National non-network up materially from June. Compared to same month of 1934, national network down 20.0%, regional down 80.0%, national non-network nearly doubled, and local up 14.0%.

12. **Radios.** National network down 22.5% from June, national non-network down 50.0%, and local up 70.0%. National non-network 82.4% ahead of same period of last year, national non-network unchanged, and local up 70.0%.

13. **Department and general stores.** Volume 5.7% under June and 27.6% above corresponding month of 1934.

14. **Tobacco products.** National network 34.1% under June, regional 14.8%, national non-network 22.8%, and local unchanged. National network volume more than double July, 1934, level, regional increased from nothing to \$23,160, and national non-network more than double. National non-network increased since July, 1933, from \$517 to \$43,940 during the current July.

15. **Miscellaneous.** National network down 36.1% and local 20.0%. National non-network unchanged and regional up 9.6%. National network up 8.0% as compared to same month of last year, regional up fourfold, national non-network nearly doubled, and local up 14.8%.

Business Conditions

July business showed some resistance to the usual seasonal decline, and some slight gains have occurred since then. The *New York Times* index was 86.2% of the 1923-1925 level for the week of August 10, as compared to 83.6% for the week of July 13. Car loadings were slightly ahead, while automobile production dropped off in preparation for new models. Steel production on August 17 was at approximately 50%, and was 25% above the July average. Electric power production also showed slight gains.

New passenger car sales in July were 20.0% above the corresponding month of last year. Rural retail sales were 28.5% greater in spite of the Department of Agriculture estimate that the June decline in cash farm income was larger than usual and that there had been less than the usual rise in July.

Grocery chain store sales in July were 4.0% above those of the corresponding period of the previous year, while variety store sales showed a gain of 3.0%.

Retail Broadcast Advertising

General retail broadcast advertising declined 18.8% as compared to June, but remained 35.0% above the July, 1934, level. Principal gains as compared with June were in the retail automotive field where advertising increased 17.0%, and furniture which rose 6.0%. Retail automotive, gasoline and accessory, household equipment and furniture advertising all were nearly double the July, 1934, figure, while clothing increased 16.0%.

Retail broadcast advertising during July is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

| Type of Sponsoring Business | 1935 Gross Time Sales | |
|--|-----------------------|-----------|
| | June | July |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$78,250 | \$91,275 |
| Gasoline stations, garages, etc..... | 66,720 | 48,570 |
| Clothing and apparel shops..... | 193,435 | 134,460 |
| Drugs and toilet goods: | | |
| Drug stores | 14,000 | 10,910 |
| Beauty parlors | 10,025 | 8,240 |
| Food products: | | |
| Grocery stores, meat markets, etc..... | 42,325 | 29,410 |
| Restaurants and eating places..... | 26,940 | 22,428 |
| Beverage retailers | 2,500 | 2,550 |
| Confectionery stores | 220 | 2,300 |
| Household goods: | | |
| Household equipment dealers..... | 69,390 | 54,700 |
| Furniture stores | 70,780 | 74,810 |
| Hardware stores | 23,465 | 15,235 |
| Radio retailers | 10,270 | 13,328 |
| Department and general stores..... | 122,855 | 115,740 |
| Tobacco shops | 325 | 290 |
| Miscellaneous | 77,350 | 69,170 |
| Total | \$808,850 | \$693,416 |

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given an opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2520. California Vineyards Co., Chicago. The respondent corporation, engaged in the sale and distribution of artificially carbonated fermented apple juice, is charged with using the word "champagne" in its advertising and in other representations so as to imply that the product is genuine champagne, when such is not the fact.

No. 2522. Gottlieb Brothers, New York City. The respondent corporation is engaged in the manufacture and sale of women's underwear, which the Commission's complaint charges it represents to be of pure silk, when in fact it contains other substances than silk varying from 11 to 52% of the total content.

No. 2523. Gillette Safety Razor Co. The Gillette Company is charged with employing illegal coercive methods to force jobbers, wholesalers and retailers to observe resale prices fixed by the respondent manufacturing company.

No. 2524. National Institute of Accountancy, Inc., Chicago. The complaint sets out that the respondent, in the sale of such correspondence courses through the medium of salesmen, distributes to prospective customers enrollment blanks, written contracts and advertising material containing numerous representations which, the complaint alleges, are false and misleading.

No. 2525. Davis Knitting Mills, Inc., trading under its own name and as **Yorke Knitting Mills, New York City.** The complaint sets out that the respondent corporation is engaged in the business of selling men's and boys' knitted outerwear. It is alleged that use by the respondent of the words "Knitting Mills" or the word "Mills" in corporate name and trade name, on letterheads, etc., tends to mislead purchasers into the belief that the company owns or operates a mill or factory wherein the products which it sells are made, and to believe that in purchasing such products customers are buying direct from a manufacturer and saving middlemen's profits.

No. 2526. Mid West Mills, Inc., Chicago. The complaint alleges that use of the word "Mills" in its trade name, on letter-heads and in printed material implies that the respondent corporation manufactures the products which it sells, when in fact the respondent corporation does not manufacture any of the products it sells.

No. 2527. Old Trusty Dog Food Co., Needham Heights, Mass. The respondent company is engaged in the manufacture, sale and distribution of dog foods, including a brand designated as "Old Trusty Bovex" which brand is represented by advertisements in magazines, circulars and other means as containing "62½% government inspected beef and beef products," and has been "U. S. inspected and passed by Department of Agriculture." In truth and in fact, the complaint alleges, the brand of dog food in question is not made of government inspected beef or beef products, and actually contains considerably less than 62½% beef or beef products.

No. 2528. National Salesmen's Training Association, Chicago. The complaint sets out that the respondent is engaged in the sale, through salesmen and by advertising, of a correspondence course for traveling salesmen. The complaint alleges that the respondent makes numerous false or misleading representations.

Cases Closed

Royal Distillers Products, Ltd., New York City. The case was closed for the reason that the respondent corporation has been declared bankrupt, its physical assets sold, and it is no longer engaged in business.

Northeastern Maine Wholesale Confectioners' Association, Bangor, Maine. The case was closed for the reason that the respondent association has dissolved.

REPRESENTATIVE SCOTT INTRODUCES 3 BILLS AND RESOLUTION

Representative Byron N. Scott, of California, introduced during the last few days of the first session of the 74th Congress three bills and a resolution pertaining to the broadcasting industry. The full texts, together with comment of the author, are reprinted below from the *Congressional Record* of August 23:

"Mr. Scott. Mr. Speaker, I have today introduced three bills and a resolution upon which I should like to see some action in the second session of the Seventy-fourth Congress. These were introduced at this time so that the Members of the House could have an opportunity to look them over during the coming recess. Under permission granted to extend my remarks, I have included a copy of the bills and the resolution with a brief explanation of each.

"H. R. 9230

"A BILL

"to amend Section 315 of the Communications Act of 1934.

"*Be it enacted, etc.,* That section 315 of the Communications Act of 1934 be and hereby is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 315. Each licensee of a radio broadcasting station shall be required to set aside regular and definite periods at desirable times of the day and evening for uncensored discussion of a non-profit basis of public, social, political and economic problems, and for educational purposes. When any such licensee permits any speaker of any controversial social, political, or economic issue to use its facilities during any such period, it shall afford to at least one exponent or advocate of each opposing viewpoint equivalent facilities. The licensing authority shall without delay make rules and regulations to carry this provision into effect, and in proceeding hereunder it shall appoint, and, in its discretion, act upon the recommendations of an advisory committee consisting of disinterested, representative citizens: *Provided,* That the licensing authority, the advisory committee, and licensees shall have no power of censorship of any kind, nor shall any license be subject to liability, civil or criminal, in any State or Federal court for material so broadcast under the provisions of this section, nor shall any license be revoked or renewal be refused because of material so broadcast."

"Section 315 of the Communications Act of 1934 was taken over from the Radio Act of 1927. It provides that licensees shall afford equal treatment—that is, time, rates, and so forth—to legally qualified candidates for public office; that the Commission shall make rules and regulations to carry the provision into effect; that licensees shall have no power of censorship over materials

so broadcast; and that no obligation is imposed on any licensee to allow the use of its station by any such candidate.

"Section 315 in its present form is unsatisfactory from the standpoint of the industry as well as the public.

"Neither the old Radio Commission nor the new Communications Commission has made rules or regulations to carry the provision into effect, though network companies and a number of station owners have promulgated and generally adhered to fixed policies and rules in this regard.

"Under section 315 the networks and certain stations have reaped a harvest from the major political parties in national elections and from leading factions in State and local contests. The provision has, of course, favored the party or person with the largest war chest to the prejudice of minority groups and individuals of small means.

"The provision is fundamentally unsound in assuming that the public desires only the uncensored discussions on social, economic, and political issues of legally qualified candidates for office. Campaign periods are relatively short; candidates are not always the leading or most capable advocates of the parties' or candidates' views; controversial discussion is not a seasonal product demanding attention only before elections; too frequently political campaigns are used to avoid or obscure rather than meet and illuminate issues.

"The censorship provision is of little value. Though it protects the candidate himself from censorship by networks and stations, and protects stations from actions for slander or libel when a candidate is on the air, it does not extend to speakers other than candidates and stations have been found guilty of defamation for the remarks of such other speakers.

"It is law at present that network and station owners, managers, program directors, and even announcers and technicians in charge of the electrical controls, must, at the peril of the station, determine at the moment of utterance whether a remark is actionable, a feat that no responsible judge or lawyer would presume to perform except in the plainest cases. This has led necessarily to direct and indirect censorship, to the vicious practice of requiring the submission of manuscripts for approval of networks and stations on an editorial basis.

"At certain times networks and stations are delighted to obtain political broadcasts. They fill time and supply revenue. But at other times and in certain communities, especially with the growth of volume of profitable advertising, this is not the case. Political broadcasts are refused. It is believed that all stations as an incident of the right to operate as public callings under Federal franchises should be required to devote certain periods to political broadcasts without profit or censorship.

THE PROPOSED AMENDMENT

"Under the proposed bill all stations would be required, subject to regulations to be made by the Commission on the advice of a disinterested advisory committee, to give over desirable periods on a regular basis and without revenue to unrestricted discussion of public issues; speakers on such issues would receive equal treatment; licensees would be relieved of all responsibility to the Commission and in the local courts for such broadcasts.

"This means that the American system of private ownership, control, profit, and responsibility would be continued, except that during periods reserved for public discussion there would be no revenue to the station and no responsibility by the station to the Commission or the public.

"It has been said that under the proposal the pressure for time would tend to squeeze out minority groups; that the agency charged with administration of the provision would exercise a form of censorship; that the proposal would lead to interminable arguments as to what are public, social, political, and economic problems, etc. All of these arguments and difficulties have been canvassed and considered, but no reasonable alternative has been suggested, and I am satisfied that, given a measure of intelligence and cooperation, the provision can be made to work to the satisfaction of the industry and the public. The lack of any satisfactory provision in the present act and of any constructive proposal for change have led year after year to greater and greater confusion and disillusionment as to the value and use of radio as a means of public discussion.

"H. R. 9231

"A BILL

"to add Section 315 (a) to the Communications Act of 1934.

"*Be it enacted, etc.,* That the Communications Act of 1934 be and hereby is amended by adding thereto the following:

"SEC. 315 (a) Each licensee of a radio broadcasting station shall keep complete and accurate records open to reasonable public inspection:

"(1) Of all applications for time;

"(2) Of all rejected applications and the reasons for such rejections;

"(3) Of all additions and changes requested in arranged programs on public, social, political, and economic issues, and on educational subjects;

"(4) Of interference with and substitution of programs on public, social, political, and economic issues, and on educational subjects.

"The licensing authority shall make rules and regulations to effectuate this provision."

"The proposed addition to section 315 would require stations to keep complete and accurate records open to reasonable inspection of applications for time, rejected applications, and the reasons for such rejections, additions, and changes requested in programs on public issues and on educational subjects and interference with programs on public issues and on educational subjects.

"This proposal represents a further attempt to limit censorship by network companies and station owners. It will implement the proposed amendments of sections 315 and 326.

"H. R. 9229

"A BILL

"to amend Section 326 of the Communications Act of 1934.

"*Be it enacted, etc.,* That section 326 of the Communications Act of 1934 be and hereby is amended by striking out the whole said section and by inserting in lieu thereof the following:

"SEC. 326. Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication. No action, civil or criminal, shall be commenced or prosecuted against any licensee in any court, Federal or State, because of anything said or done in the course of any broadcast on any public, social, political, or economic issue: *Provided*, That this provision shall not be understood or construed to exempt any licensee from liability for any defamatory, profane, indecent, or obscene language or action broadcast by any officer, employee, agent, or representative of such licensee."

"To implement the proposed revision of section 315 and to clarify the powers of the Communications Commission under the general standard of public interest, convenience, and necessity, I suggest the addition of a sentence to section 326 which will expressly protect station owners (licensees) against actions, civil or criminal, in the State and Federal courts for broadcasts on public questions.

"I do not recommend any change in the present language of section 326. I do recommend additional language which will free licensees from responsibility to the Commission or in the courts for broadcasts on public questions, except where licensees are responsible for defamatory or improper remarks.

"Under present conditions there is a very real danger that the licensee will be sued for a defamatory utterance that goes out from its transmitter. There is also a very real danger that the Communications Commission (like the old Radio Commission) will consider defamatory or improper utterances for which the licensee is not responsible in acting on applications for renewal of license and other privileges. Censorship has flourished under fear of these dangers, and in many, many cases the act of censorship has been performed by persons who have no qualification whatever to determine the very delicate question of what is and is not actionable or in bad taste.

"The suggested addition to section 326 will put an end to the danger of punitive action against the network and stations and will thus obviate the necessity for editorial treatment of public discussion. It will not, of course, free the speaker himself from responsibility in the courts and elsewhere for his remarks or his conduct on the air.

"H. RES. 370

"RESOLUTION

"Whereas the facilities available for radio broadcasting are severally limited; and

"Whereas such facilities should be so administered as to pro-

mote the maximum beneficial use thereof in the interest of the people of the United States; and

"Whereas the licensing authority established by the Congress has attempted to accommodate approximately six hundred radio broadcasting stations on the ninety frequencies or channels available for assignment in the United States; and

"Whereas the licensing authority has assigned most of the channels reserved by it for high power, full time, interference-free operations to stations owned and controlled by or affiliated with the National Broadcasting Company and the Columbia Broadcasting System; and

"Whereas the National Broadcasting Company and the Columbia Broadcasting System are engaged on a national scale in the business of supplying programs to and selling time to advertisers on broadcasting stations owned or controlled by or affiliated by contract with them and in this connection employ the facilities of a number of medium power, full time, regional stations as well as the high power, clear channel stations mentioned above; and

"Whereas the National Broadcasting Company and the Columbia Broadcasting System are private enterprises engaged in the pursuit of private gain, and in order profitably to supply high quality programs on a national network basis they have induced a large number of advertisers to sponsor programs to supply to and broadcast by their affiliated stations, in consequence of which the people of the United States receive through the medium of radio broadcasting a large amount of advertising matter; and

"Whereas the operations of the National Broadcasting Company and the Columbia Broadcasting System are so extensive that many listeners are able at night to receive the same program at the same time from two or more stations; and

"Whereas it has been the general policy and practice of the licensing authority to consolidate and strengthen the position and influence of said network companies; and

"Whereas a large number of stations are licensed to operate with lower power on relatively undesirable channels designated by the licensing authority as local channels and approximately three hundred stations are permitted to operate only until sunset, during the daytime or during specified hours; and

"Whereas in the case of stations not operated on a full time, interference-free basis the policies, assignments, and regulations of the licensing authority promote waste of broadcasting facilities, substantial and continuing losses to station owners as well as inferior and unsatisfactory program service; and

"Whereas it is claimed that the right of freedom of speech has been seriously curtailed by the licensing authority, the network companies, and individual station owners; and

"Whereas the soundness of the system under which the facilities of immediate mass communication have been turned over to private agencies without choice to them or to the public and without restrictions and supervision ordinarily imposed on public callings has been widely questioned and many proposals for changes in the system have been advanced; and

"Whereas piecemeal consideration and revision of the broadcasting system established in the United States would be wasteful, dilatory, and disappointing; and

"Whereas the nature of the subject is such as to require careful and comprehensive study by a disinterested, expert, non-partisan body responsible to the President of the United States: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby established and created a commission of members to be known as the 'Broadcasting Research Commission,' hereinafter called the 'Commission,' to be appointed by the President of the United States. The chairman of the Commission shall be compensated at the rate of \$15,000 per year, payable monthly, and shall devote the major part of his time to the business of the Commission.

"SEC. 2. The Commission is authorized and directed to make a careful and comprehensive investigation of radio broadcasting as conducted in the United States and abroad, to the end that the President may have a complete and authoritative body of information as the basis for reports and recommendations to the Congress with respect to legislation and administrative changes designed to promote the maximum beneficial use of the facilities available for radio broadcasting in the interest of the people of the United States.

"Without limiting the generality of the foregoing, the Commission is authorized and directed to study and report on the following matters:

"(a) All known instances of interference with and interruption

and substitutions of programs involving public, social, political, or economic issues, and the reasons therefor;

"(b) The economic structure, operating expense, earnings, profits, and corporate affiliations of all broadcasting stations;

"(c) The expediency of reducing the number of broadcasting stations;

"(d) The expediency of assigning to broadcasting stations frequencies below the present broadcast band;

"(e) The reasonableness of rates and fees charged by broadcasting stations and the feasibility of public relations thereof;

"(f) The scientific and economic status of television and facsimile transmission and the ownership and control of patents pertinent thereto; and

"(g) The feasibility of a Government-owned and/or controlled broadcast network.

"SEC. 3. The Commission shall submit its final report to the President of the United States within two years from the date of the adoption of this resolution. The report shall contain a complete and accurate statement of the findings and conclusions of the Commission, together with its recommendations and legislation and administrative changes designed to promote the maximum beneficial use of the radio broadcasting facilities. The Commission may, from time to time, and at the request of the President of the United States it shall submit interim reports. Upon receipt of the final report of the Commission the President shall promptly transmit the same to the Congress, together with a statement of his conclusions with respect thereto and his recommendations for legislation designed to effect the purposes of this resolution.

"SEC. 4. The Commission is authorized to sit and act at such times and places, to hold hearings, to employ such experts and counsel and such clerical, stenographic, and other assistance, to require the attendance of such witnesses and the production of such records, papers, and documents, to take such testimony, to have such printing and binding done, and to make expenditures as it deems necessary. Oaths and affirmations may be administered by any member of the Commission or by any examiner authorized by it. At the direction of the Commission any member or examiner may hold hearings, take and report testimony, and transmit the same together with his findings to the Commission.

"SEC. 5. Subpenas shall be issued under the signature of the chairman of the Commission and shall be served by any person designated by him. The provisions of sections 102, 103, and 104 of the Revised Statutes shall be applicable to any person summoned as a witness under the authority of this resolution in the same manner as such provisions are applicable to any person summoned as a witness in the case of an inquiry before a committee of the House.

"SEC. 6. The final report of the Commission, the transcript of all testimony taken before it, and studies made by or for it shall be printed and opened to public inspection.

"SEC. 7. The expenses of the Commission, including the traveling expenses of the members not to exceed 15 cents per mile shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved and signed by the chairman of the Commission.

"Nothing can be added to the information and statement of purposes contained in the proposed resolution. It may be necessary, however, to justify the appointment of a further commission.

"It is believed that the Communications Commission does not desire and is in no position and is not qualified to undertake the investigation specified in the resolution. The members of that Commission are engaged in the performance of administrative and other duties in connection with the regulation of electrical communications as a whole which require full-time attention and it would be unreasonable to expect them to take the time necessary for the intensive investigation described in the proposed resolution.

"The Commission is separated into divisions, but the chairman serves as a member of each division and some or all of the other members serve on two divisions. These divisions are concerned with the regulation of interstate and foreign communication by means of telephony and wire and radio telegraphy, not to mention amateur and aviation services and other branches of the communications business and art.

"It should be noted that the proposed Broadcasting Research Commission would be a temporary body, appointed by and responsible to the President, the chairman, who would, presumably, give full-time attention to the work. The object of proposing a commission of this type is to make available for the investigation the services of persons who could and would not ordinarily accept appointment on a Federal commission. It is believed that dis-

tinguished and disinterested citizens would be attracted by the opportunity of taking part in a nonpartisan attempt to formulate a sound and permanent policy regarding broadcasting.

"In the fall of 1934 the Communications Commission held hearings in Washington on a proposal to set aside a fixed percentage of facilities for educational programs and stations. At these hearings the industry, represented by network companies and the National Association of Broadcasters, presented a consolidated and effective case against the specific proposal before the Commission and against any departure from the status quo, while the outside groups presented half-baked irreconcilable proposals that had no effect whatever on the Commission, and the Commission decided to recommend disapproval of the proposal. The Commission has now called a conference on May 15 for the purpose of considering means of further cooperation between educational interests and the industry, and it is expected that the industry will again appear with a well-organized case to oppose the proposals of the so-called "pressure groups." It is believed that this method of meeting the claims and proposals of persons and groups not associated with the industry and not satisfied with broadcasting will continue to produce confusion and disappointment, that piecemeal revision of the act or regulations will prove to be unsatisfactory.

"It is for these reasons that we advocate the appointment of the Broadcasting Research Commission to investigate the industry and the proposals of outside groups and to lay down a policy and program for the future."

FCC REQUESTS ULTRA-HIGH FREQUENCY DATA

The Communications Commission this week addressed the following statements to licenses of ultra-high-frequency stations:

"Although many valuable contributions of data, both theoretical and experimental, have been published or reported to the Commission during the previous license period of radio stations operating on the ultra-high frequencies, the Commission has not been convinced that the available material has at any time been sufficient to warrant an allocation of these frequencies to commercial services.

"Accordingly, the licenses of experimental stations operating on the ultra-high frequencies were renewed in June for the next license period, namely, until October 1, 1936, with the hope that within this period sufficient data might be obtained on which to base an allocation for at least a portion, if not all, of the frequency bands for which commercial equipment is obtainable.

"The experimental reports of all licenses submitted with applications for renewal of license have been carefully studied, and the Commission appreciates the efforts that have been made and the pains that have been taken to make these reports complete and useful.

"You will find enclosed Memorandum No. 14019a containing some notes on the ultra-high frequency allocation problem, and you are requested to read it carefully. It is sent to you with the hope that it may be of some assistance in directing your experimental work, when such can be done, in such manner as to obtain for the Commission as much of the required data as possible.

"While it is realized that the allocation problem as a whole requires consideration of material and data which normally transcends the experimental objective of any one licensee, it is hoped that contributions from all will eventually bring forth sufficient data to permit the Commission to proceed with this important work.

"In addition, it may often be possible in the course of experimental work, with apparatus already set up, to extend the observations, without material additional expense or expenditure of time, beyond the limits required to reach the immediate objective of the experiment at hand, and in this way obtain data of great value to the Commission in the solution of the broader allocation problem.

"The Commission will appreciate the efforts of its licensees in this respect and will welcome any contributions of material which may be forwarded prior to the time when the next experimental reports are due. In this connection, attention is invited to the provisions of Rule 312."

FCC CONTEMPLATES HIGH FREQUENCY ALLOCATIONS

The Communications Commission this week issued the following statement concerning allocation of frequencies above 30,000 kc.:

"The Commission has endeavored during the past three or four years to obtain all available data on the transmission characteristics of the very high frequencies above 30,000 kilocycles and their pos-

sible application for radio communication in various radio services. This material will be needed when the time is at hand to allocate the ultra-high frequencies to various services for commercial use. Considerable information has been obtained from various sources, including the progress reports submitted by the licensees of experimental stations, the laboratories of commercial manufacturing and communication companies, Government departments, and technical papers which have appeared from time to time in the technical literature. The data at hand are still believed to be insufficient to permit an equitable distribution of the frequencies to radio services for commercial use at this time.

"It is the purpose herein to explain the Commission's need for the material above mentioned and to outline briefly the kind of data sought. It would be very helpful to the Commission to obtain for preliminary study any material which you may have available on the subjects outlined.

"Although the physical properties of the frequencies within the range 30,000-100,000 kilocycles, considering the entire band as a whole, are fairly well known, there is very little quantitative material available such as is required to determine the advantages or disadvantages of various portions of this band for use by specific radio services. Since frequencies above 30,000 kilocycles have many characteristics in common which render them particularly useful for a great many services, it has been found that the majority of licenses operating in the experimental service, in reporting the results of their work, report in substance as follows:

"That the frequencies used in their experimental work—no matter what portion of the frequency band used—are ideally suited for the particular service in which they have been endeavoring to determine their practical application."

"Such information, although of value in establishing the probable need of frequencies of the various commercial interests and the numerous applications of the frequencies, is not very helpful in attempts to evaluate various portions of the entire frequency range for various services, the requirements and operating conditions in which are all very different. In addition, regardless of certain transmission characteristics typical of the entire band, there are physical properties and factors to be considered by reason of which certain sections or portions of the band are particularly suitable for specific purposes, and these also are known to vary widely throughout the frequency range to be considered for allocation.

"Some comprehensive reports containing very useful material on the subject of ultra-high frequency wave propagation have been received from the licensees of experimental stations. Many valuable papers on the subject have also been published by research organizations. Research work undertaken by commercial companies, however, usually has a specific objective, which naturally limits the ground covered.

"The factors which enter into the allocation problem must be considered by the Commission over a much broader field. The problem may be conveniently divided into three parts.

"I. A study of the frequency band to be allocated from the technical side alone. This requires a study of:

- "1. Frequency versus field intensity characteristics for various ranges and specific area;
- "2. The effect of altitude of receiving and transmitting antennas;
- "3. The transmission characteristics of various frequency bands throughout the total range as determined by natural transmission phenomena, such as reflection, absorption, diffraction, refraction, polarization, and noise.

"II. Evaluation of the services as such from the standpoint of public need and benefit. This requires consideration of such matters as:

- "1. The dependence of the service on radio rather than wire lines;
- "2. The number of stations needed to assure the service;
- "3. The probable number of people who will receive its benefits;
- "4. The social and economic importance of the service;
- "5. The safety of life and protection of property factors;
- "6. The probability of practical establishment of the service and the degree of public support which it is likely to receive.

"III. The apparatus available for, and the operating conditions obtaining within each service. This involves such matters as:

- "1. The distances over which communication will be required for point-to-point services;
- "2. The areas which it will be necessary to cover for services, such as broadcast, television and police;
- "3. The field intensities required, which will vary greatly for different types of services;
- "4. The relative amount of radio and industrial interference likely to be encountered;
- "5. The relative amount of noise which may be tolerated in the different services;

"6. The receivers available and their selectivity and stability characteristics;

"7. The types of antennas which are practicable;

"8. The frequency tolerances which may be maintained and the channel widths which may be prescribed.

"All of the above factors must be considered with respect to the total number of frequencies available for allocation.

"It is in connection with parts I and III that data is lacking. Information relative to the transmission characteristics of the frequencies within the range of 100,000-500,000 kilocycles is very meager compared to that available within the range 30,000-100,000 kilocycles. In addition, certain phenomena are being reported in regard to which no definite connection with theory and experiment has as yet been made. Among these may be mentioned the reception of usable signals far beyond the ranges predictable by the diffraction theory, the diurnal variation of signals, and the appearance of fading at the greater ranges, although most recent experimental studies indicate that variations in transmission below the line of sight may be due to refraction and the changing moisture content of the atmosphere.

"The Commission appreciates the desirability of allocating all or a part of the ultra-high frequencies for commercial use as soon as this can be done in such manner as to best meet the needs of all services. Such would probably release frequencies in the lower frequency bands, thereby relieving the congestion which now exists in some services, thus increasing the efficiency of these services. It would in all probability also provide many new services by reason of which the public would receive many benefits.

"On the other hand, the deleterious effects of an allocation prematurely made are apparent. The allocation must be based on a firm foundation of engineering facts, in order that it may stand the test of time. There should be no necessity—if such can possibly be avoided—for revision of the plan at some later date, requiring shifts of the frequencies among the services and consequent redesign or replacement of equipment. Such would retard rather than accelerate the progress of the radio communication art. In order to avoid such contingency it has been the Commission's policy to proceed with caution and to strictly maintain the experimental status of the frequencies until such time as the requisite information becomes available. At the same time it has also been the policy to encourage all experimental licensees in their efforts to find practical applications for the frequencies, to the end that the desired information may be brought forth as soon as possible.

"At the present time there are 991 licensed general and special experimental stations operating on the ultra-high frequencies. Of these, many are engaged in pure research work, but the greater number are particularly interested in specific services and are endeavoring to obtain recognition and eventual establishment of these services. The services in which licensees have shown the greatest interest are aviation, municipal police, state police, broadcast pickup, broadcast, visual broadcast, special emergency, geophysical, a proposed service for railroads, a proposed service for forestry, fixed public and public coastal, fixed public press, and coastal and ship harbor. There are, for example, 111 municipalities now operating 97 fixed stations and 248 portable-mobile stations on police automobiles furnishing two-way communication service on the ultra-high frequencies on an experimental basis.

"Most of the experimental work is being carried on in the band 30,000-42,000 kilocycles. In order to avoid congestion and minimize interference in this band, certain groups of frequencies have been chosen for experimental work, the frequencies in each group being selected with considerable spread throughout the band in order to afford an opportunity to determine the most suitable frequencies for various services within this range. These groups are:

| <i>Experimental Service</i> | <i>Frequencies (kc)</i> |
|---|----------------------------|
| General experimental station (police) | 30100, 33100, 37100, 40100 |
| General experimental station (broadcast-pickup) | 31100, 34600, 37600, 40600 |
| General experimental station (miscellaneous services) | 31600, 35600, 38600, 41000 |

"The frequencies within the band 42,000-56,000 kilocycles and 60,000-86,000 kilocycles are being used for experimental visual broadcasting. Some work is being done on frequencies above 86,000 kilocycles by licensees essentially interested in fixed point-to-point telephone and telegraph communication.

"The frequencies in all of the ranges mentioned above are being used also by Government departments for their experimental work, under authority granted by Executive Order of the President.

"The following outline gives the types of data which are most needed:

"1. The total frequency range over which communication will be practicable, utilizing conventional vacuum tube circuits and new tubes. By new vacuum tubes is meant those not now commercially available, but which may be obtained for experimental purposes from the commercial laboratories, and it may reasonably be presumed, will become available for commercial use in the near future;

"2. The field intensity characteristics of the entire frequency band for specific ranges and for coverage of specific areas, considering the height above ground of transmitting and receiving antennas, reasonably expected to be obtained in practice;

"3. The favorable or unfavorable trend of various sections or portions of the entire frequency band as determined by or limited by:

"a. Transmitter design.

"b. Receiver design.

"c. Antennas and antenna locations.

"d. Character of terrain.

"e. Polarization.

"f. Attenuation, through that portion of the paths of the direct and indirect ray where buildings, trees, vegetation, and other absorbing materials are encountered.

"g. Reflection phenomena and interference patterns.

"h. Refraction.

"i. Diffraction.

"j. Noise.

"4. The advantages or disadvantages of the various portions of the entire frequency band for radiocommunication as determined or limited by the amount that the favorable or unfavorable trends as found above are augmented, reduced, or nullified by others.

QUOTA FACILITIES DUE AND ASSIGNED TO BROADCAST STATIONS AS OF AUGUST 26, 1935

First Zone—Night

| State | Due | Assigned | Units Over or Under | Percent 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 | 1.98 | — 0.18 | — 8 |
| Mass. | 5.63 | 5.16 | — 0.47 | — 8 |
| N. H. | 0.62 | 0.43 | — 0.19 | — 31 |
| N. J. | 5.36 | 4.105 | — 1.255 | — 23 |
| N. Y. | 16.69 | 18.13 | + 1.44 | + 9 |
| R. I. | 0.91 | 0.90 | — 0.01 | — 0 |
| Vt. | 0.48 | 0.06 | — 0.42 | — 88 |
| Total | 36.00 | 34.455 | — 1.545 | — 4 |

First Zone—Day

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|---------------|---------------------|-----------------------|
| Conn. | 3.85 | 3.34 | — 0.51 | — 13 |
| Del. | 0.57 | 0.33 | — 0.24 | — 42 |
| D. C. | 1.16 | 0.90 | — 0.26 | — 22 |
| Maine | 1.91 | 1.42 | — 0.49 | — 26 |
| Md. | 3.91 | 4.30 | + 0.39 | + 10 |
| Mass. | 10.17 | 6.75 | — 3.42 | — 34 |
| N. H. | 1.11 | 0.80 | — 0.31 | — 28 |
| N. J. | 9.67 | 5.055 | — 4.615 | — 48 |
| N. Y. | 30.14 | 21.00 | — 9.14 | — 30 |
| R. I. | 1.65 | 1.00 | — 0.65 | — 39 |
| Vt. | 0.86 | 0.86 | — 0.00 | — 0 |
| Total | 65.00 | 45.755 | — 19.245 | — 30 |

Second Zone—Night

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|--------------|---------------------|-----------------------|
| Ky. | 3.38 | 3.95 | + 0.57 | + 17 |
| Mich. | 6.25 | 5.05 | — 1.20 | — 19 |
| Ohio | 8.58 | 9.83 | + 1.25 | + 15 |
| Pa. | 12.43 | 12.18 | — 0.25 | — 2 |
| Va. | 3.13 | 4.75 | + 1.62 | + 52 |
| W. Va. | 2.23 | 2.09 | — 0.14 | — 6 |
| Total | 36.00 | 37.85 | + 1.85 | + 5 |

Second Zone—Day

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|--------------|---------------------|-----------------------|
| Ky. | 6.10 | 4.25 | — 1.85 | — 30 |
| Mich. | 11.28 | 6.31 | — 4.97 | — 44 |
| Ohio | 15.50 | 12.31 | — 3.19 | — 20 |
| Pa. | 22.45 | 14.85 | — 7.60 | — 34 |
| Va. | 5.64 | 6.34 | + 0.70 | + 12 |
| W. Va. | 4.03 | 4.15 | + 0.12 | + 3 |
| Total | 65.00 | 48.21 | — 16.79 | — 26 |

Third Zone—Night

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|---------------|---------------------|-----------------------|
| Ala. | 3.32 | 2.735 | — 0.585 | — 18 |
| Ark. | 2.32 | 2.67 | + 0.35 | + 15 |
| Fla. | 1.84 | 3.65 | + 1.81 | + 98 |
| Ga. | 3.64 | 4.26 | + 0.62 | + 17 |
| La. | 2.63 | 5.40 | + 2.77 | + 105 |
| Miss. | 2.52 | 1.26 | — 1.26 | — 50 |
| N. Car. | 3.97 | 4.19 | + 0.22 | + 6 |
| Okl. | 3.00 | 3.51 | + 0.51 | + 17 |
| S. Car. | 2.18 | 1.30 | — 0.88 | — 40 |
| Tenn. | 3.28 | 6.05 | + 2.77 | + 84 |
| Texas | 7.30 | 11.14 | + 3.84 | + 53 |
| Total | 36.00 | 46.165 | + 10.165 | + 28 |

Third Zone—Day

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|---------------|---------------------|-----------------------|
| Ala. | 5.99 | 4.685 | — 1.305 | — 22 |
| Ark. | 4.19 | 4.75 | + 0.56 | + 13 |
| Fla. | 3.32 | 5.20 | + 1.88 | + 57 |
| Ga. | 6.58 | 5.20 | — 1.38 | — 21 |
| La. | 4.75 | 5.60 | + 0.85 | + 18 |
| Miss. | 4.55 | 2.35 | — 2.20 | — 48 |
| N. Car. | 7.17 | 4.85 | — 2.32 | — 32 |
| Okl. | 5.42 | 5.20 | — 0.22 | — 4 |
| S. Car. | 3.93 | 2.70 | — 1.23 | — 31 |
| Tenn. | 5.92 | 7.65 | + 1.73 | + 29 |
| Texas | 13.18 | 14.06 | + 0.88 | + 7 |
| Total | 65.00 | 62.245 | — 2.755 | — 47 |

Fourth Zone—Night

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|--------------|---------------------|-----------------------|
| Ill. | 10.14 | 11.14 | + 1.00 | + 10 |
| Ind. | 4.30 | 3.64 | — 0.66 | — 15 |
| Iowa | 3.28 | 5.27 | + 1.99 | + 61 |
| Kans. | 2.50 | 2.49 | — 0.01 | — 0 |
| Minn. | 3.41 | 4.18 | + 0.77 | + 23 |
| Mo. | 4.82 | 5.24 | + 0.42 | + 9 |
| 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 | 3.00 | — 0.90 | — 23 |
| Total | 36.00 | 39.43 | + 3.43 | + 10 |

Fourth Zone—Day

| State | Due | Assigned | Units Over or Under | Percent Over or Under |
|--------------|--------------|--------------|---------------------|-----------------------|
| Ill. | 18.30 | 15.62 | — 2.68 | — 15 |
| Ind. | 7.77 | 5.59 | — 2.18 | — 28 |
| Iowa | 5.93 | 8.06 | + 2.13 | + 36 |
| Kans. | 4.51 | 3.76 | — 0.75 | — 17 |
| Minn. | 6.15 | 5.77 | — 0.38 | — 6 |
| Mo. | 8.70 | 9.64 | + 0.94 | + 11 |
| Nebr. | 3.30 | 6.02 | + 2.72 | + 82 |
| N. Dak. | 1.63 | 2.20 | + 0.57 | + 35 |
| S. Dak. | 1.66 | 2.13 | + 0.47 | + 28 |
| Wisc. | 7.05 | 5.98 | — 1.07 | — 15 |
| Total | 65.00 | 64.77 | — 0.23 | — 0 |

Fifth Zone—Night

| State | Due | Assigned | Units | |
|--------------|--------------|--------------|---------------|-----------------------|
| | | | Over or Under | Percent Over or Under |
| Ariz. | 1.32 | 1.37 | + 0.05 | + 4 |
| Calif. | 17.18 | 19.47 | + 2.29 | + 13 |
| Colo. | 3.13 | 4.61 | + 1.48 | + 47 |
| Idaho | 1.35 | 1.50 | + 0.15 | + 11 |
| Mont. | 1.63 | 2.15 | + 0.52 | + 32 |
| Nev. | 0.27 | 0.30 | + 0.03 | + 11 |
| N. Mex. | 1.28 | 1.13 | - 0.15 | - 12 |
| Ore. | 2.89 | 4.14 | + 1.25 | + 43 |
| Utah | 1.54 | 3.30 | + 1.76 | + 114 |
| Wash. | 4.73 | 7.53 | + 2.80 | + 59 |
| Wyo. | 0.68 | 0.40 | - 0.28 | - 41 |
| Total | 36.00 | 45.90 | + 9.90 | + 27 |

Fifth Zone—Day

| State | Due | Assigned | Units | |
|--------------|--------------|--------------|---------------|-----------------------|
| | | | Over or Under | Percent Over or Under |
| Ariz. | 2.38 | 1.79 | - 0.59 | - 25 |
| Calif. | 31.02 | 23.27 | - 7.75 | - 25 |
| Colo. | 5.66 | 5.25 | - 0.41 | - 7 |
| Idaho | 2.43 | 2.05 | - 0.38 | - 16 |
| Mont. | 2.94 | 2.95 | + 0.01 | + 0 |
| Nev. | 0.49 | 0.30 | - 0.19 | - 39 |
| N. Mex. | 2.31 | 2.95 | + 0.64 | + 28 |
| Ore. | 5.21 | 6.19 | + 0.98 | + 19 |
| Utah | 2.78 | 3.30 | + 0.52 | + 19 |
| Wash. | 8.54 | 9.29 | + 0.75 | + 9 |
| Wyo. | 1.24 | 0.40 | - 0.84 | - 68 |
| Total | 65.00 | 57.74 | - 7.26 | - 11 |

RADIO LEGISLATION DURING 74TH CONGRESS

The first session of the 74th Congress has adjourned. Of the many bills and resolutions introduced affecting the broadcasters in one way or another, few became law. It is to be borne in mind that all of these bills keep their same status at the next Congress, convening on January 3rd, as that will only be another session of this same Congress.

The copyright bill (S. 3047) in which the broadcasters are so much interested, passed the Senate but was stalled in the House Committee on Patents as Congress adjourned.

Congress passed a resolution (H. J. Res. 135) calling upon the Federal Communications Commission to make an investigation of the telephone companies of the country.

Following is a compilation of the radio bills and resolutions introduced in both Houses of Congress during the session and their status when the session adjourned.

Senate

S. 4—Copeland, Vandenberg, Murphy bill "to prevent the promotion of fraud through interstate communication"—Committee on Commerce. No hearings held and no action.

S. 541—Capper bill "to prohibit the transportation in interstate commerce of advertisements of intoxicating liquors"—Committee on Interstate Commerce. No hearings and no action.

S. 820—Neely bill "relating to costs in radio proceedings before the Federal Communications Commission"—Committee on Interstate Commerce. No hearings and no action.

S. 1335—Wheeler bill "to amend section 202 of the Communications Act of 1934"—Committee on Interstate Commerce. Hearings held February 21 and 22. No report.

S. 1336—Wheeler bill "to amend paragraph (f) of section 4 of the Communications Act of 1934"—Committee on Interstate Commerce. Passed by the Senate and favorably reported by the House Committee but no action by the House.

S. 1418—Wheeler bill "to amend sections 210 and 602 (b) of the Communications Act of 1934"—Committee on Interstate Commerce. Hearing on February 25 but no report.

S. 2243—Wheeler bill "relating to the allocation of radio facilities"—Committee on Interstate Commerce. No hearings and no action.

S. 3261—Walsh bill to have foreign government programs approved by State Department—Committee on Interstate Commerce. No hearings and no action.

S. 3379—Copeland bill for radio reports by ships at sea—Committee on Interstate Commerce. No action.

S. J. Res. 46—Wheeler resolution for telephone investigation. Adopted.

House

H. R. 55—Rudd bill "to amend the Radio Act of 1927"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 197—Buckbee bill "to prohibit untrue, deceptive, or misleading advertising through the use of the mails or in interstate or foreign commerce"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 3252—Sauthoff bill "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 cent per annum is charged"—Committee on Post Offices and Post Roads. Hearings held March 8. No report.

H. R. 4318—Rayburn bill "to amend section 202 of the Communications Act of 1934 with respect to exclusive contracts"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 4319—Rayburn bill "to amend section 210 of the Communications Act of 1934 with respect to the issuing of franks and rendering of free service"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8404—Culkin bill "to prohibit advertising of alcoholic beverages in interstate commerce"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 8475—Monaghan bill "to amend the Communications Act of 1934 by establishing a Radio Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8852—McKeough bill to have foreign radio programs approved by the State Department—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8980—McCormack bill to allow ships to radio news reports—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9229—Scott bill "to amend section 326 of the Communications Act of 1934," dealing with censorship—Committee on Interstate and Foreign Commerce.—No hearings and no action.

H. R. 9230—Scott bill "to amend section 315 of the Communications Act of 1934" laying aside time for political and other uncensored broadcasts—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9231—Scott bill "to add section 315 (a) to the Communications Act of 1934" making it obligatory for stations to keep certain records—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. J. Res. 220—Sirovich resolution "providing for the establishment of an executive department to be known as the 'Department of Science, Art, and Literature'"—Committee on Patents. Extensive hearings but no report.

H. Res. 370—Scott resolution providing for the establishment of a "Broadcasting Research Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

RECOMMENDS WHBL CHANGE TO 1300 KC.

Station WHBL, Sheboygan, Wis., applied to the Federal Communications Commission for permission to change its frequency from 1410 to 1300 kilocycles, to decrease its power from 500 to 250 watts and to have unlimited time on the air instead of sharing it with WROK. At the same time Station WMBC, Detroit, Mich., asked that its frequency be changed from 1420 to 1300 kilocycles, that its power be increased from 100 watts and 250 watts LS to 500 watts and that its time on the air remain unlimited.

George H. Hill(e) in Report No. I-92 has recommended that the application of Station WHBL be granted and that the application of WMBC be denied. The Examiner found that there is need for additional service at Sheboygan and that no objectionable interference would be caused by granting the application of WHBL. On the other hand he found that the Detroit area is well served and that there is a possibility of interference if the application of WMBC should be granted.

RECOMMENDS LICENSE RENEWAL FOR WRBL

David Parmer filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Columbus, Ga., to use the facilities of Station WRBL and with call letters WDPI, on 1200 kilocycles, 100 watts power and unlimited time. Station WRBL, Columbus, Ga., asked for license renewal.

John P. Bramhall(e) in Report No. I-95 has recommended that the application of Parmer for leave to withdraw his application for the facilities of Station WRBL be granted "with prejudice" and that the application for license renewal of Station WRBL be granted.

The Examiner states that during the hearing Parmer, through his counsel, moved for leave to withdraw his application to which no objection was made by the other parties participating in the hearing. He states that the continued operation of Station WRBL would serve the public interest.

SUGGESTS NEW KANSAS STATION

Charles G. Theis filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Wichita, Kans., to operate on a frequency of 1210 kilocycles, 100 watts power and unlimited time on the air.

P. W. Steward(e) in Report No. I-96 recommends that the application be granted. The Examiner found that a need exists for additional local service in the area proposed to be served; that no interference would be caused with Station WREN and that the applicant is qualified in all ways to erect and operate such a station.

SUGGESTS NEW MASSACHUSETTS GRANT

The Connecticut Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a new broadcasting station at Springfield, Mass. The company requested assignment of 1140 kilocycles, 500 watts power, and limited time.

Melvin H. Dalberg(e) in Report No. I-93 recommends that the application be granted. The Examiner found that it is improbable that any interference would result from the granting of the application. He also found that there is need for local service around Springfield and the applicants are qualified to erect and operate such a station as proposed.

250 WATTS RECOMMENDED FOR WRJN

Broadcasting Station WRJN, Racine, Wis., applied to the Federal Communications Commission to increase its power from 100 watts to 250 watts and 250 watts LS. The station operates on a frequency of 1370 kilocycles with unlimited time.

P. W. Seward(e) in Report No. I-96 recommends that the application be granted. The Examiner found that the need for additional daytime service exists in the proposed area and that "the pendency of other applications from the state and zone does not materially interfere with the granting of this application."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Wednesday, September 4, 1935

- WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license, 890 kc., 1 KW unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited time.
- WJAR—The Outlet Co., Providence, R. I.—Modification of license, 890 kc., 1 KW, unlimited time. Present assignment: 890 kc., 250 watts night (SA), 500 watts day.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—C. P., 890 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 890 kc., 250 watts, 500 watts LS, unlimited time.

Thursday, September 5, 1935

- NEW—Bamberger Broadcasting Service, Newark, N. J.—C. P., 6020, 9510, 11850, 15170, 17800, 21480 kc., 5 KW Emission A3, unlimited time.
- NEW—Knox Broadcasting Co., Schenectady, N. Y.—C. P., 1240 kc., 1 KW, unlimited time.
- NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., 11850 and 15230 kc., 2 KW, specified hours.

APPLICATIONS GRANTED

- KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted C. P. to move transmitter outside city limits of Colorado Springs and make changes in equipment.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of C. P. to extend completion date to November 4, 1935.

- KGMB—The Honolulu Broadcasting, Ltd., Honolulu, T. H.—Granted modification of C. P. to move station locally, make changes in equipment, extend commencement date to 60 days after this date and completion date to 90 days hereafter.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with 1 KW daytime power for period ending March 1, 1936.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted modification of license to make changes in specified hours so as to relieve station WCAL of the period 9:43 to 9:45 a. m., CST, on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday of each week until such time as WCAL might again desire such period.
- WPHR—WLBG, Inc., Petersburg, Va.—Granted consent to transfer of control of WLBG, Inc., licensee of WPHR, to John Stewart Bryan, Tennant Bryan, and Douglas S. Freeman.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted renewal of license for a period of 30 days.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted renewal of license for a period of 30 days.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the regular period.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted renewal of license for the regular period.
- KEHE (formerly KTM)—Evening Herald Pub. Co., Los Angeles, Calif.—Granted renewal of license for a period of 30 days.
- KELW—Evening Herald Pub. Co., Burbank, Calif.—Granted renewal of license for a period of 30 days.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for a period of 30 days.
- WIBW—Topeka Broadcasting Asso., Inc., Topeka, Kans.—Granted renewal of license for a period of 30 days.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted extension of special experimental authority to operate on 970 kc., 1500 watts, unlimited time instead of limited time, for period ending February 1, 1936.
- WOEB—Agricultural Broadcasting Co., Portable (Chicago, Ill.)—Granted license to cover C. P. (temporary broadcast pickup service); frequencies 1606, 2020, 2102, 2760 kc., 100 watts.
- W9XMD—Agricultural Broadcasting Co., Portable-Mobile (Chicago, Ill.)—Granted license to cover C. P. (exp. gen. exp. service), frequencies 31100, 34600, 37600, 40600 kc., 25 watts.
- W9XHE-W9XHF—Agricultural Broadcasting Co., Portable-Mobile (Chicago, Ill.)—Granted license to cover C. P. (exp. gen. exp. service), frequencies 31100, 34600, 37600, 40600 kc., 2 watts power.

SET FOR HEARING

- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Application for C. P. to make changes in equipment, increase daytime power to 5 KW, and install new directional antenna system. (Present assignment: 780 kc., 1 KW night, 2½ KW day, unlimited.)
- NEW—The Lifebuilders, Dr. Alvin J. Corbell, Founder, Fort Worth, Tex.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited.
- KGDE—Charles L. Jaren, Fergus Falls, Minn.—Application for modification of license to change frequency from 1200 kc. to 630 kc., and power from 100 watts night, 250 watts day, to 250 watts night and day.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for renewal of license.
- WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P., already in hearing docket, amended to read: Make changes in equipment, increase day power from 100 watts to 250 watts.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for renewal of license.
- KMTR—KMTR Radio Corp., Los Angeles, Calif.—Application for renewal of license.
- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Application for renewal of license.

MISCELLANEOUS

- KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Denied special temporary authority to operate with power of 250 watts from 8:15 to 10:30 p. m.,

CST, for period August 20 to September 15, 1935, in order to broadcast baseball games.

- KGKB**—E. Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 8 a. m. to 2 p. m., and 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6, and 7:30 to 9 p. m., CST, during the month of September, pending action on formal application.
- E. E. Krebsbach**, Wolf Point, Mont.—Denied petition asking for immediate grant of application for new station to operate on **1450 kc.**, 1 KW, unlimited time. Final action on application withheld pending submission of Examiner's Report on hearing held August 16, 1935.
- WIP**—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Affirmed grant made January 29, 1935, of special experimental authority to increase power from 500 watts to 1 KW, since WICC and WCAO have withdrawn protest.
- NEW**—Southern Oregon Pub. Co., Roseburg, Ore.—Reconsidered and granted application for new station to operate on **1500 kc.**, 100 watts, daytime, after applicant submitted new and satisfactory financial showing.
- KSO**—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Reconsidered and granted application to increase power to 500 watts night and 1 KW day.
- WCFL**—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene in application of WJJD for removal of transmitter from Mooseheart to Des Plaines, Ill. Denied petition to intervene in hearing of application of WIND for modification of license since Examiner has already filed his report and time for exceptions has expired.
- NEW**—Monocacy Broadcasting Co., Rockville, Md.—Suspended grant and designated for hearing application for new station because of protest of WCAU, Philadelphia, to operate on **1140 kc.**, 250 watts, daytime only.
- WOL**—American Broadcasting Co., Washington, D. C.—Denied petition protesting action of Commission on July 2, 1935, in granting application for new station at Rockville, Md., to be operated by the Monocacy Broadcasting Co. (since designated for hearing), as protestant has shown no basis for probable cause of injury nor any showing that it will in any wise be adversely affected by the grant.
- WCCO**—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Denied petition of John G. Priebe asking Commission to cancel license of WCCO because protestant was denied the right to deliver speech in behalf of a candidate for Mayor of Minneapolis, unless and until he would agree to delete certain portions of the speech which were by the station held to be objectionable.
- WJBK**—James F. Hopkins, Inc., Detroit, Mich.—Granted petition to intervene at hearing of application of Hyman Altman for new broadcasting station at Detroit, to operate on **1370 kc.**, 100 watts, daytime.
- WTMJ**—The Journal Co., Milwaukee, Wis.—Denied petition asking Commission to strike from hearing docket application for renewal of license.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KARK, Little Rock, Ark.; **KGBU**, Ketchikan, Alaska; **KGW**, Portland, Ore.; **KMJ**, Fresno, Cal.; **KOMO**, Seattle, Wash.; **KPRC**, Houston, Tex.; **KSAC**, Manhattan, Kans.; **WBAA**, W. Lafayette, Ind.; **WCOC**, Meridian, Miss.; **WFIL**, Philadelphia; **WGBF**, Evansville, Ind.; **WICC**, Bridgeport, Conn.; **WJAX**, Jacksonville, Fla.; **WJAY**, Cleveland, Ohio; **WKBN**, Youngstown, Ohio; **WKZO**, Kalamazoo, Mich.; **WMC** and auxiliary, Memphis, Tenn.; **WMCA** and auxiliary, New York; **WMT**, Cedar Rapids, Ia.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take on licensee's pending applications for renewals:

- KFRC**, San Francisco, Cal.; **KFYR**, Bismarck, N. Dak.; **WMMN**, Fairmont, W. Va.; **WOS**, Jefferson City, Mo.; **WTMJ**, Milwaukee, Wis.
- WIP**—Penna. Broadcasting Co., Philadelphia, Pa.—Granted extension of Special Temporary Authority to operate with 500 watts additional power during daytime hours only for the period Sept. 1 to Oct. 1, 1935.
- KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska—Present license extended on a temporary basis from Sept. 1 to Oct. 1, 1935, pending receipt and action on application for renewal.

- WQAN**—E. J. Lynett (Proprietor, the Scranton Times), Scranton, Pa.—Present license extended on a temporary basis from September 1 to October 1, 1935, pending receipt and action on application for renewal.
- WLBZ**—Maine Broadcasting Co., Inc., Bangor, Maine.—Present license extended on a temporary basis from September 1 to October 1, 1935, pending action on renewal application.
- WLBL**—State of Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Present license extended on a temporary basis from September 1, to October 1, 1935, pending action on renewal application.
- KOB**—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Present license extended on a temporary basis from September 1 to October 1, 1935, subject to such action as may be taken on pending application for renewal.

APPLICATIONS DISMISSED

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

- WRDW**—Augusta Broadcasting Co., Augusta, Ga.—C. P. **1240 kc.**, 250 watts, 1 KW LS, unlimited time.
- WJBW**—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time.
- NEW**—American Broadcasting Corporation of Ohio, Cleveland, Ohio—C. P., **890 kc.**, 500 watts 1 KW LS, unlimited time.
- WMMN**—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of C. P., **850 kc.**, 1 KW, daytime.

ACTION ON EXAMINERS' REPORTS

- NEW**—Ex. Rep. No. 1-73: Carl C. Strubel, The Dalles, Ore.—Denied C. P. for new broadcast station to operate on **1200 kc.**, 100 watts, unlimited time, sustaining Examiner John P. Bramhall. Order effective Sept. 11, 1935.
- NEW**—Ex. Rep. No. 1-74: F. L. Whitesell, Forty Fort, Pa.—Denied C. P. for new station to operate on **930 kc.**, 500 watts, daytime, sustaining Examiner R. H. Hyde. Order effective Sept. 11, 1935.
- NEW**—Ex. Rep. No. 1-80: Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted C. P. for new broadcast station to operate on **1500 kc.**, 100 watts, daytime hours, sustaining Examiner R. H. Hyde. Order effective Sept. 18, 1935.
- WTAQ**—Ex. Rep. No. 1-82: Gillette Rubber Co., Eau Claire, Wis.—Granted voluntary assignment of license from Gillette Rubber Co. to WHBY, Inc. **1330 kc.**, 1 KW, simultaneous day with KSCJ, specified hours at night, sustaining Examiner George H. Hill. Order effective Sept. 18, 1935.
- WTAQ**—Gillette Rubber Co., Green Bay, Wis.—Granted C. P. to change studio and transmitter sites, install new directional antenna; change hours of operation from simultaneous day with KSCJ, specified hours night, to unlimited time. **1330 kc.**, 1 KW. Examiner Hill sustained. Order effective Sept. 18.

APPLICATIONS RECEIVED

First Zone

- WBZ**—Westinghouse Electric & Mfg. Co., Boston, Mass.—License **990** to cover construction permit (B1-P-613) to make changes in equipment.
- NEW**—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended to make equipment changes.
- NEW**—Northern Broadcasting Corp., Watertown, N. Y.—Construction permit for a new station to be operated on **1270 kc.**, 250 watts, daytime.
- WFBR**—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to install a 250-watt auxiliary transmitter.
- WCOP**—Joseph M. Kirby, Boston, Mass.—License to cover construction permit (B1-P-82) as modified for a new station.
- NEW**—Thames Broadcasting Corp., New London, Conn.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime. Amended to change transmitter site from Niles Hill Road, 2 miles from center of city to State Pier, between Winthrop Cove and Winthrop Point, New London, Conn., and make further changes in equipment (antenna).

W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of construction permit for special experimental station for extension of completion date to 3-15-36.

Second Zone

NEW—John E. Fetzer, Saginaw, Mich.—Construction permit for 800 a new station to be operated on 800 kc., 1 KW, daytime.

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, 980 Pa.—License to cover construction permit (B2-P-664) to make changes in equipment.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Construction permit to increase power from 1 kilowatt, 2½ kilowatts day to 1 kilowatt, 5 kilowatts day, and make changes in equipment.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2.5 watts.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2.5 watts.

Third Zone

WSGN—Ormand O. Black and Mary Collett Black, Birmingham, 590 Ala.—Construction permit to install new equipment, change frequency from 1310 kc. to 590 kc., power from 100 watts, 250 watts day to 1 KW day and night and move transmitter from 1627 No. 20 Way, Birmingham, Ala., to site to be determined, Alabama.

WBHS—Virgil V. Evans, Huntsville, Ala.—Construction permit to 1200 move transmitter and studio from 121 West Clinton St., Huntsville, Ala., to site to be determined, Chattanooga, Tenn. Requests change of call letters from WBHS to WTVA. Amended: To change hours of operation from unlimited time to daytime only.

NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit for 1200 a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended: To make changes in equipment.

KTRH—KTRH Broadcasting Co., Houston, Texas—Special experimental authorization to operate on 1290 kc., 1 KW, 2½ KW day, unlimited time for period from 5-1-35 to 11-1-35.

NEW—Hunt Broadcasting Association, Fred Horton, President, 1310 Greenville, Texas—Construction permit for a new station to be operated on 1310 kc., 50 watts, daytime.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to install new equipment, change hours of operation from specified hours to unlimited, move transmitter from Hattiesburg Hotel, Mobile and Pine Sts., to corner 7th St., West and North 25th Ave., Hattiesburg, Miss.

KCMC—North Mississippi Broadcasting Corp., Texarkana, Ark.—1420 Construction permit to make changes in equipment.

KNEL—G. L. Burns, Brady, Texas—Modification of construction permit (B3-P-212) for a new station, requesting an extension of commencement date from 9-16-35 to 10-16-35.

NEW—Southwest Broadcasting Co., Mobile, Ala.—Construction permit for a new broadcast pickup station on 1646, 2090, 2190, 2830 kc., 75 watts.

NEW—Wilton E. Hall, Portable-Mobile—Construction permit for general experimental station for 40600 kc., 0.5 watts. Resubmitted and amended: To include 31100, 37600, and 34600 kc.

Fourth Zone

NEW—Mankato Broadcasting Co., Mankato, Minn.—Construction permit for a new station to be operated on 1210 kc., 100

watts, unlimited time. Amended: To make changes in equipment (antenna).

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Voluntary 1260 assignment of license from Mona Motor Oil Co. to Central States Broadcasting Co.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Construction permit to make changes in equipment, install new antenna, increase power from 1 KW to 1KW; 5 KW day.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secretary, 1310 Clinton, Iowa—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Wausau Broadcasting Co., by Emmons L. Abeles, Secretary, Wausau, Wis.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

NEW—F. A. Holmes and F. A. Haffa (a partnership), Waterloo, 1370 Iowa—Construction permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secretary, Grand Island, Nebr.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Mason City Broadcast Co., by Emmons L. Abeles, Secretary, Mason City, Iowa—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secretary, 1420 Hastings, Nebr.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secretary, 1500 Winona, Minn.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Donald A. Burton, Portable-Mobile—Construction permit for general experimental station for 31100, 34600, 37600 and 40600 kc., 2 watts.

W9XHA—Donald A. Burton, Portable-Mobile—License to cover construction permit (B-4-PE-53) for a new general experimental station.

NEW—The Star-Chronicle Publishing Co., St. Louis, Mo.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Fifth Zone

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., 1090 San Luis Obispo, Calif.—Construction permit for a new broadcast station to be operated on 1090 kc., 250 watts, daytime.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction permit for a move of transmitter from Symons Bldg., Spokane, Wash., to E½ of E½ of N½, Lot 10, Sec. 4, Twp. 24, N. Range 43, E.W.M. Spokane, Wash.

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 3 - No. 42
SEPT. 5, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|---|------|
| Cost Per Inquiry Accounts..... | 956 |
| An Exchange of Ideas..... | 956 |
| Federal Trade Commission Activities..... | 956 |
| Notice re "Bob White"..... | 957 |
| WGES Renewal Recommended..... | 957 |
| New Hartford Station Recommended..... | 957 |
| Federal Communications Commission Action..... | 957 |

COST PER INQUIRY ACCOUNTS

Evidence of efforts to secure radio time on a cost per inquiry or percentage basis is displayed by the following letter received by a member and forwarded to NAB Headquarters:

"Gentlemen:

"Since the Supreme Court ruling on the Codes now makes it possible for any radio station to accept business on a contingent basis, you might find it profitable to use a few minutes of your morning time in giving the enclosed announcement.

"This announcement has proved itself unusually effective in pulling orders for and we are willing to pay you 17 cents net on each and every order you produce for our client, You might try making this announcement every morning for a week and see for yourself just how productive it is, how it is very likely to more than pay card rates for the time taken in giving the same.

"You may accept this letter as authority for going ahead on the basis mentioned above, forwarding all orders for to us unopened. We will make an accounting weekly or monthly on all orders sent us, whichever you wish."

The Managing Director addressed the following letter to the agency that sent out the above letter:

"Our attention has been directed to your form letter addressed to certain radio broadcasting stations advising that since the Supreme Court ruling on the Codes now makes it possible for any radio station to accept business on a contingent basis, they might find it profitable to use a few minutes in giving an announcement which you enclosed with your letter.

"For your information and guidance the National Association of Broadcasters at a membership meeting held last month adopted a new Code of Ethics which, among other things, outlaws all percentage and contingent accounts.

"Radio advertising is not a gamble. Test after test has shown it to be a most effective advertising medium. Radio time on member stations is not a bargain counter commodity and you can best gain the respect of the radio broadcasting industry by cooperating in the maintenance of this standard.

"We shall greatly appreciate a reply from you."

That some stations have accepted this type of business is evidenced by the following reply:

"I have your letter of August 21st relative to our general letter sent out to the radio stations offering a contingent deal on the.....

"I am very glad that you wrote me concerning this matter, since it gives us an opportunity to explain exactly why this offer was made.

"Some few radio stations do accept contingent deals and this fact was being played up to our client by another advertising agency that has accepted accounts on a contingent basis in the past. In order to protect ourselves it was necessary for us to go on record with every radio station in the country that a deal of this type could be obtained through our office.

"For your information, this account accepts regular advertising programs on a number of large stations for which they pay card rates. It is their intention and ours to continue along this basis.

However, we could not have our relationship with this account jeopardized by insinuations of a competitor that they could obtain contingent deals.

"I trust this will explain to you our stand in relation to the offer made. Rest assured that we are heartily in favor with the stand of your Association and certainly hope that radio stations in general will stick to the ethics you set forth."

As indicated by the letter below, efforts are being made to learn the identity of the stations that have accepted this type of business:

"This will acknowledge the receipt of your letter dated the 24th with reference to contingent accounts with radio broadcasting stations.

"We greatly appreciate your explanation of this matter. We should also appreciate it if you will inform us of any station accepting contingent business, whether through you or anyone else. Such information will be treated as strictly confidential. It will be used to prepare a report to our Board of Directors. I am sure that the membership as a whole will not permit one bad apple to spoil the whole barrel."

If the stations are members of NAB the Managing Director will submit a special report thereon to the Board of Directors.

AN EXCHANGE OF IDEAS

The Managing Director believes that a compilation and circulation of outstanding success stories on radio advertising would prove definitely beneficial to members.

If you agree please prepare and forward a manuscript describing (1) the product advertised; (2) the establishment offering the product; (3) the potential audience of the station; (4) the type of program used; (5) the time of broadcasts; (6) the type of merchandising service rendered by station; and (7) the results obtained.

The correctness of copy should be verified by a responsible officer or employee of the station.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaint

The Commission has alleged unfair competition in a complaint issued against the following company. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2529. Carl E. Koch and Eugene F. Hefebower, d/b as Cooperative Buyers' Service and American Beauty Products Co., Chicago, Ill. Among misrepresentations charged are the following: That Cooperative Buyers' Service operated cooperatively as a purchasing agent, selling merchandise at cost plus a service charge; that it had offices in San Francisco and Paris, and that it sold various items of nationally known beauty supplies when in fact it did not have them in stock but filled orders with products of another brand. The complaint also alleges that the respondents, under the name of Cooperative Buyers' Service, advertised "Marlow Soapless Shampoo Oil" and sold it, when in fact this name was an imitation of a name under which a similar article called "Mar-O-Oil Shampoo" had for several years been manufactured and sold by J. W. Morrow Manufacturing Co., of Chicago.

Stipulations

No. 1442. Pergande Publishing Co., Milwaukee, Wis. Respondent agrees to cease and desist from using the words "Civil Service" as part of or in connection with their trade name, either independently or in conjunction with words such as "Institute" or "Publishing Company" or with pictures of a building resembling the United States Capitol, or in any way which may tend to deceive the public into believing that these persons are a branch of or have an official connection with the United States Civil Service Commission.

No. 1443. Teleplex Company, Teaneck, N. J. The respondent agrees to forego the use in advertisements of representations having a tendency to mislead purchasers into the belief that the Teleplex machine has been officially adopted by and is standard equipment for the United States Government, including the Army, Navy and Signal Corps, also the Canadian National Defense and corporations such as American Telephone and Telegraph Co., when this is not true.

No. 0888. Noxzema Chemical Company, Baltimore, Md. Respondent agrees to cease alleging that its cream (Noxzema) is a remedy for any disease of the skin, unless the assertion is limited to the effect of a palliative to relieve burning, itching or irritation. The Noxzema company will also stop advertising that its cream is the "only" thoroughly tested sunburn remedy, or is an effective treatment for baby rash or any other ailment of the skin peculiar to infants, unless this representation is confined to external causes.

No. 0889. The Fox Medicine Co., Cleveland, Ohio. The Fox Medicine Co., advertising its preparation known as "Fox Tabs," agrees to cease and desist from representing, directly or otherwise, that this substance is a competent or effective treatment for rheumatism, lumbago or acid irritation, or that the preparation is known the world over.

No. 1441. Samuel Diamond and Samuel A. Blitz, tr/as "Perfumes of Paris," Chicago, Ill. Respondent agrees to stop using the word "Paris" as a part of or in connection with their copartnership or trade name or on labels affixed to the containers in which their products are packed, and from employing the word "Paris" in any way which may tend to deceive buyers into believing that their preparations are produced or compounded in Paris, when this is not true.

DISMISSAL

The complaint issued against the Hoyt & Worthen Tanning Corp., Haverhill, Mass. (No. 2310), alleging unfair representation in the sale of chamois skins, has been dismissed.

NOTICE

Should any station be approached by a person calling himself Bob White, whose real name is said to be Gordon Higham, with a desire to go on the air with "Bob White's Scrap Book," it is requested that they immediately communicate with Station KSFO, Russ Building, San Francisco, by telegraph collect. The station is very anxious to locate this person.

WGES RENEWAL RECOMMENDED

The application for renewal of license of WGES, Chicago, set for hearing because of programs sponsored by "Dr. Schyman," heard on June 17, 1935, before R. H. Hyde, examiner, resulted in the recommendation by the examiner that the license renewal be issued. The examiner found that the program brought into question had been discontinued, and that the renewal would serve public interest.

NEW HARTFORD STATION RECOMMENDED

Examiner Melvin H. Dahlberg's report on a hearing held June 3-6, 1935, involving the applications of the Hartford Broadcasting Co., Inc., Hartford, Conn., for a construction permit for a new station (1200 kc., 100 watts, unlimited time), the Worcester Broadcasting Co., Inc., Worcester, Mass., for construction permit for a new station (1200 kc., 100 watts, unlimited time), and the Hartford Times, Inc., Hartford, Conn., for a construction permit for a new station (1200 kc., 100 watts, unlimited time) concluded by recommending the granting of the application of the Hartford Times, Inc., application for daylight hours only because of interference limitations. The report, submitted this week, found that the proposal of the Hartford Broadcasting Co. and the Worcester Broadcasting Co. to use directional antennas on a local channel to be contrary to the policy of the Commission.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 9, 1935

NEW—Wayne Broadcasting Co., Hamtramck, Mich.—C. P., 1370 kc., 100 watts, daytime.

NEW—Hyman Altman, Detroit, Mich.—C. P., 1370 kc., 100 watts, daytime.

WKAR—Michigan State College, East Lansing, Mich.—Modification of license, 850 kc., 1 KW, daytime, sunset at WWL. Present assignment: 1040 kc., 1 KW, S.H., daytime.

Tuesday, September 10, 1935

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

Wednesday, September 11, 1935

NEW—North Side Broadcasting Corp., New Albany, Ind.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Champaign News-Gazette, Inc., Champaign, Ill.—C. P., 1370 kc., 100 watts, unlimited time.

Thursday, September 12, 1935

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-48:

2829—B5-SA-56—KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Special experimental authority, 610 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment: 1280 kc., 1 KW, 2½ KW LS, unlimited time.

HEARING BEFORE AN EXAMINER

WHFC—WHFC, Inc., Cicero, Ill.—C. P., 1420 kc., 100 watts, 250 watts LS, specified hours. Present assignment: 1420 kc., 100 watts, specified hours.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license, 1410 kc., 500 watts, unlimited time. Present assignment: 1410 kc., 500 watts, shares with WHBL.

Friday, September 13, 1935

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Voluntary assignment of license, 1200 kc., 100 watts, 250 watts LS, shares with WKBO.

WKJC—Associated Broadcasters, Inc., Easton, Pa.—C. P. to move studio and transmitter; 1200 kc., 100 watts, 250 watts LS, shares with WKBO.

WKJC—Associated Broadcasters, Inc., Easton, Pa.—Transfer of control of corporation.

APPLICATIONS GRANTED

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted license to cover C. P.; frequency 1500 kc., 100 watts night, 250 watts day, unlimited time.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted license to cover C. P.; 1180 kc., 1 KW night, 5 KW day, limited time.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted license to cover C. P.; 1210 kc., 100 watts, daytime.

WIEW—National Broadcasting Co., Portable-Mobile (New York City)—Granted C. P. to replace transmitter and increase power from 7.5 watts to 20 watts.

W6XHF—KTAR Broadcasting Co., Inc., Portable-Mobile (Phoenix, Ariz.)—Granted license to cover C. P. (exp. gen. exp.); frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

W2XE—Atlantic Broadcasting Corp., near Wayne, N. J.—Granted modification of license to add frequencies 17760 and 21520 kc.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of license (exp. exp. relay broadcasting) to increase power from 5 KW to 10 KW.

SET FOR HEARING

NEW—Geo. E. Carter and Homer G. Wolfe and Clara I. Knight, Partners, d/b as Carter and Wolfe, Mansfield, Ohio (site to be determined)—Application for C. P. for new station to operate on 1370 kc., 50 watts night, 100 watts day, unlimited time.

NEW—Philip J. Wiseman, Lewiston, Maine (site to be determined).—Application for C. P., 1210 kc., 100 watts, unlimited time.

- NEW—Miles J. Hansen, Fresno, Calif.—Application for C. P. (already in hearing docket) amended to read: **1420 kc.**, 100 watts; unlimited time.
- NEW—Bell Broadcasting Co., Temple, Tex.—Application for C. P. for new station; **1370 kc.**, 100 watts, daytime.
- NEW—Wisconsin Broadcasting Co., Oshkosh, Wis.—Application for C. P. for new station; **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

MISCELLANEOUS

- KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Denied special authority to operate from sunset to 6:30 p. m. for period beginning September 1 and ending in no event later than November 1, 1935, in order to comply with certain contracts.
- WJJD—WJJD, Inc., Chicago, Ill.—Suspended grant and designated for hearing application to move transmitter from Moosheart to Des Plaines, Ill., because of protest of WCFL. (Action taken August 27, 1935.)
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Denied petition asking Commission to reconsider and grant application to change frequency from **1370 kc.** to **1410 kc.** and increase power from 100 watts to 1 KW night, 5 KW day. Application now in hearing docket.
- Cumberland Broadcasting Co., Inc., Portland, Me.—Denied request for hearing on application for new station at Portland, Me., to operate on **1210 kc.**, 100 watts, before decision is rendered in the cases involving the frequency **640 kc.** This action applies to other applicants seeking station in Portland, Me., to operate on **1210 kc.**, 100 watts. Commission believes issues in **1210 kc.** cases will be more clearly defined after decision is reached in **640 kc.** cases.
- KADA—C. C. Morris, Ada, Okla.—Denied petition asking Commission to reconsider action in designating for hearing application for authority to operate with 100 watts night and to increase time of operation from daytime to unlimited.

ORAL ARGUMENT GRANTED

Oral argument was granted in the case of WQDM, Examiner's Report No. 1-85 (E. J. Regan and F. Arthur Bostwick, St. Albans, Vt.), to be heard December 4, 1935, before the Broadcast Division.

ACTION ON EXAMINERS' REPORTS

- KGfJ—Ex. Rep. 1-52: Ben S. McGlashan, Los Angeles, Calif.—Denied C. P. to make changes in equipment, **1200 kc.**, 100 watts night, 250 watts day, unlimited time, sustaining Examiner R. L. Walker. Order effective October 15.
- KOOS—Ex. Rep. 1-81: H. H. Hanseth, Inc., Marshfield, Ore.—Granted modification of C. P. to change frequency from **1200 kc.** to **1390 kc.**; 250 watts, daytime, sustaining Examiner J. P. Bramhall. Order effective October 8.
- KSTP—Ex. Rep. 1-83: National Battery Broadcasting Co., St. Paul, Minn.—Denied application for modification of special experimental authorization to operate with 25 KW night, **1460 kc.**; 25 KW, unlimited time, reversing Examiner R. L. Walker. Order effective September 24, 1935.
- WDRC—Ex. Rep. 1-84: WDRC, Inc., Hartford, Conn.—Granted modification of license to increase power from 1 KW, $2\frac{1}{2}$ KW LS, to 1 KW, 5 KW LS; **1330 kc.**, unlimited time, sustaining Examiner Geo. H. Hill. Order effective October 8.

ACTION ON CASES HEARD BY COMMISSIONER BROWN

- KGfJ—Ben S. McGlashan, Los Angeles, Calif.—Granted renewal of license, **1200 kc.**, 100 watts, unlimited time.
- KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted renewal of license, **950 kc.**, 1 KW night, $2\frac{1}{2}$ KW day, unlimited time.
- KFWB—Warner Bros. Broadcasting Corp., Los Angeles, Calif.—Granted C. P. to install new equipment and increase day power from $2\frac{1}{2}$ to 5 KW, **950 kc.**, 1 KW night, unlimited time.
- KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted renewal of license, **710 kc.**, 500 watts, limited time. (Commissioner Brown's recommendations were sustained in all of the above cases.) Order effective October 1, 1935.

APPLICATIONS RECEIVED

First Zone

- WEAN—The Shepard Broadcasting Service, Inc., Providence, R. I. **780**—Construction permit to install new equipment; increase power from 500 watts to 1 KW; move transmitter from Biltmore Hotel, Washington St. and Exchange Place, Providence, R. I., to site to be determined, Providence, R. I.
- NEW—Brown Radio Service & Laboratory (Gordon P. Brown, **1210** owner), Rochester, N. Y.—Construction permit for a new station to be operated on **1210 kc.**, 100 watts, daytime. Amended to make changes in antenna.
- WIEW—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to cover construction permit (B1-PY-20) to replace transmitter and increase power to 20 watts.

Second Zone

- WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of construction permit (B2-P-198) to install new equipment and increase day power, requesting to make changes in equipment.
- WSPD—The Toledo Broadcasting Co., Toledo, Ohio.—License to **1340** cover construction permit (2-P-B-3277) as modified to install new equipment, increase power, and move transmitter.

Third Zone

- WIS—Station WIS, Inc., Columbia, S. C.—Modification of construction permit (3-P-B-3258) as modified authorizing move of transmitter, change in frequency, changes in equipment, and increase in power, requesting extension of completion date from 10-10-35 to 12-10-35.
- WAIM—Wilton E. Hall, Anderson, S. C.—Construction permit to **590** change frequency from **1200 kc.** to **590 kc.**; install new equipment; increase power from 100 watts to 250 watts, 1 KW day; and move transmitter from Anderson College, Anderson, S. C., to site to be determined, Anderson, S. C.
- WREC—WREC, Inc., Memphis, Tenn.—Modification of construction permit (B3-P-161) authorizing changes in equipment, move of transmitter, increase in power, and installation of directional antenna, requesting extension of commencement date from 7-30-35 to 10-12-35.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to make changes in equipment. Amended to make further changes in equipment.
- KNEL—G. L. Burns, Brady, Tex.—Modification of construction permit (B3-P-212) as modified for approval of studio site at 106 North Blackburn, Brady, Tex., transmitter site at 1 mile east of business district, just outside of city limits, Brady, Tex., and approval of antenna system. Also, extend commencement and completion dates to 10 days after grant and 180 days thereafter.
- WGCM—WGCM, Inc., Mississippi City, Miss.—Authority to transfer control of corporation from Grace Jones Stewart to Sam Gates, 280 shares of stock. (Jurat.)
- NEW—Benavides Independent School District, Benavides, Tex.—**1310** Construction permit for a new station to be operated on **1310 kc.**, 50 watts, daytime. Amended: Change power from 50 to 100 watts; move transmitter locally, Benavides, Tex. Equipment to be determined.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Construction permit for installation of new equipment; increase power from 100 watts to 100 watts, 250 watts daytime; and move transmitter from Ninth and Bell Sts., Shawnee, Okla., to site to be determined, Shawnee, Okla. (approximately 2 miles south of present location).
- W9XHJ—The Pulitzer Publishing Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000, 400000 kc.**, 5 watts.

Fourth Zone

- KSAC—Kansas State College of Agriculture & Applied Science, **580** Manhattan, Kans.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW day and night. (Jurat.)
- KFRU—KFRU, Inc., Columbia, Mo.—Authority to transfer control of corporation from Nelson R. Darragh to Luther L. Hill, 350 shares of common stock.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Voluntary
740 assignment of license from The M. M. Johnson Co. to Ne-
 braska Broadcasting Company.

NEW—Central Broadcasting Co., Eau Claire, Wis.—Construction
1050 permit for a new station to be operated on **1050 kc.**, 250
 watts, daytime (contingent on granting of B4-P-369 for
 WTAQ to move to Green Bay, Wis.).

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Voluntary as-
1060 signment of license from The Norfolk Daily News to Ne-
 braska Broadcasting Company.

NEW—Burlington Broadcasting Company, Burlington, Iowa.—
1370 Construction permit for a new broadcast station to be op-
 erated on **1370 kc.**, 100 watts power, unlimited. Amended:
 Equipment changes (antenna).

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Con-
1400 struction permit to make equipment changes and increase
 power from 500 watts, 1 KW day, to 5 KW day and night.
 Amended to change power requested from 5 KW to 1 KW, 5
 KW day.

KABR—Aberdeen Broadcast Co., Aberdeen, S. C.—Modification
1420 of license to change hours of operation from daytime to un-
 limited time, using 100 watts power. Amended: Changes
 in antenna.

NEW—Herbert Hollister, to be determined.—Construction permit
1420 for a new broadcast station to be operated on **1420 kc.**, 100
 watts, unlimited.

NEW—Appleton Broadcasting Company, Emmons L. Abeles, Secy.,
1500 Appleton, Wis.—Construction permit for a new broadcast
 station to be operated on **1500 kc.**, 100 watts, unlimited.
 Amended: Equipment changes—antenna.

WLEZ—The Norfolk Daily News, Norfolk, Nebr.—Assignment of
 license to Nebraska Broadcasting Company.

Fifth Zone

KLZ—The Reynolds Radio Company, Inc., Denver, Colo.—Modifi-
560 cation of construction permit (5-P-B-3274) as modified for
 approval of transmitter site at Pecos and Jewell Sts. (outside
 of city limits), Denver, Colo. (same as now licensed), and
 extend commencement date from 8-24-35 to 60 days after
 grant and completion date from 2-20-35 to 180 days there-
 after.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Con-
570 struction permit to move transmitter from near Des Moines,
 Wash., to King County, Wash.; make equipment changes,
 and increase day power from 1 KW to 5 KW. Amended to
 change transmitter site from King County, Wash., to site to
 be determined, Washington, and make further changes in
 equipment.

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 9-28-35.

NEW—J. Laurance Martin, Tucumcari, N. Mex.—Construction
1200 permit for a new station to be operated on **1200 kc.**, 100
 watts, unlimited time. Amended to make changes in equip-
 ment.

NEW—Fairbanks Broadcasting Co., Fairbanks, Alaska.—Construc-
1220 tion permit for a new broadcast station to be operated on
1220 kc., 250 watts, unlimited time.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Construc-
1250 tion permit for new equipment; increase power from 1 KW
 to 1 KW, 5 KW day. Amended: Antenna changes.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Voluntary
1250 assignment of license from Nichols & Warinner, Inc., to Hal
 Nichols, Inc.

KFBK—James McClatchy Co., Sacramento, Calif.—Modification
1310 of construction permit to request approval of transmitter
 site, make changes in equipment and antenna. Amended to
 omit request for changes in antenna.

KMO—KMO, Inc., Tacoma, Wash.—Modification of license to in-
1330 crease power from 250 watts to 500 watts.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Construction permit
1390 for new equipment, increase in power from 100 watts to 250
 watts, change frequency from **1420 kc.** to **1390 kc.**; con-
 sideration under Rule 6 (g).

NEW—Mrs. C. A. S. Heaton, Las Vegas, Nev.—Construction per-
1420 mit for a new broadcast station to be operated on **1420 kc.**,
 100 watts, unlimited. Amended: Equipment changes, an-
 tenna.

W7XBK—Puget Sound Broadcasting Co., Portable.—License to
 cover construction permit for a new general experimental
 station on **31100, 34600, 37600, 40600 kc.**, 2 watts.

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters

Vol. 3 - - No. 43
SEPT. 12, 1935

IN THIS ISSUE

| | Page |
|--|------|
| DMAA Radio Exhibit..... | 960 |
| United Publishing Company Music..... | 960 |
| Federal Trade Commission Activities..... | 960 |
| KGGC Status Quo Recommended..... | 960 |
| New San Diego Station Recommended..... | 960 |
| New Oklahoma Station Recommended..... | 960 |
| Federal Communications Commission Actions..... | 961 |

DMAA RADIO EXHIBIT

Today the Direct Mail Advertising Association is mailing to members of the NAB a request for specific examples of how direct advertising has been used to assist or tie in with radio advertising.

This request affords a splendid opportunity to get favorable attention for broadcast advertising. The NAB has promised the DMAA fullest cooperation in its efforts to produce an all-media display of advertising. The new travelling exhibit now under construction will be shown first at the Association's Convention in Kansas City, October 16, 17 and 18. Afterwards it is expected that the exhibit will be shown in other important cities throughout the United States, including Chicago, Cincinnati, Detroit, Cleveland, New York, Philadelphia, and Boston.

The Exhibit Design

According to Henry Hoke, Executive Manager, there will be eight 15-foot sections. Each section will be devoted to one major form of advertising plus direct advertising. One section will be devoted to radio. Describing the exhibit further, Mr. Hoke says: "In the center of each division we shall have a large 'spectacular' which will symbolize or dramatize the advantages of that particular form of advertising. At the left of the spectacular we shall summarize or chart the high spots of that form. On the left shelf sections we want to show all available and reliable sources of information about the form of advertising being displayed, such as circulation studies, coverage, classes, habits, customs, etc. On the right of the spectacular we shall show the possible direct advertising tie-ups. On the right shelf sections, we want to show ten or twelve definite reports of actual tie-up cases, such as 'How Blank Manufacturing Company ties in direct advertising with its newspaper campaign,' or 'How the radio program of Blank Company is preceded and followed by direct advertising.'"

Broadcasters are requested to send brief case histories on this subject direct to Direct Mail Advertising Association, Inc., Hotel Pennsylvania, New York, N. Y.

UNITED PUBLISHING COMPANY MUSIC

Members recently have received notice from the United Publishing Company of 619 Broadway, New York City, that any future performance or use of their copyrighted musical selections will constitute an infringement and that the company will take any and all necessary steps to enjoin and hold the station responsible therefor.

A letter of inquiry directed to the United Publishing Company by the Managing Director developed the information that United has concluded an arrangement with the Associated Music Publishers to control the performing rights in the United Catalogue.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

Complaints of unfair competition have been issued by the Federal Trade Commission against the following companies. They will be given opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

No. 2542. Robert C. Hoffman, tr/as York Bar Bell Co., Strength and Health Publishing Co., and York Athletic Supply Co., York, Pa. The complaint alleges misrepresentation in advertisements of benefits to be gained from bar bell exercises.

No. 2543. C. E. and L. L. Sissel, 4322 East 3d St., Los Angeles. The complaint alleges misrepresentation in advertisements of the rust-resisting and vermin-proof capabilities of vaults.

No. 2530. Cap Association of the United States, Inc., and the Uniform Cap Manufacturers Institute, Inc., New York City. The complaints allege violation of the Federal Trade Commission Act in exacting and procuring pledges and other promises from members and from manufacturers of visors and trimmings with respect to prices.

Stipulations

No. 0891. Typists Association, of Chicago. Under the stipulation, the respondent agrees to stop advertising that users of its "Manual for Typists" may earn any definite amount of money for any definite period, or that the pay for typing manuscripts is sure or that it comes in advance.

No. 0890. Kuhn Remedy Company, Chicago, Ill. Under the terms of the stipulation, the respondent will cease asserting that "Kuhn's Rheumatic Fever Remedy" is either a competent remedy or an effective treatment for various forms of rheumatism, or that it works "the necessary changes in the blood," or drives out all poison.

Dismissals

Complaint No. 2405 against the Rodgers Distilleries Co., Chicago, Ill., alleging unfair competition in the use of the word "Distilleries" in its trade name, has been dismissed following a supplemental investigation showing that the respondent no longer uses in interstate commerce the trade name "Rodgers Distilleries Co."

Complaint No. 2351 against the Times Sales Co., Chicago, Ill., alleging unfair representation in the sale of an encyclopedia, has been dismissed following the taking of testimony and consideration of the record.

KGCC STATUS QUO RECOMMENDED

Examiner Melvin H. Dahlberg, in his report submitted this week relative to the application of Robert J. Craig, d/b as The Golden Gate Broadcasting Co. (KGCC) for full time on 1420 kc., 100 watts, recommended that the application be denied. The examiner found no need for the additional service.

NEW SAN DIEGO STATION RECOMMENDED

Examiner P. W. Seward, in his report submitted this week relative to the application of the Pacific Acceptance Corporation, San Diego, California, for construction permit for a new station to operate on 1200 kc., 100 watts, daytime, recommended that the application be granted. The examiner found that a need for the proposed service exists, and that the granting of the application would be in the public interest.

NEW OKLAHOMA STATION RECOMMENDED

John P. Bramhall, Examiner, in his report on the hearing of the application of the Oklahoma Press Publishing Company, Muskogee, Oklahoma, for a construction permit for a new station to operate on 1500 kc., unlimited time, with 100 watts power, recommends granting of the application. In his report, issued during the current week, the examiner finds that the application may be granted within the purview of section 307 (b) of the Communications Act.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted C. P. to install a 250-watt auxiliary transmitter.
- NEW—Roy L. Albertson, Buffalo, N. Y.—The Commission, upon its own motion, reconsidered and granted C. P., heretofore set for hearing, for a new station to operate on **1370 kc.**, 100 watts night, 250 watts day, share WSVS.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P. in hearing docket amended, and granted authority to move transmitter locally, install new equipment, and increase daytime power to 250 watts.
- WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted modification of C. P. to make changes in equipment.
- WMFR—Hart & Nelson, High Point, N. C.—Granted modification of C. P. to move transmitter and studio locally, make changes in equipment, and extend commencement date to 30 days after grant and completion date to 160 days thereafter.
- WDAE—Tampa Times Company, Tampa, Fla.—Granted extension of special experimental authority for the period October 1, 1935, to April 1, 1936, to operate with additional $2\frac{1}{2}$ KW power daytime.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted license to cover C. P. as modified authorizing move of station locally, installing new equipment, and increasing power to 5 KW. Also granted authority to determine operating power by direct measurement of antenna input; and granted C. P. to move present licensed main transmitter to York Township, Illinois; also granted license to use present transmitter as auxiliary.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted license for auxiliary transmitter to operate on **920 kc.**, 250 watts.
- KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special experimental authority to operate on frequency **1290 kc.**, with 1 KW night-time power and $2\frac{1}{2}$ KW daytime, to end not later than November 1, 1935.
- WMT—Waterloo Broadcasting Co., Marion Township, Iowa.—Granted extension of special authority heretofore granted to operate with additional power of 500 watts night, $1\frac{1}{2}$ KW day, for period ending March 1, 1936.
- WTCN—Minn. Broadcasting Corp., Rose Township, Minn.—Granted authority to determine license power by direct measurement of antenna input.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted consent to transfer control of Pensacola Broadcasting Co., licensee of Station WCOA, from John C. Pace, Burgess Pace, and Beecher Hayford, to The News Journal Co., publishers of the Pensacola Journal and the Pensacola News.
- NEW—General Electric Co., Portable-Mobile (Schenectady, N. Y.), (2 applications).—Granted C. P. for new general experimental station, broadcast pickup, frequencies **31100, 34600, 37600 and 40600 kc.**, 2 watts.
- NEW—WDSU, Inc., Portable-Mobile (New Orleans).—Granted C. P. for new broadcast pickup station to operate in the temporary service, frequencies **1645, 2090, 2190, 2830 kc.**, 3 watts.

SPECIAL AUTHORIZATIONS

- WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to operate station with only one tower with power of 250 watts night and 5 KW daytime, pending construction of north radiator, but for a period not to exceed 30 days.
- KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted special temporary authority to operate a 50-watt portable transmitter on **560 kc.** between hours of 1 and 6 a. m., MST, to conduct field strength measurements in vicinity of Denver, but for a period not to exceed 2 weeks.
- National Broadcasting Co., Inc., on regularly licensed aircraft.—Granted special temporary authority to operate a special temporary broadcast pickup station located on a Transcontinental & Webster Air, Inc., aircraft, which also carries aircraft station KHGDT, for period of 30 days beginning September 1, 1935; frequencies **2760, 4797.5, 6425, 8655, 12862.5 kc.**, 100 watts.
- WOED—General Tire & Rubber Co., Akron, Ohio, aboard company airplane NC-539-M.—Granted modification of special

temporary authority to operate on frequency **2830 kc.** instead of **31100 kc.**, previously assigned, for one day, September 7.

- WABI—Community Broadcasting Service, Bangor, Me.—Granted special temporary authority to operate a low-power test transmitter on **1200 kc.** between 2 and 6 p. m., EST, in vicinity of Bangor, for period September 9 to 14, 1935, in order to make field strength measurement tests; maximum power 25 watts.

SET FOR HEARING

- NEW—Dean R. Richardson, Watertown, N. Y.—Application for C. P. for new station, **1340 kc.**, 250 watts, unlimited time.
- NEW—Steel City Broadcasting Co., Pittsburgh, Pa.—Application for C. P. for new station, **1420 kc.**, 100 watts night, 250 watts day, unlimited time.
- NEW—J. R. Maddox and J. Richards, d/b as Tuscaloosa Broadcasting Co., Tuscaloosa, Ala.—Application for C. P. for new station, **1370 kc.**, 100 watts, daytime only.
- NEW—Hunt Broadcasting Assn., Greenville, Tex.—Application for C. P. for new station, **1310 kc.**, 50 watts, daytime.
- NEW—A. W. Patterson, Chattanooga, Tenn.—Application for C. P., already in hearing docket, amended so as to read: Change transmitter location from Hotel Road House, 9th and Broad St., to Rossville Blvd., near Foust St.; make changes in equipment; change frequency from **1200 kc.** to **1420 kc.**; change power from 100 watts night and day to 100 watts day; change hours of operation from unlimited to daytime only.
- WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Application for C. P. to install new equipment (transmitter), increase day power from 100 to 250 watts, move transmitter to site to be determined subject to Commission's approval.
- NEW—Farmers Educational & Cooperative Union of America, Bismarck, N. Dak.—Application for C. P., facilities of KFYR, **550 kc.**, 1 KW night, 5 KW day; transmitter and studio location to be determined subject to Commission's approval.
- NEW—James H. Braffett, Price, Utah.—Application for C. P. for new station, transmitter and studio site to be determined subject to Commission's approval; **1420 kc.**, 100 watts, unlimited time.
- NEW—Royal Miller, Sacramento, Calif.—Application for C. P. for new station, transmitter site to be determined subject to Commission's approval; **1210 kc.**, 100 watts, daytime only.
- NEW—Ralph E. Smith, San Diego, Calif.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.
- NEW—C. W. Snider, Wichita Falls, Tex.—Application for C. P. for new station, **1500 kc.**, 100 watts, unlimited time.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for C. P. to install new equipment; move studio and transmitter from Wichita Falls to Fort Worth, transmitter site to be determined. (Present assignment: **570 kc.**, 250 watts night, 1 KW day, unlimited time.)
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Authority to transfer control of the Wichita Falls Broadcasting Co., licensee of station KGKO, to Amon G. Carter. (Station license expires March 1, 1936.)
- NEW—Whittle Furniture Co., Inc., Brunswick, Ga.—Application for C. P. for new station, **1200 kc.**, 100 watts, unlimited time.
- NEW—Golden Empire Broadcasting Co., Redding, Calif.—C. P., already in hearing docket, amended so as to change frequency from **1370 kc.** to **1200 kc.**
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Application for modification of license to change hours of operation from daytime to S. H. 6 a. m. to 9 p. m., EST.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Application for modification of license to change frequency from **920 kc.** to **760 kc.**, facilities of KXA; to be heard by the Broadcast Division December 12, 1935.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFKU, Lawrence, Kans.; KHSL, Chico, Calif.; KOL, Seattle, Wash.; KPAC, Port Arthur, Tex.; KRGV, Weslaco, Tex.; KRSC, Seattle, Wash.; KTW, Seattle, Wash.; KUOA, Fayetteville, Ark.; KVOR, Colorado Springs, Colo.; KWLC, Decorah, Iowa; WAVE, Louisville, Ky.; WBRC, Birmingham, Ala.; WCAM, Camden, N. J.; WCAP, Asbury Park, N. J.; WCSH, Portland, Me.; WDAE, Tampa, Fla.; WDBJ, Roanoke, Va.; WDEL, Wilmington, Del.; WDOD, Chattanooga, Tenn.; WDSU, New Orleans; WFBR, Baltimore; WHA, Madison, Wis.; WHIO, Dayton, Ohio; WJAS, Pittsburgh,

Pa.; WKAQ, San Juan, Puerto Rico; WLB, Minneapolis, Minn.; WNAC, Boston, Mass.; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WNOX, Knoxville, Tenn.; WORC, Worcester, Mass.; WRC and auxiliary, Washington, D. C.; WREN, Lawrence, Kans.; WRR, Dallas, Tex.; WTAW, College Station, Tex.; WTOC, Savannah, Ga.; WXYZ, Detroit, Mich.

ACTION ON EXAMINER'S REPORT

WIND—Ex. Rep. No. 1-67: Johnson-Kennedy Radio Corp., Gary, Ind.—Granted C. P. to make changes in equipment and increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS; 560 kc., unlimited time. Examiner Melvin Dahlberg sustained. Order effective October 22, 1935.

ACTION ON CASE HEARD BY BROADCAST DIVISION

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Denied renewal of license to operate on 550 kc., 1 KW night, 5 KW LS, unlimited time. Order effective October 29, 1935.

ORAL ARGUMENTS GRANTED

Oral arguments were granted, to be heard December 13, 1935, in re Ex. Rep. No. 1-86, Wm. A. Schall, Omaha, Nebr.; Ex. Rep. No. 1-87, W. R. Cramer and G. A. Anderson, d/b as Omaha Broadcasting Co., Omaha, Nebr.; and Ex. Rep. No. 1-88, Howitt-Wood Radio Co., Inc., Binghamton, N. Y.

APPLICATIONS DENIED

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Application for C. P., heretofore set for hearing, was denied as in case of default, for failure to file an appearance in accordance with Rule 48 (c).

NEW—R. J. Nasser, Sacramento, Calif.—Application for C. P., 850 kc., 250 watts daytime, heretofore set for hearing, was denied as in cases of default, for failure to file an appearance in accordance with Rule 48 (c).

MISCELLANEOUS

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—Denied motion to strike the "request for oral argument and exceptions to Ex. Rept. No. 1-78." This report deals with application of Head of the Lakes Broadcasting Co. for new station to operate on 1370 kc., 100 watts, unlimited time.

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Granted permission to withdraw and dismiss the exceptions to Ex. Rept. No. 1-64, and also to waive oral argument heretofore requested and granted.

NEW—Jackson D. Magenau, Erie, Pa.—Dismissed, at request of applicant, application for new station at Erie, Pa., to be operated on 1370 kc., 100 watts, full time. This case was heard by Examiner Hill and covered by Ex. Rept. No. 1-51. In view thereof, the application was dismissed with prejudice.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Application for renewal of license reopened for further hearing before an Examiner at Columbus, Ga.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Denied motion asking Commission to reconsider and grant application for increase in power from 250 to 500 watts night and from 500 watts to 1 KW day. Hearing set for September 17, 1935.

APPLICATIONS RECEIVED

First Zone

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Modification of construction permit B1-P-427 to erect a new station to be operated on 900 kc., 500 watts, daytime, requesting changes in equipment and approval of transmitter site on Gas House Pike, 1¼ miles from center of Frederick business district, Maryland.

WMFI—Patrick J. Goode, New Haven, Conn.—Modification of 900 construction permit (B1-P-80 authorizing erection of a new station on 900 kc., 500 watts, daytime operation) requesting extension of completion date from 9-28-35 to 10-28-35.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico,

1240 —Construction permit to make changes in equipment (antenna) and move transmitter from 7th floor Telephone Bldg., 33 Tetuan St., San Juan, Puerto Rico, to Island of Puerto Rico, San Juan District.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Special experimental authorization to operate on 1260 kc., 1 KW, daytime to local sunset at Dayton, Ohio, from 9-1-35 to 4-1-36.

WCAP—Radio Industries Broadcast Company, Asbury Park, N. J. 1280 —Modification of license to increase power from 500 watts to 1 KW.

WNBC—William J. Sanders, New Britain, Conn.—Voluntary assignment of license from William J. Sanders to State Broadcasting Corporation.

W2XDV—Atlantic Broadcasting Corp., New York, N. Y.—To change particulars of operation of a general experimental station. (To operate transmitter from remote control point.)

WOEG—General Electric Co., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.

NEW—National Broadcasting Co., Inc., Washington, D. C.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 100 watts. Amended to delete request for facsimile test transmission.

NEW—National Broadcasting Co., Inc., Washington, D. C.—License to cover above. Amended to delete request for facsimile test transmission.

Second Zone

NEW—Wilbur M. Havens, Chas. H. Woodward, Calomb B. Jones, 880 Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Construction permit for a new radio broadcast station to be operated on 880 kc., 500 watts, daytime only. Requests facilities of WPHR.

NEW—Clyde E. Britton, Lima, Ohio.—Construction permit for a 950 new broadcast station to be operated on 950 kc., 250 watts, daytime.

WFBE—Radio Station WFBE, Inc., Cincinnati, Ohio.—Voluntary 1200 assignment of license from Radio Station WFBE, Inc. (Geo. M. Schott, Pres.), to Continental Radio Co.

NEW—C. A. Rowley, Ashtabula, Ohio.—Construction permit for a 1200 new broadcast station to be operated on 1200 kc., 100 watts, daytime. (Consideration under 307 (b)).

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—1240 Authority to install automatic frequency control.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich. 1270 —Authority to install automatic frequency control.

NEW—The Times Dispatch Publishing Co., Inc., Richmond, Va.—1500 Construction permit for a new broadcast station on 1500 kc., 100 watts, unlimited.

Third Zone

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to 1310 cover construction permit (B3-P-163) as modified to install new equipment, increase power.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to install new equipment; change hours of 1370 operation from specified hours to unlimited; move transmitter from Hattiesburg Hotel, Mobile and Pine Sts., to corner 7th St. West and North 25th Ave., Hattiesburg, Miss. Amended to make changes in antenna.

NEW—Clarence Scharbauer, Midland, Tex.—Construction permit 1420 for a new station to be operated on 1200 kc., 100 watts, daytime. Amended to change frequency from 1200 kc. to 1420 kc.

NEW—James R. Doss, Jr., Tuscaloosa, Ala.—Construction permit 1420 for a new broadcast station to be operated on 1420 kc., 100 watts, daytime. Amended to change frequency from 1420 kc. to 1200 kc.

NEW—J. P. Roberts, Gastonia, N. C.—Construction permit for a 1420 new broadcast station to operate on 1420 kc., 100 watts, unlimited time.

WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Construction permit to move transmitter and studio from 133 Washington 1450 St., Athens, Ga., to site to be determined, Atlanta, Ga.

NEW—Jesse H. Jay, Miami Beach, Fla.—Construction permit for 1500 a new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—WPTF Radio Company, Portable-Mobile.—Construction permit for general experimental station for 31100, 34600, 37600, 40600, 86000-400000 kc., 15 watts.

Fourth Zone

- KSD**—The Pulitzer Publishing Company, St. Louis, Mo.—Modification of construction permit (4-P-B-3285) for increase in power and changes in equipment, requesting further changes in equipment and extension of commencement date from 2-7-35 to date of approval and completion date from 10-7-35 to 120 days thereafter.
- KSAC**—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW day and night.
- WMFG**—Head of the Lakes Broadcasting Co., Hibbing, Minn.—License to cover construction permit (B4-P-29) as modified for new station on **1210 kc.**, 100 watts power, unlimited time.
- KGFW**—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- WOC**—Palmer School of Chiropractic, Davenport, Iowa.—Voluntary assignment of license from Palmer School of Chiropractic to Tri-City Broadcasting Co.
- WKBI**—WKBI, Inc., Cicero, Ill.—Modification of license to increase day power from 100 watts to 250 watts. (To be considered with and contingent upon granting of WHFC's application B-4-P-300.)
- WEHS**—WEHS, Inc., Cicero, Ill.—Modification of license to increase day power from 100 watts to 250 watts. (To be considered with and contingent upon WHFC's application, B4-P-300, and that effective date, if granted, be same as the date the license to cover construction permit is granted.)
- KGNF**—Great Plains Broadcasting Co., North Platte, Nebr.—Modification of license to change hours of operation from daytime to specified hours. Amended to change hours of operation from 6 a. m. to 6 p. m., MST, to 7 a. m. to 7 p. m., CST, requesting 1 KW night power.
- W9XHB**—Anderson Broadcasting Corp., Portable-Mobile.—License to cover construction permit for a new general experimental station.
- WEMP**—Milwaukee Broadcasting Co., Milwaukee, Wis.—Modification of construction permit for a new station on **1310 kc.**, 100 watts, daytime, requesting changes in equipment.

Fifth Zone

- KINY**—Edwin A. Kraft, d/b as Northwest Radio Advertising Co., Juneau, Alaska.—Modification of license to change name from Edwin A. Kraft, d/b as Northwest Radio Advertising Co. to Edwin A. Kraft.
- KWG**—Portable Wireless Telephone Co., Inc., Stockton, Calif.—Construction permit to install new equipment.
- KPCB**—Queen City Broadcasting Company, Seattle, Wash.—Modification of special experimental authorization to increase power from 250 watts to 500 watts on **710 kc.**

- KTFI**—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension of special experimental authorization to operate with 1 KW (night) for period from 10-1-35 to 4-1-36.
- NEW**—Howard N. Mitchell, Sacramento, Calif.—Construction permit for new station to operate on **1310 kc.**, 100 watts, unlimited time.
- KIT**—Carl E. Haymond, Yakima, Wash.—Voluntary assignment of license from Carl E. Haymond to Valley Broadcasters, Inc.
- KIUP**—C. Guy Shepard, Durango, Colo.—Modification of construction permit (B5-P-337) for a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time, requesting equipment changes (antenna and automatic frequency control) and move of transmitter and studio from 140 W. 25th St., Durango, Colo., to 2800 N. Main St., Durango, Colo.
- KLO**—Interstate Broadcasting Corp., Ogden, Utah.—Construction permit to make changes in equipment, increase power from 500 watts to 1 KW, and move transmitter from R. 4, Riverdale Road, approximately 4 miles southwest of Ogden, Utah, to Lakeside, Utah, on Lakeside Road, 2¼ miles southwest of Kayesville, Utah. Amended: Transmitter site to be determined.
- KFBK**—James McClatchy Co., Sacramento, Calif.—Modification of construction permit authorizing changes in equipment, change in frequency, increase in power, and move of transmitter, requesting approval of transmitter site at West Sacramento Reclamation District 900, California; make equipment changes and antenna changes, and extend commencement and completion dates. Amended to omit request for changes in antenna.
- Standard Radio, Inc.**, Hollywood, Calif.—Authority to transmit electrical transcriptions over stations CFCN, Calgary, Alberta, Canada, and XEAW, Reynosa, Mexico.
- KNEF**—Radio Service Corp. of Utah, Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.
- NEW**—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new broadcast pickup station to be operated on **1646, 2090, 2190, 2830 kc.**, 100 watts.
- NEW**—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—Construction permit for a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000, 400000, 401000 kc.**, 100 watts.
- NEW**—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new broadcast pickup station to be operated on **1646, 2090, 2190, 2830 kc.**, 100 watts.
- NEW**—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new general experimental station on **31100, 34600, 37600, 40600, 86000, 400000, 401000 kc. and above**, 100 watts.

The National Association of Broadcasters

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

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Copyright, 1935. The National Association of Broadcasters

Vol. 3 - No. 44
SEPT. 19, 1935

IN THIS ISSUE

| | Page |
|---|------|
| Kay Heads Program Awards Committee..... | 964 |
| Rate Cards and Per Inquiry Accounts..... | 964 |
| Federal Trade Commission Activities..... | 964 |
| Securities Act Registrations..... | 964 |
| Recommends Increased Power for WSAR..... | 964 |
| Federal Communications Commission Action..... | 964 |

KAY HEADS PROGRAM AWARDS COMMITTEE

Leo Fitzpatrick, NAB President, on September 12, appointed the following committee to serve cooperatively with the RMA Committee on the Radio Industry Foundation for Program Awards:

Chairman: Lambdin Kay, WSB.

Members: M. H. Aylesworth, President, NBC; Burrige D. Butler, WLS; Leo Fitzpatrick, WJR; William S. Paley, President, CBS.

RATE CARDS AND PER INQUIRY ACCOUNTS

In response to the item carried in NAB REPORTS, page 956, concerning percentage and per inquiry accounts, we have this suggestion from a member:

"Look in *Radio Advertising* under WOL and you will find that for three or four years past we have inserted in our copy, 'Requests for confidential prices, commission schemes or cut rates will not be replied to.'

"Why don't you suggest that the stations put this in their copy, also on their rate card, and they won't be pestered?"

This suggestion merits your consideration.

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

The FTC has issued a complaint against the following respondents, who will have an opportunity to appear at hearings to show cause why cease and desist orders should not be issued:

Nos. 2545 and 2546. Porterfield Candy Co., Sherman, Tex., and Philip Wong, 126 Prospect Street, Cambridge, Mass. Promoting the sale of candy in the retail trade by use of push cards, the Porterfield Candy Co. is alleged to have placed in the hands of others the means of conducting lotteries. Wong is charged with misrepresenting his product, called "Soft Corn Valuable," by advertising that it will cure soft corns, skin diseases, goitre, cancer, tumors, rheumatism and other diseases, when, according to the complaint, it will not do so.

SECURITIES ACT REGISTRATION

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

- United-Farr Fastener Corporation, Cambridge, Mass. (2-1629, Form A-2)
- Montana Silver Queen Mining Company, Spokane, Wash. (2-1631, Form A-1)
- Trans-State Oil Company, Houston, Tex. (2-1632, Form A-1)
- The Pennsylvania Bridge Company, New York City. (2-1633, Form A-1)
- Railway & Light Securities Company, New York City. (2-1634, Form A-2)
- E. J. Coolahan et al., New York City. (2-1635, Form F-1)
- H. L. Green Company, Inc., New York City. (2-1637, Form A-1)
- Foremost Dairies, Inc., Jacksonville, Fla. (2-1638, Form A-1)

RECOMMENDS ADDITIONAL POWER FOR WSAR

Broadcasting Station WSAR, Fall River, Mass., applied to the Federal Communications Commission for a power increase, for both day and night, from 250 to 1,000 watts. The station operates unlimited time on 1450 kilocycles.

Examiner Melvin H. Dalberg recommends in Report No. I-106 that the application be granted. The Examiner states that granting the application would expand the service of the station, that there appears to be public demand for this increase, and that it would not cause serious interference with other stations "should the proposed antenna plans be worked out by proper construction changes in equipment which are the subject of this application."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 23, 1935

KWKC—Wilson Duncan, tr/as Wilson Duncan Broadcasting Co., Kansas City, Mo.—Renewal of license, 1370 kc., 100 watts, specified hours.

NEW—Mid-Central Broadcasting Co., Kansas City, Mo.—C. P., 1370 kc., 100 watts, unlimited time.

Tuesday, September 24, 1935

NEW—Chicago Broadcasting Assn. (Ltd. partnership), Kleofas Jurgelonis, Joseph F. Budrik, Laurent V. Radkins, and Vlasdas G. Jurgelonis, Chicago, Ill.—C. P., 1500 kc., 100 watts, unlimited time.

Wednesday, September 25, 1935

NEW—Clinton Broadcasting Corp., Clinton, S. C.—C. P., 1380 kc., 500 watts, daytime.

WRMD—Monocacy Broadcasting Co., Rockville, Md.—C. P., 1140 kc., 250 watts, daytime.

Thursday, September 26, 1935

NEW—V. H. Lake and H. E. Stanford, d/b as L & S Broadcasting Co., Atlanta, Ga.—C. P., 1210 kc., 100 watts, daytime.

NEW—E. F. Sapp and S. F. Sapp, tr/as Waycross Broadcasting Co., Waycross, Ga.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—W. T. Knight, Jr., Savannah, Ga.—C. P., 1200 kc., 100 watts, unlimited time.

WDAE—Tampa Times Co., Tampa, Fla.—C. P., 1220 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1220 kc., 1 KW, S.A. for 2½ KW LS, unlimited time.

NEW—Fountain of Youth Properties, Inc., St. Augustine, Fla.—C. P., 1210 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

WIS—Station WIS, Inc., Columbia, S. C.—Granted modification of C. P. to extend completion date to December 10, 1935.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted extension of special experimental authority to operate on 780 kc. from September 28 for 90 days.

WCOP—Joseph M. Kirby, Boston, Mass.—Granted license to cover C. P. for new station to operate on 1120 kc., 500 watts, daytime hours.

- WSPD—The Toledo Broadcasting Co., Toledo, Ohio.—Granted license to cover C. P. for increase in daytime power to 2½ KW, and installation of new equipment; 1340 kc., 1 KW night, unlimited time.
- KFBK—James McClatchy Co., Sacramento, Calif.—Granted modification of C. P. approving transmitter site at W. Sacramento Reclamation District No. 900, California; make changes in equipment and extend commencement date to 10 days after grant and completion date to 90 days thereafter.
- WREC—WREC, Inc., Memphis, Tenn.—Granted modification of C. P. extending commencement date to October 12, 1935.
- WMFI (call letters changed to WELI)—Patrick J. Goode, New Haven, Conn.—Granted modification of C. P. to extend completion date to October 28, 1935.
- KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted modification of license to make changes in antenna, increase hours of operation from daytime to unlimited, using 100 watts.
- KFKU—The University of Kansas, Lawrence, Kans.—Granted modification of license to use new transmitter of station WREN and increase day power from 1 to 5 KW.
- WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Granted license to cover C. P. authorizing changes in equipment only.
- KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted license to cover C. P. authorizing changes in equipment only.
- WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted modification of license to increase hours of operation from sharing with WRBX to unlimited (1410 kc., 250 watts night, 500 watts day).
- NEW—Standard Cahill Co., Inc., Portable-Mobile (N. Y.).—Granted C. P. (exp.-gen. exp. service), frequencies 3110, 3460, 3760, 4060 kc., 5 watts.
- NEW—Wilton E. Hall, Portable-Mobile (Anderson, S. C.).—Granted C. P. (exp. service) to communicate as a broadcast pickup station in temporary service; frequencies 3110, 3460, 3760, 4060 kc., 0.5 watt.
- NEW—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted C. P. (exp. gen. exp.), frequencies 3110, 3460, 3760, 4060 kc., 2 watts, unlimited time.
- W9XHA—Donald A. Burton, Portable-Mobile (Muncie, Ind.).—Granted license to cover C. P. (exp. gen. exp.), frequencies 3110, 3460, 3760, 4060 kc., 5 watts, unlimited time.
- W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of C. P. extending completion date to 3-15-36.
- W7X BK—Puget Sound Broadcasting Co., Portable (Tacoma, Wash.).—Granted license to cover C. P. (exp. gen. exp.), frequencies 3110, 3460, 3760, 4060 kc., 2 watts, unlimited time.
- WSGN—Ormand O. Black and Mary Collett Black, Birmingham, Ala.—Application for C. P. to install new equipment; change frequency from 1310 kc. to 590 kc.; increase power from 100 watts night, 250 watts day, to 1 KW night, 1 KW day; move transmitter from 1672 N. 20 Way, Birmingham, to site to be determined.
- NEW—Fort Dodge Broadcasting Co., Emmons L. Abeles, Secy., Fort Dodge, Iowa.—Application for C. P., 1210 kc., 100 watts, unlimited.
- NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy., Wausau, Wis.—Application for C. P., 1310 kc., 100 watts, unlimited time; site to be determined.
- NEW—Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Minn.—Application for C. P., 1500 kc., 100 watts, unlimited time.
- NEW—Mason City Broadcast Co., by Emmons L. Abeles, Secy., Mason City, Iowa.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited.
- NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy., Appleton, Wis.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited.
- NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hastings, Nebr. (site to be determined).—Application for C. P. for new station, 1420 kc., 100 watts, unlimited.
- NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clinton, Iowa.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited (site to be determined).
- NEW—Burlington Broadcasting Co., Emmons L. Abeles, Secy., Burlington, Iowa (site to be determined).—Application for C. P. for new station, 1370 kc., 100 watts, unlimited.
- NEW—Mankato Broadcasting Co., Emmons L. Abeles, Secy., Mankato, Minn. (site to be determined).—Application for C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Emmons L. Abeles and Robert J. Dean, co-partnership, d/b as W.I.S.E. Broadcasting Co., St. Paul, Minn. (site to be determined).—Application for C. P., 630 kc., 250 watts, unlimited time.
- NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy., Grand Island, Nebr. (site to be determined).—Application for C. P. for new station, 1370 kc., 100 watts, unlimited.
- WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Application for C. P. to make changes in equipment; increase power from 1 KW day to 1 KW night, 5 KW day.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Application for C. P. to move transmitter from Shawnee to south of present location, about 2 miles, to a site to be determined; make changes in equipment; increase day power from 100 to 250 watts.
- NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—Application for C. P., 1370 kc., 100 watts, unlimited time.
- NEW—Thames Broadcasting Corp., New London, Conn.—Application for C. P., 1500 kc., 100 watts, daytime.
- KMO—KMO, Inc., Tacoma, Wash.—Application for modification of license to increase operating power from 250 to 500 watts.
- KGCU—Mandan Radio Assn., Inc., Mandan, N. Dak.—Application for renewal of license for period October 1, 1935, to April 1, 1936.
- KOB—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Application for renewal of license for period August 1, 1935, to February 1, 1936.
- WJAR—The Outlet Co., E. Providence, R. I.—Application for modification of C. P. to increase power to 1 KW night and day; install directional antenna; extend commencement date to 30 days after grant and completion date to 180 days thereafter.
- NEW—A. L. Chilton, Dallas, Tex.—Application for C. P., 990 kc., 1 KW, daytime; site to be determined.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGFF, Coffeyville, Kans.; KTAT, Fort Worth, Tex.; WCAE and auxiliary, Pittsburgh, Pa.; WCAL, Northfield, Minn.; WIBA, Madison, Wis.; WJDX, Jackson, Miss.

The following stations were granted renewal of licenses for the period ending March 1, 1936:

WLBL, Stevens Point, Wis.; WLBZ, Bangor, Maine; WQAN, Scranton, Pa.

W6XAR—Westinghouse Electric & Manufacturing Co., Chicopee Falls, Mass.—Granted renewal of special experimental station license for a period of 3 months from September 23, in exact conformity with existing license.

SET FOR HEARING

WJIM—Harold F. Gross, M. Bliss Keeler, and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Application for C. P. to install new equipment; change frequency from 1210 kc. to 1450 kc.; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day.

NEW—John E. Fetzer, Saginaw, Mich. (site to be determined).—Application for C. P. for new station, 800 kc., 1 KW daytime.

ACTION ON EXAMINERS' REPORTS

KFBB—Ex. Rep. No. 1-48: Buttery Broadcast, Inc., Great Falls, Mont.—Denied application for special experimental authority to change frequency from 1280 kc. to 610 kc.; 1 KW night, 2½ KW day, unlimited time. Examiner Melvin H. Dalberg sustained. Order effective November 5, 1935.

WNBX—Ex. Rep. No. 1-91: WNBX Broadcasting Corp., Springfield, Vt.—Granted application to change from daytime hours of operation to unlimited on its present frequency, 1260 kc., with same power, 1 KW, sustaining Examiner Melvin H. Dalberg. Order effective October 29, 1935.

MISCELLANEOUS

WBNX—Standard Cahill Co., New York City.—Denied request for special temporary authority to operate with 500 watts daytime pending final action on application requesting increase in power to 1 KW.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.; WSMK—WSMK, Inc., Dayton, Ohio.—Denied request for special temporary experimental authority for stations KQV and WSMK to operate simultaneously from 6:45 p. m. to 12 midnight, EST, for period September 17 to September 30, 1935.

NEW—David Parmer, Columbus, Ga.—Dismissed with prejudice application for station to use facilities of WRBL. Motion to withdraw application not made until hearing before Examiner.

NEW—Ex. Rep. No. 1-105: Bamberger Broadcasting Service, Newark, N. J.—Granted permission to withdraw without prejudice application for permit to erect an experimental relay broadcast station.

WNEL—Juan Piza, San Juan, P. R.—Granted permission to take depositions in re application of Ralph Perez Perry for C. P. to erect station at Santurca, P. R., to operate on 1340 kc., 250 watts.

KFRU—KFRU, Inc., Columbia, Mo.—Granted renewal of license, frequency 630 kc., 500 watts night, 1 KW day.

NEW—The Star-Chronicle Publishing Co., St. Louis, Mo.—Granted C. P. (exp. gen. exp. service), frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.

KIUP—C. Guy Shepard, Durango, Colo.—Granted modification of C. P. for changes in equipment and to move transmitter locally.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Set for hearing application for renewal of license, 1260 kc., 1 KW night, 2½ KW day, unlimited time; also application for consent to voluntary assignment of license from Mona Motor Oil Co. to Central States Broadcasting Co.

KFRU—KFRU, Inc., Columbia, Mo.—Set for hearing application for authority to transfer control of corporation. Transfer of control of KFRU, Inc., licensee of station KFRU, from Nelson R. Darragh to Luther L. Hill.

APPLICATIONS RECEIVED

First Zone

NEW—The Press Co., Inc., Publishers of The Knickerbocker Press 1210 and Albany Evening News, Schenectady, N. Y.—Construction permit for new broadcast station to be operated on 1210 kc., 100 watts power, daytime.

W10XF—National Broadcasting Co., Inc., Portable and Mobile.—Special authorization to operate general experimental station as a special experimental station on 6350 kc. during stratosphere balloon flight.

W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of license to change special experimental station from "fixed" to "portable" location.

W3XL—National Broadcasting Co., Bound Brook, N. J.—Special authorization to operate with special experimental station W10XFH during stratosphere balloon flight, for 60 days beginning 9-20-35.

W3XAL—National Broadcasting Company, Bound Brook, N. J.—Special authorization to operate with special experimental station W10XFH during stratosphere balloon flight, for 60 days beginning 9-20-35.

NEW—Oliver C. Harriman and Ralph Clark, New York, N. Y.—Construction permit for new visual broadcast station for 42000-56000, 60000-86000 kc., 2 watts.

NEW—Oliver C. Harriman and Ralph Clark, New York, N. Y.—Construction permit for new special experimental station for 42000-56000, 60000-86000 kc., 1 KW.

Second Zone

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Transfer of control of corporation from Marion K. Gilliam to Ralph C. Powell, 22 shares of common stock.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Extension of special experimental authorization to operate with 500 watts additional power for period of 6 months.

WKAR—Michigan State College, East Lansing, Mich.—License to 1040 cover B2-P-431, construction permit for changes in equipment.

WJW—WJW, Inc., Akron, Ohio.—License to cover construction 1210 permit (B2-P-40) for new equipment and increase in power.

NEW—Continental Radio Co., Toledo, Ohio.—Construction permit for new broadcast station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit to install new equipment—directional antenna; change frequency from 1310 kc. to 1230 kc.; increase power from 100 watts to 500 watts; and share WHAT to unlimited time. Amended to change power from 500 watts to 250 watts night, 500 watts day, and make changes in antenna system.

NEW—A. W. Hayes, Erie, Pa.—Construction permit for new 1270 broadcast station to be operated on 1270 kc., 500 watts, 1 KW day, unlimited time. Amended re equipment, directional antenna for night only.

NEW—Continental Radio Co., Columbus, Ohio.—Construction 1310 permit for new broadcast station to be operated on 1310 kc., 100 watts power, unlimited.

Third Zone

KPRC—Houston Printing Co., Houston, Tex.—Construction permit to make changes in equipment, increase day power from 2½ KW to 5 KW, move transmitter from Sugarland (18 miles from Houston) to Deepwater, Texas.

WGCM—WGCM, Inc., Mississippi City, Miss.—Authority to transfer control of corporation from Grace Jones Stewart to Sam Gates, 280 shares of common stock.

KFRO—Voice of Longview, Longview, Tex.—Special experimental 1210 authorization to operate on 1210 kc., unlimited time, for period to 1-1-36. Requests facilities of KWEA.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modification of construction permit (B3-P-220) as modified for approval of transmitter site at Piedmont Highway, U. S. 29, Greenville, S. C., and extend commencement date 30 days after grant and completion date 180 days thereafter.

KGFG—Oklahoma Broadcasting Co., Oklahoma City, Okla.—1370 Modification of license to change hours of operation from shares with KCRC to unlimited. Amended to omit request for facilities of KCRC.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—1370 Authority to transfer control of corporation from R. S. James, Elizabeth E. Hibbert and Mrs. Marcia A. Shaffer to Hale V. Davis, 133 1/3 shares of common stock.

KNOW—KUT Broadcasting Co., Austin, Tex.—License to cover 1500 B3-P-656 permit to move transmitter, and equipment changes.

Fourth Zone

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—License 670 to cover construction permit (4-P-B-2876) as modified to install new equipment, increase power, and move transmitter.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Construction permit to move transmitter from Elm and Lowell Sts., Shenandoah, Iowa, to 1¼ miles Shenandoah, Iowa, and make changes in equipment (antenna).

NEW—O. S. Cleveland and E. H. Carter, d/b as The Voice of 1200 Black Hills, Rapid City, S. Dak.—Construction permit for new broadcast station on 1200 kc., 100 watts power, specified hours (unlimited with exception of 1 hour used daily by WCAT). Amended re equipment.

NEW—George B. Bairey, Valley City, N. Dak.—Construction permit for new broadcast station to be operated on 1310 kc., 100 watts, unlimited time.

KGDY—The Voice of South Dakota, Huron, S. Dak.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power.

W9XF—National Broadcasting Co., near Downer's Grove, Ill.—Special authorization to operate with special experimental station **W10XFH** during stratosphere balloon flight for 60-day period beginning 9-20-35.

Fifth Zone

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of license to change frequency from **950 kc.** to **630 kc.**, hours of operation from daytime to unlimited, using 250 watts power.

NEW—Symons Investment Co., Seattle, Wash.—Construction permit for a new station to be operated on **760 kc.**, 250 watts night, 500 watts day, limited time. Requests facilities of **KXA**.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of license to change from daytime hours of operation to unlimited time, using 250 watts power.

NEW—Donald Oliver Carruth, Tillamook, Ore.—Construction permit to erect new station to be operated on **1500 kc.**, 100 watts power, daytime.

NEW—Henry William Turkel, Los Angeles, Calif.—Construction permit for a new relay broadcast station to be operated on **6040 kc.**, 1 KW.

NAB REPORTS

Vol. 3 - - No. 45
 SEPT. 26, 1935

Copyright, 1935. The National Association of Broadcasters

IN THIS ISSUE

| | Page |
|--|------|
| NAB to Assist in Defense of WDAS..... | 968 |
| Notes for the Sales Staff..... | 968 |
| Requests for Musical Selections..... | 969 |
| Buick Transcription Announcement Required..... | 969 |
| Broadcast Advertising During August..... | 969 |
| Federal Trade Commission Activities..... | 972 |
| New Schedule for WWV..... | 972 |
| Recommends WLBC and WTRC Changes..... | 973 |
| Increased Power Recommended for KYA..... | 973 |
| Recommends WAAF and WWJ Changes..... | 973 |
| Recommends New Minnesota Station..... | 973 |
| Securities Act Registrations..... | 973 |
| Federal Communications Commission Action..... | 974 |

NAB TO ASSIST IN DEFENSE OF WDAS

A Bill in Equity has been filed in the local court in Philadelphia by Fred Waring against WDAS Broadcasting Station, Inc., praying that the station be restrained from the use for broadcasting purposes of any record made and created by Waring.

Because of the importance of the matter to a great number of members the NAB has offered to assist the attorneys for WDAS in the defense of the suit.

The text of the Bill follows:

| | | |
|--|---|--|
| FRED WARING VS. W.D.A.S. BROADCASTING STATION, INC. | } | C. P. No. 4 JUNE TERM, 1935 No. 9053 |
|--|---|--|

Bill in Equity

To the Honorable the Judges of the said Court:

Your orator, Fred Waring, brings this, his Bill of Complaint, against W. D. A. S. Broadcasting Station, Inc., defendant, and thereupon complains and says:

1. That your orator is an Orchestra Conductor and substantially the sole and exclusive owner and conductor of the orchestra known as "WARING'S PENNSYLVANIANS."

2. That your orator is and has been for a long time past a unique and individual artist and performer in his field as an orchestra conductor, and interpretive musical artist and has an established reputation, both national and international as such.

3. That your orator's interpretive performances are entirely unique and individual to himself and are generally so recognized by the public and that they are specifically recognizable as his own personal and individual interpretations and are, therefore, unique.

4. That your orator's orchestra, "WARING'S PENNSYLVANIANS" is a recognized unique body of musicians who, by reason of your orator's individual and unique talent and interpretation, perform musical works in such a manner as to make them recognizable by the general public, and have established for said "WARING'S PENNSYLVANIANS" both a national and international reputation.

5. That your orator and his orchestra has been in the past and is presently engaged for his exclusive services in and about broadcasting a weekly program, by a well known manufacturer at a very substantial fee.

6. The defendant, a Delaware corporation, owns a radio station and is engaged in operating the same for profit. That in the course of its business it features phonograph records to entertain the general public, and same are used both for sustaining and commercial programs.

7. That at divers and various times and more specifically on the 2nd day of July, 1935 between the hours of 2:00 p. m. and

NOTES FOR THE SALES STAFF

August radio advertising trends hold out more promise of increased sales opportunities to broadcasters than have those of any recent month. (See Highlights of the Month, page 696).

Radio advertising in August declined less than half the usual seasonal amount as compared with July.

One portion of the medium, national non-network advertising, raised its August volume above that of the previous month. This is probably the first time that the usual seasonal trend has been completely reversed.

August gains over the corresponding months of 1934 and 1933 were the greatest of any month of the current year.

Advertising volume for the first eight months of this year was practically equal to the estimated total volume of the medium for the entire year of 1933, the depression year of radio.

With August national non-network business more than double that of last year, and with this increase taking place mainly on clear channel and regional stations, it would seem as if advertisers are attempting to secure the command of preferred time in anticipation of growing radio advertising activity this winter.

The marked growth of transcription business and even more of live talent volume, and the decided lag of announcements in the national field should indicate that programs can be sold, and that one need not be satisfied with announcement selling. Lagging local studio program volume should be a challenge. It is orthodox advertising forecasting to expect the local advertiser to follow the national lead wherever he can. (See Non-network Advertising by Type of Rendition, page 970).

Automotive, clothing, food, soap and kitchen supplies, tobacco and housefurnishing advertising have shown the greatest development, and probably will remain among the leading sales opportunities for some time. (See Sponsor Trends, page 970). The retail field also continues strong.

4 p. m. the said defendant has played, did play and give renditions of Victor phonograph records of your orator, entitled "I'm Young and Healthy," Victor Record #24214-A and "You're Getting To Be a Habit With Me," Victor Record #24214-B, as part of the defendant's regular broadcasting program, known as the "Merry-Go-Round Programme."

8. That the said record when sold by the RCA Victor Company, and as played by the said defendant, contained a notice to the effect that same could not be used for radio broadcasting purposes, and that the same was used without the consent of the complainant and without an accounting to him for the use of same.

9. That the said phonograph records above referred to are such individual interpretations of your orator and he, therefore, has a common law right of property in and to his individual interpretation on such records.

10. That your orator has never granted permission to the said defendant to broadcast the said records for commercial purposes nor has the said defendant ever accounted to your orator for the use of such records.

11. That the use by the defendant for broadcasting purposes of the said records is a serious menace to the business, interests, rights, contractual engagements and income of your orator.

12. That to permit the defendant to continue the illegal use for broadcasting purposes of your orator's broadcasts will seriously injure the contractual rights and property rights of your orator as a unique and individual interpreter of music, and will cause other irreparable damage to your orator's property rights.

WHEREFORE, your orator prays:—

1. That the defendant be restrained, temporarily until hearing and permanently thereafter, from the use for broadcasting purposes of any record made and created by your orator.

2. That the defendant be further restrained, temporarily until hearing and permanently thereafter, from the use of any phonograph record made and created by your orator, for commercial purposes.

SPEISER & SPEISER,
(Sgd.) MAURICE J. SPEISER,
Attorneys for Complainant.

STATE OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss:

FRED WARING, being duly sworn according to law, deposes and says that he is the complainant named in the foregoing Bill in Equity, and that the facts set forth therein are true to the best of his knowledge, information and belief.

(Sgd.) FRED WARING.

Sworn to and subscribed before me this 7th day of August, A. D. 1935.

(Sgd.) DAVID BALAITY,
Notary Public.

My commission expires March 10, 1931.

(SEAL.)

REQUESTS FOR MUSICAL SELECTIONS

Station managers are advised to exercise great caution in complying with requests for the performance of a given musical selection. Care should be exercised to determine whether the station is licensed to perform such selection; otherwise compliance with such requests may furnish a basis for a suit for infringement.

BUICK TRANSCRIPTION ANNOUNCEMENT REQUIRED

Chairman E. O. Sykes of the Broadcast Division of the Federal Communications Commission, in replying to a request from the Managing Director of the NAB for information as to whether a fifteen second electrical transcription program such as that used by Buick must be announced as such, has given the following advice:

"Rule 176 requires that a mechanical reproduction shall be announced as such immediately preceding the use thereof unless its use is merely incidental as is the case when such electrically transcribed material constitutes an identification of a program or is used for background purposes. If in fact the proposed electrically transcribed material is not merely incidental to the main program it must be announced in conformity with the rule."

The announcement for which information was requested follows:

"Horn: (Sound of automobile horn).

"Flash! Here's the big automobile news for 1936—Buick's the buy!

"Horn: (Sound of automobile horn)."

The request for information was made at the instance of several members.

BROADCAST ADVERTISING DURING AUGUST

Highlights of the Month

Broadcast advertising during August showed less than the usual seasonal decline, while national non-network volume actually rose during the month. Gross time sales of the medium amounted to \$5,637,490 and were 3.5% below the level of the preceding month. National non-network advertising experienced a gain of 3.8% as compared to July.

August broadcast advertising was 48.6% greater than during the corresponding month of 1934, and 52.5% above the August 1933 level. This is the greatest gain over the corresponding period of previous years to be recorded since the establishment of the trade statistics. National non-network advertising showed the greatest gain, exceeding the August 1934 level by 128.2%.

Total non-network advertising rose 1.3% as compared to July, the heaviest gains being made in clear channel field. Local station volume declined slightly but remained materially above the previous year's level.

Rising volume of non-network advertising in the Middle West was the factor principally responsible for the upward trend in this field. Non-network volume in this section increased 19.0% as compared to July.

In the national non-network field, transcription and live talent volume remained materially ahead of the corresponding period of 1934, while transcriptions and announcements showed the greatest strength in the local field.

National network soap and kitchen supply advertising, local clothing volume, national non-network automotive, food, and tobacco advertising showed the greatest gains as compared to the preceding month.

Gains over the corresponding period of 1934 were fairly general. National network automotive advertising rose 33.5%. National non-network volume in this field increased from \$20,400 in August of last year to \$192,190. Network household equipment advertising rose more than threefold, while national non-network drug, food, beverage and household equipment advertising increased materially. Local clothing advertising increased 63.6%.

Retail store advertising of various types increased 1.8% as compared to July and was 55.9% above August 1934. Department store volume remained comparatively unchanged as against the preceding month and was 56.8% greater than during last August.

Total Broadcast Advertising

Broadcast advertising over stations and networks is found in Table I:

TABLE I
TOTAL BROADCAST ADVERTISING

| Class of Business | 1935 Gross Time Sales | | |
|----------------------------|-----------------------|-------------|----------------------|
| | July | August | Cumulative Jan.-Aug. |
| National networks | \$3,175,042 | \$2,939,097 | \$32,234,549 |
| Regional networks | 92,102 | 82,993 | 640,994 |
| National non-network | 1,297,065 | 1,347,440 | 11,235,558 |
| Local | 1,283,795 | 1,267,960 | 12,450,365 |
| Total | \$5,848,004 | \$5,637,490 | \$56,561,466 |

August volume was 3.5% under the level of the preceding month, as compared to a 10.2% decline during the corresponding period in 1934 and one of 5.9% in 1933. National network advertising decreased 7.4% as against July, regional volume declined slightly, national non-network advertising rose 3.8% and local advertising remained comparatively unchanged.

Comparison with 1933 and 1934

Total broadcast advertising was 48.6% greater during August than during the same month of 1934, and 52.5% above the 1933 level. National network advertising was 30.7% greater than during last August, and 54.2% ahead of the corresponding month of 1933. Regional network advertising was double its 1934 volume and two and one-half times that of 1933. National non-network advertising was 128.2% greater than in August of last year, and exceeded the 1933 level by about the same amount. Local volume exceeded the level of the corresponding period of 1934 by 22.0%, and the 1933 level by 5.4%.

Comparison with Other Media

Advertising volume in major media for August is presented in Table II.

TABLE II
ADVERTISING VOLUME BY MAJOR MEDIA

1935 Gross Time and Space Sales

| <i>Advertising Medium</i> | <i>July</i> | <i>August</i> | <i>Cumulative Jan.-Aug.</i> |
|---------------------------------------|-------------|---------------|-----------------------------|
| Radio broadcasting | \$5,816,064 | \$5,637,490 | \$56,561,466 |
| National magazines ¹ | 8,086,053 | 7,378,939 | 83,419,812 |
| National farm papers | 340,300 | 305,231 | 3,618,756 |
| Newspapers ² | 36,994,000 | 37,385,000 | 328,930,000 |

Total \$51,236,417 \$50,706,660 \$472,530,034

¹ National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

² Estimated.

Newspaper advertising registered the usual seasonal upswing, slightly exceeding the normal rise at this period of the year. Total newspaper lineage was 2.6% above the August 1934 level. Retail advertising showed a gain of 2.7%, and general advertising one of 5.0%. Automotive advertising declined 18.9% and department store advertising decreased .6% as against the corresponding period of last year.

National magazine volume was 3.1% above August 1934 and 10.0% greater than in 1933. National farm paper advertising was 5.8% greater than during the same month of last year, and 20.0% above the 1933 level.

Non-network Advertising

General non-network advertising rose 1.3% as against July. August volume exceeded that of the same period of last year by 59.6%, and was 50.0% greater than in 1933. Gains during the month were restricted to clear channel and regional stations, local business decreasing 13.0% as against July.

Clear channel and high-powered regional station volume was nearly double its 1934 level and exceeded 1933 business by 10.2%. Regional station non-network advertising was 43.8% ahead of last August and was nearly double its 1933 level. Local station advertising was 22.4% greater than during the same month of 1934 and 78.5% ahead of August 1933. Non-network advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

1935 Gross Time Sales

| <i>Power of Station</i> | <i>July</i> | <i>August</i> | <i>Cumulative Jan.-Aug.</i> |
|-------------------------|-------------|---------------|-----------------------------|
| Over 1,000 watts | \$1,160,000 | \$1,201,000 | \$11,169,965 |
| 250-1,000 watts | 1,016,860 | 1,061,900 | 9,312,815 |
| 100 watts | 404,000 | 352,500 | 3,203,153 |
| Total | \$2,580,860 | \$2,615,400 | \$23,685,933 |

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

1935 Gross Time Sales

| <i>Type of Rendition</i> | <i>National Non-network</i> | | <i>Local</i> | | <i>Total</i> | | <i>Cumulative Jan.-Aug.</i> |
|---------------------------------|-----------------------------|---------------|--------------|---------------|--------------|---------------|-----------------------------|
| | <i>July</i> | <i>August</i> | <i>July</i> | <i>August</i> | <i>July</i> | <i>August</i> | |
| Electrical transcriptions | \$439,170 | \$474,600 | \$146,090 | \$103,800 | \$585,260 | \$578,400 | \$4,969,398 |
| Live talent programs | 639,705 | 686,320 | 610,835 | 594,400 | 1,250,540 | 1,280,720 | 11,348,505 |
| Records | 4,325 | 6,540 | 51,355 | 59,710 | 55,680 | 66,250 | 557,081 |
| Announcements | 213,865 | 179,980 | 475,515 | 510,050 | 689,380 | 690,030 | 6,810,949 |
| Total | \$1,297,065 | \$1,347,440 | \$1,283,795 | \$1,267,960 | \$2,580,860 | \$2,615,400 | \$23,685,933 |

Sponsor Trends in August

Gains during the month were relatively localized, some slight seasonal declines occurring throughout the major portion of the field. Amusement advertising increased 32.3%. National network automotive advertising rose 5.5% and national non-network volume increased 15.2%. Local clothing advertising increased 27.8%. National non-network food advertising rose 10.6%. National network soap and kitchen supply advertising gained 15.6%, while national non-network volume in this field rose 56.6%. National non-network tobacco advertising increased 13.0% during the month.

Slight declines in non-network volume occurred in all sections except the North Central States, where August advertising exceeded the July level by 19.0%. New England and Middle Atlantic non-network volume was 9.0% greater than during the corresponding month of 1934. Southern and Far Western advertising were nearly double last August, while Mid-western volume was 72.8% greater.

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

TABLE IV
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

1935 Gross Time Sales

| <i>Geographical District</i> | <i>July</i> | <i>August</i> | <i>Cumulative Jan.-Aug.</i> |
|---|-------------|---------------|-----------------------------|
| New England-Middle Atlantic Area | \$649,950 | \$613,800 | \$6,150,837 |
| South Atlantic-South Central Area | 428,580 | 342,280 | 3,671,568 |
| North Central Area | 926,740 | 1,103,520 | 9,005,967 |
| Pacific and Mountain Area... | 575,590 | 555,800 | 4,857,561 |
| Total | \$2,580,860 | \$2,615,400 | \$23,685,933 |

Non-network Advertising by Type of Rendition

Gains were experienced in the national non-network field in both transcription and live talent business as compared with the preceding month. Announcement volume, however, dropped 19.9%. Local transcription volume declined 29.2% as against July, and live talent volume 2.7%. Announcement business increased 7.8% and the use of records 16.0%.

Particularly interesting trends are revealed by an examination of types of rendition during the current August and the corresponding month of the two preceding years. In the national field, transcription volume was 165.5% greater than during last August and 137.0% ahead of 1933. National live talent volume exceeded August 1934 by 176.0% and August 1933 by 304.7%. National announcement volume was but 3.8% above August 1934, and 2.4% greater than during the corresponding month of 1933.

Local transcription volume exceeded that of August 1934 by 33.7% and was 68.3% greater than in August of the preceding year. Live talent business was 10.2% ahead of last August but 8.1% below August 1933. Recorded programs accounted for a 50.0% greater volume during the current August than during the same month of last year, and for 24.3% more volume than in 1933. Announcement volume was 28.7% greater than in 1934 and 14.2% ahead of 1933.

Broadcast advertising by types of rendition is presented in Table V.

Comparison with Previous Years

August advertising volume in the various fields of sponsorship was generally ahead of that of the corresponding months of 1934 and 1933.

Compared to last August, national network automotive advertising was 33.5%, while national non-network volume rose from \$20,400 to \$192,190. Local clothing advertising showed an increase of 63.6%. Some gains occurred in national network drug advertising, the principal gain in this field being in national non-network business, which increased 117.2%.

Food advertising experienced a general increase. National network volume rose 41.3%, regional network business tripled and national non-network advertising increased 161.5%. National non-network beverage advertising experienced a gain of nearly 100% while local volume rose 56.1%.

National network household equipment advertising was 318.3% greater than during the same month of last year, and national non-network volume 175.0%. National non-network soap and kitchen supply advertising tripled. Marked gains also occurred in the tobacco field.

A number of interesting trends in the field of sponsorship are revealed by a comparison of the current August with the same month of 1933. National network automotive advertising was 30.0% below the 1933 level, while national non-network volume rose 326.6%. National network and non-network clothing advertising tripled, as did drug and pharmaceutical volume. Generally

similar increases were experienced in the national network cosmetic and food fields, and in national non-network food advertising. National non-network cosmetic advertising declined by nearly two-thirds.

National network beverage advertising decreased 17.0% while national non-network volume tripled and local business doubled. National network household and equipment declined somewhat, while marked gains occurred in the general non-network field. Soap and kitchen supply advertising gained materially in the national field. Network financial advertising declined materially. Department store advertising remained comparatively unchanged. National network tobacco advertising reached its 1933 level, while national non-network volume rose from \$1,295 in August 1933 to \$50,300 during the current August.

Broadcast advertising by various type of industries is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(August, 1935)

| Type of Sponsoring Business | Gross Time Sales | | | | Total |
|--|--------------------|-------------------|----------------------|--------------------|--------------------|
| | National Networks | Regional Networks | National Non-network | Local | |
| .1a. Amusements | — | — | \$7,640 | \$51,620 | \$59,260 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$138,881 | — | 192,190 | 52,650 | 383,721 |
| (2) Accessories, gas and oils..... | 349,328 | \$13,349 | 87,200 | 65,700 | 515,577 |
| 3. Clothing and apparel..... | 19,432 | 3,470 | 22,360 | 179,200 | 224,462 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals..... | 299,347 | 3,661 | 139,350 | 32,510 | 474,868 |
| (5) Toilet goods..... | 684,804 | — | 32,520 | 18,100 | 735,424 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 710,767 | 20,596 | 340,150 | 190,025 | 1,261,538 |
| (7) Beverages | 193,135 | 820 | 67,335 | 89,250 | 350,540 |
| (8) Confections | 27,800 | 200 | 11,700 | 13,485 | 53,185 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings..... | 24,910 | 6,284 | 55,760 | 156,330 | 243,284 |
| (10) Soap and kitchen supplies..... | 154,816 | 4,941 | 153,500 | 6,500 | 319,757 |
| 11. Insurance and financial..... | 26,608 | 464 | 26,700 | 44,840 | 98,612 |
| 12. Radios | 42,966 | — | 10,800 | 7,750 | 61,516 |
| 13. Retail establishments..... | — | 860 | 11,620 | 101,400 | 113,880 |
| 14. Tobacco products..... | 182,944 | 20,820 | 50,300 | 6,450 | 260,514 |
| 15. Miscellaneous | 83,359 | 7,528 | 138,315 | 252,150 | 481,352 |
| Total | \$2,939,097 | \$82,993 | \$1,347,440 | \$1,267,960 | \$5,637,490 |

Details regarding trends in the various fields of sponsorship are found in the following summaries:

1a. **Amusements.** Local up 32.3% as against July. National non-network unchanged. Total volume 18.0% over last August. Local up 11.0%, and national non-network double.

1. **Automotive.** National network 5.5% above July and national non-network 15.2%. Local down 29.6%. National network 33.5% ahead of last August, and local 12.7%. National non-network increased from \$20,400 last year to \$192,190 this August.

2. **Gasoline and accessories.** National network volume down 11.2%, and local 7.1%. Regional volume unchanged compared previous month. National non-network business up 27.1%. Compared to August 1934, national network business up 26.4%, regional networks 18.0%, national non-network advertising 9.0%, and local 10.8%.

3. **Clothing.** Local volume up 27.8% compared to July, and national network business up 26.6%. Regional volume down 24.4% and national non-network 30.0%. Local business 63.6% over last August, regional network volume tripled, and national non-network business up 10.0%. National network business down 24.0%.

4. **Drugs and pharmaceuticals.** Compared to preceding month, national network business down 14.6%, regional networks 28.0%, national non-network 6.0%, and local 41.6%. National network business 34.8% above last August, regional volume double, and national non-network advertising up 117.2%. Local down 27.2%.

5. **Toilet goods.** National network volume down 12.0% during month, with other items unchanged. National network advertising 14.0% greater than in August 1934, and local up 20.0%. National non-network business unchanged.

6. **Foodstuffs.** National network down 6.0%, regional networks 10.0%, and local 8.7%. National non-network up 10.6%.

Compared to corresponding month of last year, national networks up 41.3%, national non-network 161.5%, local 28.6%, and regional network volume tripled.

7. **Beverages.** National and regional network volume unchanged from July. National non-network volume down 9.0% and local down 10.0%. National non-network advertising double last August, and local up 56.1%. National network volume down 19.1% and regional network business down materially.

8. **Confectionery.** National network volume 10.0% under July level. National non-network and local advertising down materially. Compared to August 1934, national network volume up 75.0%, national non-network volume doubled, and local advertising approximately tripled.

9. **Household equipment.** National non-network volume double July figures, with remainder of medium unchanged. National network advertising 318.3% above August of last year, regional network volume up materially, national non-network business 175.0% greater, and local advertising up 38.1%.

10. **Soaps and kitchen supplies.** National network business up 15.6% as against preceding month. Regional networks down 6.0% and national non-network 4.6%. Local up somewhat. National network business 38.4% greater than during the corresponding month of 1934, national non-network advertising tripled, regional networks up materially, and local volume unchanged.

11. **Insurance and financial.** National networks 10.0% under July, local unchanged, and national non-network up 47.4%. National network volume 33.3% under last August, regional volume down somewhat, national non-network business up 182.0%, and local up 74.0%.

12. **Radios.** National network volume 44.0% below preceding month, local down 40.0%, and national non-network up materially. National network business 8.0% greater than same month of 1934, local volume double, and national non-network down 35.0%.

13. **Department and general stores.** National non-network business triple preceding month's volume and local down 10.0%. Total unchanged. National business triple August 1934, and local up 45.4%. Total volume up 56.8%.

14. **Tobacco products.** National network volume unchanged as against July. Regional networks down 10.0% and national non-network up 13.0%. National network volume five times that of last August. Regional business grown from nothing to \$20,820. National non-network business up 162.5%.

15. **Miscellaneous.** National and regional network business up approximately 50.0%. National non-network volume down 19.4%, and local 8.0% as compared to July. National network advertising 72.8% greater than same month of last year, national non-network business up 55.7%, and local up 17.7%. Regional business down materially.

Retail Broadcast Advertising

Advertising by retail establishments of various types increased 1.8% during August as compared with the preceding month. Retail store volume was 55.9% greater than during the corresponding month of 1934.

Furniture and clothing store business experienced the greatest increases as compared to the preceding month while retail automotive advertising dropped off materially.

Marked gains, however, were shown in a variety of fields when August volume was compared with that of the corresponding period of 1934. Automotive advertising gained 30.1%, accessory and gasoline retail advertising 50.0%, clothing and apparel volume 66.3%, grocery store business 40.0%, housefurnishing retailers 76.6% and furniture stores 62.8%.

Retail broadcast advertising during August is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

| Type of Sponsoring Business | 1935 Gross Time Sales | |
|--|-----------------------|-----------|
| | July | August |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$91,275 | \$49,980 |
| Gasoline stations, garages, etc..... | 48,570 | 45,860 |
| Clothing and apparel shops..... | 134,460 | 183,320 |
| Drugs and toilet goods: | | |
| Drug stores | 10,910 | 17,090 |
| Beauty parlors | 8,240 | 7,270 |
| Food products: | | |
| Grocery stores, meat markets, etc..... | 29,410 | 42,115 |
| Restaurants and eating places..... | 22,428 | 21,283 |
| Beverage retailers | 2,550 | 1,700 |
| Confectionery stores | 2,300 | 474 |
| Household goods: | | |
| Household equipment dealers..... | 54,700 | 53,000 |
| Furniture stores | 74,800 | 88,810 |
| Hardware stores | 15,235 | 13,600 |
| Radio retailers | 13,328 | 9,310 |
| Department and general stores | 115,740 | 113,880 |
| Tobacco shops | 290 | 175 |
| Miscellaneous | 69,170 | 58,350 |
| Total | \$693,416 | \$706,217 |

FEDERAL TRADE COMMISSION ACTIVITIES

Complaints

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

No. 2547. **Brooks Rupture Appliance Co., Marshall, Mich.** According to the complaint, the respondent's appliance is a truss, the representations in its advertising are not true, the Brooks appliance will not relieve all types of rupture and has assisted in relieving or curing only a small percentage of cases of reducible hernia. Hearing October 18.

Nos. 2548 and 2549. **Consolidated Portrait & Frame Co., Ben Dial and Paul Broyle, trading as Deluxe Art Studio, and Daniel F. and Charles C. Orange, Chicago, Illinois.** Among unfair practices alleged are the selling of portraits by representing the actual value and usual prices as much greater than they are.

The complaint also alleges fraudulent inducement of customers to sign a contract upon false representation that the contract is merely a receipt for the small photographs from which enlargements are to be "painted," when in fact the document is a binding contract.

No. 2550. **Mutual Stores, Inc., Washington, D. C.** The complaint alleges unauthorized use of the names "Army" and "Navy" in selling merchandise.

Stipulations

No. 0899. **Coffield Protector Co., Dayton, Ohio.** Under the terms of the stipulation, the respondent agrees to discontinue misrepresentations in advertising as to the power and efficiency of a graphited motor lubricant (Graf-Ex).

No. 1444. **Planters Edible Oil Co., New York City and Suffolk, Va., and National Food Bureau, Inc., New York City (an advertising agency).** The respondents agree to abandon the following representations: Using the phrase "Ali D'Italia Olio" as a name for its product, unless it is clearly explained that the word "Olio" as used in such advertisements means peanut oil; use of Italian pictures or references to designate a domestic product; allegation that its peanut oil has been specially commended by the U. S. Department of Agriculture, and that the caloric value of peanut oil is greater than that of cottonseed oil or corn oil.

Nos. 1445-1448, inc. **Universal Merchandise Co., Carson Pirie, Scott & Co., Frankish Brothers Chemical Works of Indiana, and Wilson Drug Co., Chicago, Illinois.** Under the stipulations these companies agree, in the sale of rubbing alcohol compounds, to stop using on labels the phrase, "Alcohol I. P. No. 70," so as to tend to deceive buyers into believing that the product referred to contains 70% of ethyl alcohol or that its base is ethyl alcohol, when this is not true.

No. 1449. **Willow Shirt and Underwear Corporation, New Haven, Conn.** The respondent agrees to cease and desist, in the sale of its shirts, from using labels so worded as to tend to confuse buyers into believing that its shirts have all been tested and certified to by the United States Testing Co., Inc., when only a portion have been so tested.

No. 1450. **Kraft Paper Mills, Inc., New York City.** The respondent agrees to cease and desist from using the word "Mills" in its trade name or in other ways which may have a tendency to deceive buyers into believing that the corporation owns, operates and controls a mill or factory wherein the products which it sells and distributes are made, when this is not true.

No. 1451. **Worthall, Limited, New York City.** The respondent, selling at wholesale a line of perfumes, toilet soaps, powders and cosmetics manufactured in New York City under the trade name of "Drury Lane" and labeled "English Lavender," will discontinue using names which indicate manufacture in or importation from London or England or from Montreal, Canada, or that tend to deceive buyers into believing that the corporation is an English corporation engaged in the importation and sale of English manufactured products, when this is not true.

No. 1452. **William Gordon, tr/as Masterlite Manufacturing Co., also known as Masterlite Company, New York City.** The respondent, a dealer in electric light bulbs, stipulates that he will abandon the marking of bulbs with a "cold" or "dry" etching or by use of ink which is not permanent and liable to disappear, or in any way which will make it difficult or impossible for purchasers to determine the wattage of such bulbs.

No. 1453. **J. C. Welch, tr/as Welch Nursery, Shenandoah, Iowa.** The respondent agrees to cease and desist from using the word "wholesale" alone or in conjunction with other words to describe his catalogue so as to imply that the prices listed are wholesale prices, when this is not true.

No. 1454. **Animal Trap Company of America, Lititz, Pa.** The respondent agrees to cease and desist from using in advertisements assertions to the effect that its product eliminates the possibility of "wring-offs" or that it gets every muskrat that springs the trap or eliminated 99 per cent of the "wring-offs," when this is not true.

NEW SCHEDULE FOR WWV

The National Bureau of Standards, Department of Commerce, provides a standard frequency service which is broadcast by radio. Beginning October 1, 1935, this service will be given on three days each week, from the Bureau's station WWV, Beltsville, Md., near Washington, D. C.

The object of these radio emissions is to provide a standard for scientific or other measurements requiring an accurate radio or audio frequency or time rate. They are likewise useful to radio

transmitting stations for adjusting their transmitters to exact frequency, and to the public generally for calibrating frequency standards, it was stated.

On each Tuesday and Friday the emissions will be continuous unmodulated waves (CW); and on each Wednesday they will be modulated by an audio frequency. The audio frequency will be in general 1,000 cycles per second. (There will be no emissions on legal holidays.)

On all emissions three radio carrier frequencies will be transmitted as follows: noon to 1 p. m., Eastern Standard Time, 15,000 kc/s (kilocycles per second); 1:15 to 2:15 p. m., 10,000 kc/s; 2:30 to 3:30 p. m., 5,000 kc/s.

The emissions on 5,000 kc/s will be found particularly useful at distances within a few hundred miles from Washington, those on 10,000 kc/s will be useful for the rest of the United States and those on 15,000 kc/s will be useful in the western half of the United States and to some extent in other parts of the world.

During the first five minutes of the one-hour emission on each carrier frequency, announcements will be given. For the CW emissions, the announcements will be made by telegraphic keying and will consist of the station call letters (WWV) and a statement of the frequency; this announcement will be repeated every ten minutes. For the modulated emissions, the announcements will be given only at the beginning of the hour; they will be given by voice and will include the station call letters and a statement of the carrier frequency and the audio modulation frequency.

Except during the announcements, the CW emissions will consist of continuous, unkeyed carrier frequency, giving a continuous beat note in the telephone receiver in heterodyne reception. The radiated power in the CW emissions will be 20 kilowatts.

The modulated emissions, except during the voice announcements at the beginning of the hour, will consist of an uninterrupted audio frequency superposed on the carrier frequency. The radiated power will be only one kilowatt; reception is therefore not as reliable as for the CW emissions of Tuesdays and Fridays; it is hoped to increase the power later. The modulated emissions are somewhat experimental, and for this reason an audio frequency other than 1,000 cycles per second may be used on some occasions. The presence of the audio modulation frequency does not impair the use of the carrier frequency as a standard to the same high accuracy as in the CW emissions.

The accuracy of the frequencies as sent out from the transmitting station will be at all times better than a part in five million. Transmission effects in the medium (Doppler effect, fading, etc.) at times may result in slight fluctuations in the frequency as received at a particular place. However, these will practically never impair the reception of the carrier frequency to the accuracy stated. Under some conditions, momentary fluctuations as great as 1 cycle per second may occur in the modulation frequency. It will generally be found possible, however, to use the modulation frequency with an accuracy better than a part in a million by selecting that one of the three carrier frequencies which has the least fading. The use of automatic volume control on the audio frequency will be found helpful.

Information on how to receive and utilize the standard frequency service is given in a pamphlet obtainable on request addressed to the National Bureau of Standards, Washington, D. C. From any single frequency, using harmonic methods, any frequency may be checked.

The Bureau welcomes reports of use and comments upon the standard frequency service. As the modulated emissions will be somewhat experimental it is particularly desired that users report to the Bureau their experience in using them, including: description of method of use; statement of relative fading, intensity, etc., on the three carrier frequencies; and preference as to audio frequency to be furnished. Correspondence should be addressed National Bureau of Standards, Washington, D. C.

RECOMMENDS WLBC AND WTRC CHANGES

Station WLBC, Muncie, Ind., and WTRC, Elkhart, Ind., both applied to the Federal Communications Commission to increase their power from 50 to 100 watts at night and from 100 and 250 watts day, without change in frequency or hours of operation.

Examiner Ralph L. Walker in Report No. I-107 has recommended that the application of WLBC be granted for increased day power but that the increased night power be denied. The Examiner also recommended that the application of WTRC be granted for daytime increase but that the nighttime power increase be denied.

The Examiner found that increasing the daytime power would not cause objectionable interference with other stations but that

a night time power increase would cause interferences with existing stations.

INCREASED POWER RECOMMENDED FOR KYA

Broadcasting Station KYA, San Francisco, operating on a frequency of 1230 kilocycles applied to the Federal Communications Commission for a daytime power increase of from 1,000 to 5,000 watts. The station operates unlimited time.

Examiner Melvin H. Dalberg in Report No. I-110 recommended to the Commission that the application be granted "provided the applicant install an antenna system which complies with the recommendations of the Engineering Division or in lieu thereof, demonstrates by adequate measurements that the present antenna system has an efficiency which is acceptable to the Commission." The Examiner states that no objectionable interference will result if the proposed power increase is granted.

RECOMMENDS WWJ AND WAAF CHANGES

Applications were filed with the Federal Communications Commission by Station WWJ, Detroit, Mich., asking authority to increase its power from 1,000 watts to 1,000 watts night and 5,000 watts to local sunset and by Station WAAF, Chicago, to increase its power from 500 watts daytime to 500 watts night time and 1,000 watts day.

Examiner George H. Hill in Report No. I-109 recommends that the Commission reaffirm its former decision granting the application of WWJ and that the application of WAAF be granted in part by authorizing its daytime power to be increased from 500 to 1,000 watts but that its application as to nighttime be denied. The Examiner states that "no evidence was offered in support of that part of the application of Station WAAF for nighttime hours of operation." He found that the granting of the suggested power increases would not cause any interference to either of the service areas or to any other existing service.

RECOMMENDS NEW MINNESOTA STATION

Robert K. Herbst applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Moorhead, Minn., to use 1,310 kilocycles, 100 watts power and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-108 has recommended that the application be granted "if and when Station KGFK is permitted to move from Moorhead, Minn., to Duluth, Minn.; otherwise that said application be denied."

The Examiner found that if Station KGFK is permitted to move from Moorhead that there will be a need in that area for additional service.

SECURITIES ACT REGISTRATIONS

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

- Committee for S. F. Bowser & Co., Fort Wayne, Ind. (2-1639, Form D-1)
- Oregon Terminals, Inc., Portland, Ore. (2-1640, Form E-1)
- Jay Bowerman, Portland, Ore. (2-1641, Form F-1)
- Mueller Brass Company, Port Huron, Mich. (2-1642, Form A-1)
- Eberhardt & Company, Wilmington, Del. (2-1643, Form C-1)
- Nugold Mining Corporation, Ltd., Toronto, Canada. (2-1644, Form A-1)
- Missouri Telephone Company, Columbia, Mo. (2-1645, Form A-1)
- Corporate Investors, Ltd., Toronto, Canada. (2-1646, Form A-2)
- Worcester Gas Light Co., Worcester, Mass. (2-1647, Form A-2)
- Western New York Water Company, Buffalo, N. Y. (2-1648, Form A-2)
- Crough-Bolas Aircraft Company, Pawtucket, R. I. (2-1649, Form A-1)
- W. S. Drozda Realty Company, St. Louis, Mo. (2-1650, Form D-1A)
- Varnell Druit Foods, Inc., Cleveland, Tenn. (2-1651, Form A-1)
- Cusi Mexicana Mining Company, Duluth, Minn. (2-1652, Form A-1)
- Eastern Racing Association, Inc., Boston, Mass. (2-1653, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION
ACTION

APPLICATIONS GRANTED

- NEW—Clarence Scharbauer, Midland, Tex.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts, daytime; site to be determined.
- KWG—Portable Wireless Tel. Co., Inc., Stockton, Calif.—Granted C. P. to install new equipment.
- KNEL—G. L. Burns, Brady, Tex.—Granted modification of C. P. approving transmitter and studio sites and antenna system; extend commencement date to 10 days after grant and completion date to 180 days thereafter.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted modification of C. P. to make changes in equipment.
- KPRC—Houston Printing Co., Houston, Tex.—Granted modification of license to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.
- WNEL—Juan Piza, San Juan, P. R.—Granted extension of present license for period of 60 days; **1290 kc.**, 500 watts, unlimited time.
- KYA—Pacific Broadcasting Corp., San Francisco, Calif.—Granted extension of license for period of 60 days; **1230 kc.**, 1 KW, unlimited.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of license for period of 60 days; **610 kc.**, 500 watts, unlimited.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted extension of license for period of 60 days; **930 kc.**, 1 KW, unlimited.
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted modification of C. P. to make changes in equipment.
- WKAR—Michigan State College, East Lansing, Mich.—Granted license to cover C. P. authorizing changes in antenna system; **1040 kc.**, 1 KW, day, S.H.
- KNOW—KUT Broadcasting Co., Austin, Tex.—Granted license to cover C. P. authorizing change in transmitter site and in equipment; **1500 kc.**, 100 watts, unlimited.
- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted license to cover C. P. authorizing new station at Hibbing, to operate on **1210 kc.**, 100 watts, unlimited time.
- WFBE—Radio Station WFBE, Inc., Geo. M. Schott, Pres., Cincinnati, Ohio.—Granted voluntary assignment of license from Radio Station WFBE, Inc., to Continental Radio Co.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted authority to operate from 8:15 to 12 midnight on night of September 24, to broadcast prize fight.
- KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted extension of present license for period of 60 days; **1280 kc.**, 1 KW night, 2½ KW day, unlimited time.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted renewal of license for the period ending January 1, 1936; **1500 kc.**, 100 watts night, 250 watts day, unlimited.
- KFIO—Spokane Broadcasting Co., Spokane, Wash.—Granted extension of present license for period of 60 days; **1120 kc.**, 100 watts, daytime.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted extension of present license for period of 60 days; **1290 kc.**, 1 KW, unlimited.
- KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted extension of present license for period of 60 days; **780 kc.**, 500 watts night, 1 KW day, S.H.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted renewal of license for the period ending February 1, 1936; **770 kc.**, 5 KW.
- KOIN—KOIN, Inc., Portland, Ore.—Granted extension of present license for period of 60 days; **940 kc.**, 1 KW night, 5 KW day, unlimited.
- KQW—Pacific Agricultural Foundation, San Jose, Calif.—Granted extension of present license for period of 60 days; **1010 kc.**, 1 KW, unlimited.
- KLPM—John B. Cooley, Minot, N. Dak.—Granted extension of present license for period of 60 days; **1240 kc.**, 250 watts.
- KCMC—North Miss. Broadcasting Corp., Texarkana, Ark.—Granted extension of present license for period of 60 days; **1420 kc.**, 100 watts, unlimited.
- KPRC—Houston Printing Co., Houston, Tex.—Granted C. P. to make changes in equipment, increase day power to 5 KW, and move transmitter to Deepwater, Tex.; **920 kc.**, 1 KW night, unlimited.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of C. P. to change type of equipment.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted authority to extend special authorization to operate with additional power of 750 watts at night for period beginning October 1, 1935, for 30 days.
- WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Granted renewal of license for the regular period; **1420 kc.**, 100 watts, unlimited time.
- WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted renewal of license for the regular period; **1120 kc.**, 250 watts night, 1 KW day, unlimited.
- WTNJ—WOAX, Inc., Trenton, N. J.—Granted extension of present license for period of 60 days; **1280 kc.**, 500 watts, shares WCAM and WCAP.
- KTEI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted 30-day extension of special experimental authority to operate with power of 1 KW night. Also granted extension of present license for a period of 30 days.
- KUMA—Albert S. Schermann, Flagstaff, Ariz.—Granted 60-day extension of present license; **1420 kc.**, 100 watts, S.H.
- NEW—Southwest Broadcasting Co., Mobile (Fort Worth, Tex.)—Granted C. P. for temporary broadcast pickup service; frequencies **1646, 2090, 2190, 2830 kc.**, 75 watts.
- NEW—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—Granted C. P. for temporary broadcast pickup service; frequencies **1646, 2090, 2190, 2830 kc.**, 100 watts.
- NEW—WPTF Radio Co., Portable-Mobile (Raleigh, N. C.)—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37500, 40600, 86000-400000 kc.**, 15 watts, unlimited.
- NEW—National Broadcasting Co., Inc., Washington, D. C.—Granted C. P. and license for new general experimental broadcast pickup station; frequencies **31100, 34600, 37600 and 40600 kc.**, 100 watts.
- W9XHJ—The Pulitzer Publishing Co., Portable-Mobile, St. Louis, Mo.—Granted license to cover C. P. for general experimental broadcast pickup station; **31100, 34600, 37600, 40600, 86000-400000 kc.**, 5 watts.
- W9XHB—Anderson Broadcasting Corp., Portable-Mobile, Anderson, Ind.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies **31100, 34600, 37500 and 40600 kc.**, 7 watts.
- WIEW—National Broadcasting Co., Inc., Portable-Mobile (New York City)—Granted modification of license to cover C. P. authorizing change in transmitter and increase in power to 20 watts.
- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted renewal of license for the regular period; frequency **580 kc.**, 1 KW night, 5 KW day, shares with KSAC.
- W3XAL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special authorization for period of 60 days to communicate with special experimental station W10XFH (stratosphere balloon) as broadcast pickup station; **6100 and 17780 kc.**, 35 KW, unlimited time.
- W9XF—National Broadcasting Co., Inc., Downer's Grove, Ill.—Granted special authorization for period of 60 days to communicate with special experimental station W10XFH (stratosphere balloon) as broadcast pickup station; **6100 and 17780 kc.**, 10 KW., unlimited time.
- W10XF—National Broadcasting Co., Portable-Mobile, Rapid City, S. Dak.—Granted special experimental authority for period of 60 days to communicate with station W10XFH (stratosphere balloon) and experimental stations W9XF, W3XL and W3XAL for contact control service; frequency **6350 kc.**, 350 watts power.
- W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted 60-day special experimental authority to communicate with station W10XFH (stratosphere balloon) and supervisory ground control station in Rapid City, S. Dak., to provide prompt and adequate contact with balloon by NBC engineers in charge of technical organization of radio facilities as well as direct voice contact between U. S. Army officials and balloon crew during progress flight; frequencies **6425 and 17310 kc.**, 20 KW.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGCA, Decorah, Iowa; KGHL, Billings, Mont.; KLCN, Blytheville, Ark.; KVOA, Tucson, Ariz.; KWSC, Pullman, Wash.; WAAT,

Jersey City, N. J.; WDAY, Fargo, N. Dak.; WEBC, Superior, Wis., and auxiliary; WFBM and auxiliary, Indianapolis, Ind.; WHBI and auxiliary, Newark, N. J.; WIS, Columbia, S. C.; WOOD, Grand Rapids, Mich.; WTCN, Minneapolis, Minn.; WIBW, Topeka, Kans. KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted renewal of license for the period ending March 1, 1936.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon licensee's pending application for renewal.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon licensee's pending application for renewal.

KMBC—Midland Broadcasting Co., Kansas City, Mo. (auxiliary).—Granted renewal of license on a temporary basis subject to such action as the Commission may take upon licensee's pending application for renewal.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon the application for renewal of license, and upon the application of Harry Prezant.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif. (auxiliary).—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon the application for renewal of license, and upon the application of Harry Prezant.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted renewal of license on a temporary basis subject to whatever action may be taken on application for renewal of this station now pending before it, and upon application of May Seed and Nursery Co. (Station KMA).

KXL—KXL Broadcasters, Portland, Ore.—Present license extended on a temporary basis only to November 1, 1935, subject to such action as may be taken upon renewal application pending before the Commission.

The following stations' licenses were extended on a temporary basis only to November 1, 1935, pending receipt and/or action on renewal applications:

KGGM, Albuquerque, N. Mex.; WASH, Grand Rapids, Mich.; WCAD, Canton, N. Y.; WHN, New York City; WNEW, Newark, N. J.

SPECIAL AUTHORIZATIONS

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Granted extension of special temporary authority to operate composite temporary transmitter for period September 25 to October 24, 1935. Also to operate a 100-watt portable transmitter on 1410 kc. in vicinity of Bluefield, during such time as WHIS is not operating, but for a period not to exceed 30 days, provided WHIS remains silent from 3:10 to 4:10 a. m., EST, Wednesday, October 2, 1935.

WLB—University of Minnesota, Minneapolis, Minn., and WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to conduct a joint program between 1:45 to 4:30 p. m., CST, September 28, 1935, October 12, 19, and 26, 1935, using the transmitter of WTCN, in order to broadcast University of Minnesota football games.

WKAR—Michigan State College, E. Lansing, Mich.—Granted special temporary authority to operate from 12:45 to 5 p. m., CST, September 28, in order to broadcast football game.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted extension of special temporary authority to remain silent for the period beginning October 1 and ending in no event later than December 1, 1935.

WABI—Community Broadcasting Service, Bangor, Me.—Granted special temporary authority to operate from 2 to 6 p. m., EDST and EST, as such respectively applies, on September 28, October 5, 12, 19 and 26, 1935, in order to broadcast local high school and college football games.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., 1 KW night, for period October 1 to October 31, 1935.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted extension of special temporary authority to continue to operate on frequency of 560 kc. for period October 1 to December 10, 1935, and pending commencement of program tests of Station WIS on frequency 560 kc.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 15 days.

WFAM—The South Bend Tribune, South Bend, Ind.—Granted special temporary authority to operate simultaneously with WWAE from 6 a. m. to local sunset, CST, for period September 24 to October 23, 1935, in order to broadcast special programs.

SET FOR HEARING

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Application for C. P. to make changes in equipment and increase power from 5 to 50 KW.

WAIM—Wilton E. Hall, Anderson, S. C.—Application for C. P. to install new equipment; move transmitter to site to be determined in Anderson; increase power from 100 watts night, 100 watts day, to 250 watts night, 1 KW day; and change frequency from 1200 kc., to 590 kc.

WTFI—Liberty Broadcasting Co., Athens, Ga.—Application for C. P. to move transmitter and studio from Athens, Ga., to a site to be determined in Atlanta, Ga.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Application for C. P. to make changes in equipment; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Application for C. P. to move transmitter from King County, Wash., to site to be determined, Wash.; make changes in equipment; increase day power from 1 KW to 5 KW.

NEW—W. H. Kindig, Hollywood, Calif.—Application for C. P. for new station to operate on 1160 kc., 5 KW, unlimited, site to be determined. To be heard by the Broadcast Division.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Application for modification of C. P. to install new equipment, extend commencement date from 2-7-35 to date of approval, and extend completion date from 10-7-35 to 120 days thereafter.

NEW—Wilbur M. Havens, Chas. H. Woodward, Calomb B. Jones, Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Application for C. P. to operate on 880 kc., 500 watts, daytime, site to be determined.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Application for renewal of license; temporary license granted pending hearing; 1250 kc., 1 KW, unlimited time.

KELW—Evening Herald Publishing Co., Los Angeles, Calif.—Application for renewal of license; 780 kc., 500 watts, shares time.

MISCELLANEOUS

WNBC—William J. Sanders, New Britain, Conn.—Denied authority to operate from local sunset to 8 p. m., EST, for the period September 29 to October 28, 1935.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Reconsidered action of July 30, 1935, and granted renewal of license.

KTAT—KTAT Broadcasting Co., Inc., Fort Worth, Tex.—Dismissed application for special authority to operate on 570 kc., 500 watts night, 1 KW day.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.; KNX—Western Broadcast Co., Los Angeles, Calif.; WTMJ—The Journal Co., Milwaukee, Wis.—Hearing on renewal of license continued from October 3 to October 14, 1935.

WAIU—Associated Radiocasting Corp., Columbus, Ohio.—Denied petition requesting Commission to reconsider and grant application for renewal of license.

KFUO—Evangelical Lutheran Synod of Missouri, Clayton, Mo.—Denied request to have application to operate broadcasting station at St. Louis, Mo., during day hours on 640 kc. dismissed without prejudice.

KFRU—KFRU, Inc., Columbia, Mo.—Reconsidered and granted application for transfer of control of KFRU, Inc., from Nelson R. Darragh to Luther L. Hill.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Reconsidered and granted application to transfer control of station to Amon Carter; also application to move station from Wichita Falls to Fort Worth.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Denied petition requesting grant of application, designated for hearing, for authority to move studio locally, install new equipment, and increase day power to 5 KW.

- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Denied petition requesting grant of application, heretofore designated for hearing, for authority to change equipment and increase day power to 250 watts.
- WRMD—The Monocacy Broadcasting Co., Rockville, Md.—Reconsidered action in granting permit to erect and operate broadcasting station on 1140 kc., 250 watts, daytime, designated application for hearing on issues to be determined by Law Department, notices of proceedings to be sent to WOL and WCAU in addition to any other parties to be specified by Engineering Department. Proceedings scheduled for September 25 dismissed since WCAU withdrew protest.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Denied petition requesting Commission to grant application for renewal of license, heretofore designated for hearing.

APPLICATIONS DISMISSED

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

- WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.
- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Special experimental authority, 1250 kc., 250 watts, 500 watts LS. S.H.
- NEW—Fred S. Rogers, Glens Falls, N. Y.—C. P., 1210 kc., 100 watts, unlimited time.
- NEW—American Broadcasting Co., Pittsburgh, Pa.—C. P., 1420 kc., 100 watts, unlimited time.
- NEW—The Life Builders, Dr. Alvin J. Corbell, Founder, Fort Worth, Tex.—C. P., 1200 kc., 100 watts, unlimited time.
- NEW—W. T. Knight, Jr., Savannah, Ga.—C. P., 1200 kc., 100 watts, unlimited time

APPLICATIONS RECEIVED

First Zone

- WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith and Mace, 1290 Saranac Lake, N. Y.—License to cover construction permit (B1-P-200) to install new equipment and increase power.
- WCOP—Joseph M. Kirby, Boston, Mass.—Modification of license 1130 to change frequency from 1120 kc. to 1130 kc., hours of operation from daytime to specified hours (daytime and from local sunset to 8 p. m., EST), using 500 watts power.
- WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Modification of construction permit (1-PB-2940) as modified to extend completion date from 10-18-35 to 12-18-35.
- NEW—Oliver C. Harriman and Ralph Clark, New York, N. Y.—Construction permit for a new general experimental station on 31600, 35600, 38600, 41000 kc., 2 KW.
- W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—License to cover modification of construction permit for change in location.
- W1XAL—World Wide Broadcasting Co., Boston, Mass.—Construction permit to install an auxiliary transmitter operating on 3 KW. (All other terms of present license same.)
- W2XIM—General Electric Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.
- W2XIL—General Electric Co., Portable-Mobile.—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

Second Zone

- WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio. 610 —Authority to transfer control of corporation from Monroe F. Rubin and Ruth Rubin to U. B. Co., 666 2/3 shares common stock.
- WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio. 610 —Construction permit to install new equipment; move studio from 1224 Huron Road, Cleveland, Ohio, to 1311 Terminal Tower, Cleveland, Ohio; and move transmitter from 2016 E. 9th Street, Cleveland, Ohio, to Seven Hills, Ohio.
- WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio. 610 —Construction permit to install new equipment; move studio from 1224 Huron Road, Cleveland, Ohio, to 1311 Terminal Tower, Cleveland, Ohio; and move transmitter from 2016 E. 9th Street, Cleveland, Ohio, to Seven Hills Ohio. Amended: Transmitter site to be determined.

- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-148) authorizing changes in equipment and move of transmitter, requesting extension of completion date from 10-19-35 for 90 days.
- KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of 1380 construction permit (B2-P-149) authorizing changes in equipment and move of transmitter, requesting extension of completion date from 10-19-35 for 90 days.
- WHK—Radio Air Service Corp., Cleveland, Ohio.—Authority to 1390 transfer control of corporation from The Plain Dealer Publishing Co. to U. B. Co., 1000 shares common stock.
- WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of 1440 license to increase power of auxiliary transmitter from 250 watts to 500 watts.
- WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to 1440 increase power of auxiliary transmitter from 250 watts to 500 watts.
- NEW—WCAU Broadcasting Company, Portable-Mobile.—Construction permit for a new general experimental station to operate on 31100, 34600, 37600, 40600 kc., 50 watts.
- NEW—Scranton Broadcasters, Inc., Portable.—Construction permit for a new general experimental station to operate on 31100, 34600, 37600, 40600, 86000, 406000 kc., 100 watts.

Third Zone

- WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to make changes in specified hours from: 12:20 to 12:50 p. m. daily, except Sundays; 8 to 9 p. m., Mondays and Fridays; 8:30 to 9:30 a. m., Sundays; to: 11:25 a. m. to 12 noon, daily except Sundays; 8 to 9 p. m., Mondays; 8:30 to 9:30 a. m., Sundays; 4:30 to 5:30 p. m., Fridays.
- NEW—Hunt Broadcasting Assn., Fred Horton, Pres., Greenville, 1310 —Tex.—Construction permit for a new station to be operated on 1310 kc., 50 watts, daytime. Amended to make changes in equipment.
- KELD—T. H. Barton, El Dorado, Ark.—License to cover construction permit (3-P-B-3216) to erect a new station on 1370 kc., 100 watts, unlimited time.
- NEW—John Perkins Rabb, Lenoir, N. C.—Construction permit for 1370 a new station on 1370 kc., 100 watts, daytime.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—1410 Authority to determine operating power by direct measurement of antenna.
- WEED—William Avera Wynne, Rocky Mount, N. C.—Modification of license to move studio from 119 N. Washington St., Rocky Mount, N. C., to corner Nashville Highway (Route 64) and Stoney Creek Road, just outside of Rocky Mount city limits.
- NEW—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—1420 License to cover construction permit (B3-P-308) as modified to erect a new station on 1420 kc., 100 watts, unlimited time.
- KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Construction permit to make changes in equipment; increase power from 100 watts daytime to 100 watts night, 250 watts day; and change hours of operation from daytime to unlimited.
- NEW—Havens & Martin, Inc., Portable-Mobile.—Construction permit for a new general experimental station to operate on 31100, 34600, 37600, 40600 kc., 20 watts.

Fourth Zone

- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Voluntary assignment of license from Omaha Grain Exchange to Nebraska Broadcasting Co. 660
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of license 890 to increase night power from 500 watts to 1 KW. Amended to change name from Henry Field Co. to KFNF, Inc.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of license 890 to change hours of operation from 1/2 time, share-WILL and KUSD to share-KUSD, KFNF 7/8 time, KUSD 1/8 time. Part of facilities of KUSD. Amended to change name from Henry Field Co. to KFNF, Inc.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—1310 Modification of construction permit (B4-P-178) authorizing erection of a new station to be operated on 1310 kc., 100 watts, unlimited time, requesting installation of new equipment.
- WTAQ—Gillette Rubber Co., Eau Claire, Wis.—Voluntary assignment of construction permit (B4-P-369) to WHBY, Inc. 1330

NEW—Fred A. Baxter, Superior, Wis.—Construction permit for a 1370 new station to be operated on 1370 kc., 100 watts, unlimited time.

WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to 1420 change hours of operation from specified hours to unlimited time.

NEW—Northern Iowa Broadcasting Co., Inc., Mason City, Iowa.—1420 Construction permit to erect a new station on 1420 kc., 100 watts, 250 watts local sunset, unlimited time.

KSO—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Modification of construction permit (B4-P-611) for approval of transmitter site at north of Des Moines, Iowa, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WKBV—Knox Radio Corporation, Richmond, Ind.—Construction 1500 permit to move transmitter 279 feet, on U. S. Road No. 27, same address, approximately 2 miles north of Richmond, Indiana, on U. S. Road No. 27, and make antenna changes.

WLEZ—The Norfolk Daily News, Portable, Norfolk, Nebr.—Modification of license to include frequencies 1622, 2060, 2790 kc., in addition to 3150 kc.

NEW—WCBD, Inc., Portable-Mobile.—Construction permit for a new general experimental station to operate on 31100, 34600, 37600, 40600 kc., 5 watts.

Fifth Zone

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction 710 permit to make changes in equipment; move transmitter from Northwestern Mutual Ins. Bldg., 217 Pine Street, Seattle, Wash., to 2nd and Union, Seattle, Wash., and studio from Northwestern Mutual Ins. Bldg., 217 Pine Street, Seattle, Wash., to 4th and University, Cobb Bldg., Seattle, Wash.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—License to 880 cover construction permit (B5-P-712) for move of transmitter.

KVL—KVL, Inc., Seattle, Wash.—Construction permit to make 1070 changes in equipment, change frequency from 1370 kc. to

1070 kc., power from 100 watts to 250 watts, hours of operation from share-KRKO to daytime only.

WDZ—James L. Bush, Tuscola, Ill.—Modification of construction 1070 permit (B4-P-8) for approval of antenna and transmitter site at 1½ miles north of Tuscola on U. S. 45 and 1 mile 600 feet, RFD, Tuscola, Ill., and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Modification of license to increase power from 500 watts, 1 KW 1120 local sunset, to 500 watts, 2½ KW local sunset; and for authority to use new transmitter of KRKD.

NEW—Joseph G. Morrow, Oakland, Calif.—Construction permit 1150 for a new broadcast station to be operated on 1150 kc., 250 watts, daytime.

NEW—Struble, Strong & Fagan (Carl C. Struble, Curtis T. Strong, 1200 Jane M. Fagan), The Dalles, Ore.—Construction permit to erect a new station to operate on 1200 kc., 100 watts, unlimited time.

NEW—B. A. Thompson, Santa Cruz, Calif.—Construction permit 1210 to erect a new station to operate on 1210 kc., 100 watts, 250 watts local sunset, unlimited time.

NEW—Ernest L. Finley, Santa Rosa, Calif.—Construction permit 1310 for a new broadcast station to be operated on 1310 kc., 250 watts, daytime.

NEW—Seattle Broadcasting Co., Everett, Wash.—Construction permit 1370 for a new broadcast station to be operated on 1370 kc., 50 watts, share-KVL. Requests facilities of KRKO.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment 1370 of license from Lee E. Mudgett to Pioneer Broadcasters, Inc.

KORE—Frank L. Hill and C. C. Phillips, d/b as Eugene Broadcast 1420 Station, Eugene, Ore.—Construction permit to make changes in equipment and increase day power from 100 watts to 250 watts.

KIKK—S. H. Patterson, Portable.—License to cover construction permit for a new broadcast pickup station.

NEW—Honolulu Broadcasting Co., Ltd., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 20 watts.